

CHAPTER 109

INSURANCE

HOUSE BILL 18-1148

BY REPRESENTATIVE(S) Michaelson Jenet, Becker K., Benavidez, Bridges, Buckner, Coleman, Danielson, Esgar, Gray, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Landgraf, Liston, Lontine, McLachlan, Pabon, Pettersen, Roberts, Rosenthal, Valdez, Weissman, Winter, Young, Duran;
also SENATOR(S) Crowder, Aguilar, Baumgardner, Coram, Court, Fenberg, Fields, Garcia, Jahn, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Priola, Scott, Sonnenberg, Tate, Todd, Williams A., Zenzinger.

AN ACT**CONCERNING THE PROHIBITION AGAINST A CARRIER REQUIRING STEP THERAPY FOR COVERED PERSONS WITH STAGE FOUR ADVANCED METASTATIC CANCER.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 10-16-145, **amend** (1) as follows:

10-16-145. Step therapy - prohibited - definitions. (1) For the purposes of this section AND SECTION 10-16-145.5, "step therapy" means a protocol that requires a covered person to use a prescription drug or sequence of prescription drugs, other than the drug that the covered person's health care provider recommends for the covered person's treatment, before the carrier provides coverage for the recommended prescription drug.

SECTION 2. In Colorado Revised Statutes, **add** 10-16-145.5 as follows:

10-16-145.5. Step therapy prohibited - stage four advanced metastatic cancer - definition. (1) NOTWITHSTANDING SECTION 10-16-145, A CARRIER THAT PROVIDES COVERAGE UNDER A HEALTH BENEFIT PLAN FOR THE TREATMENT OF STAGE FOUR ADVANCED METASTATIC CANCER SHALL NOT LIMIT OR EXCLUDE COVERAGE UNDER THE HEALTH BENEFIT PLAN FOR A DRUG APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION AND THAT IS ON THE CARRIER'S PRESCRIPTION DRUG FORMULARY BY MANDATING THAT A COVERED PERSON WITH STAGE FOUR ADVANCED METASTATIC CANCER UNDERGO STEP THERAPY IF THE USE OF THE APPROVED DRUG IS CONSISTENT WITH:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) THE UNITED STATES FOOD AND DRUG ADMINISTRATION-APPROVED INDICATION OR THE NATIONAL COMPREHENSIVE CANCER NETWORK DRUGS AND BIOLOGICS COMPENDIUM INDICATION FOR THE TREATMENT OF STAGE FOUR ADVANCED METASTATIC CANCER; OR

(b) PEER-REVIEWED MEDICAL LITERATURE.

(2) FOR THE PURPOSES OF THIS SECTION, "STAGE FOUR ADVANCED METASTATIC CANCER" MEANS CANCER THAT HAS SPREAD FROM THE PRIMARY OR ORIGINAL SITE OF THE CANCER TO NEARBY TISSUES, LYMPH NODES, OR OTHER PARTS OF THE BODY.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to health benefit plans issued, amended, or renewed on or after the applicable effective date of this act.

Approved: April 9, 2018