

CHAPTER 181

INSURANCE

HOUSE BILL 18-1284

BY REPRESENTATIVE(S) Buckner and Wilson, Arndt, Becker K., Bridges, Catlin, Coleman, Danielson, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Kennedy, Landgraf, Lee, Liston, Lontine, Melton, Michaelson Jenet, Neville P., Pabon, Pettersen, Roberts, Rosenthal, Salazar, Sias, Singer, Valdez, Van Winkle, Weissman, Winkler, Winter, Young, Duran; also SENATOR(S) Martinez Humenik and Kefalas, Aguilar, Court, Donovan, Fields, Jahn, Jones, Kagan, Kerr, Lambert, Lundberg, Marble, Merrifield, Moreno, Neville T., Tate, Todd, Williams A., Zenzinger, Grantham.

AN ACT**CONCERNING THE COST OF PRESCRIPTION DRUGS PURCHASED AT A PHARMACY.**

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

SECTION 1. In Colorado Revised Statutes, **add** 10-16-122.7 as follows:

10-16-122.7. Disclosures between pharmacists and patients - carrier prohibitions - short title - legislative declaration - preemption by federal law.

(1) THE SHORT TITLE OF THIS SECTION IS THE "PATIENT DRUG COSTS SAVINGS ACT".

(2) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) CONSUMERS HAVE THE RIGHT TO KNOW ABOUT OPTIONS TO REDUCE THE AMOUNT OF MONEY THEY PAY AT A PHARMACY FOR PRESCRIPTION DRUGS; AND

(b) THIS SECTION WILL SAVE CONSUMERS MONEY BY ALLOWING PHARMACISTS TO PROVIDE INFORMATION CONCERNING THE COST OF PRESCRIPTION DRUGS.

(3) A CARRIER THAT HAS A CONTRACT WITH A PHARMACY OR PHARMACIST, OR A PHARMACY BENEFIT MANAGEMENT FIRM ACTING ON BEHALF OF A CARRIER, SHALL NOT:

(a) PROHIBIT A PHARMACY OR PHARMACIST FROM PROVIDING A COVERED PERSON INFORMATION ON THE AMOUNT OF THE COVERED PERSON'S COST SHARE FOR THE COVERED PERSON'S PRESCRIPTION DRUG AND THE CLINICAL EFFICACY OF A MORE AFFORDABLE ALTERNATIVE DRUG THAT IS THERAPEUTICALLY EQUIVALENT, AS

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.

DEFINED IN SECTION 12-42.5-102 (40), TO THE PRESCRIBED DRUG IF ONE IS AVAILABLE;

(b) PENALIZE A PHARMACY OR A PHARMACIST FOR DISCLOSING THE INFORMATION DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION TO A COVERED PERSON OR SELLING A MORE AFFORDABLE ALTERNATIVE TO A COVERED PERSON; OR

(c) REQUIRE A PHARMACY TO CHARGE OR COLLECT A COPAYMENT FROM A COVERED PERSON THAT EXCEEDS THE TOTAL CHARGES SUBMITTED BY THE NETWORK PHARMACY.

(4) IF THE COMMISSIONER DETERMINES THAT A CARRIER HAS NOT COMPLIED WITH THIS SECTION, THE COMMISSIONER SHALL INSTITUTE A CORRECTIVE ACTION PLAN FOR THE CARRIER TO FOLLOW OR USE ANY OF THE COMMISSIONER'S ENFORCEMENT POWERS UNDER THIS TITLE 10 TO OBTAIN THE CARRIER'S COMPLIANCE WITH THIS SECTION.

(5) IF ANY PROVISION OF THIS SECTION IS INCONSISTENT WITH, OR IN CONFLICT WITH, AN APPLICABLE FEDERAL LAW, RULE, OR REGULATION, THE APPLICABLE FEDERAL LAW, RULE, OR REGULATION APPLIES.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); 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 such period, 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 the date of the official declaration of the vote thereon by the governor.

Approved: April 30, 2018