

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB19-1131 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 12-42.5-308 as
4 follows:

5 **12-42.5-308. Manufacturer, agent, representative, employee**
6 **- drug cost information - required - definitions.** (1) A MANUFACTURER,
7 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER,
8 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE
9 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF
10 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,
11 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE
12 PRESCRIBER.

13 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY
14 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A
15 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL
16 ALSO DISSEMINATE EDUCATIONAL MATERIALS CONCERNING THE
17 WHOLESALE ACQUISITION COSTS OF AT LEAST THREE OTHER PRESCRIPTION
18 DRUGS FROM THE SAME THERAPEUTIC CLASS, OR IF THREE ARE NOT
19 AVAILABLE, AS MANY AS ARE AVAILABLE FOR PRESCRIPTIVE USE.

20 (b) FOR THE PURPOSES OF THIS SECTION:

21 (I) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED
22 PURSUANT TO THIS TITLE 12 WHO IS AUTHORIZED TO PRESCRIBE
23 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

24 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS
25 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED
26 TO TREAT A SPECIFIC CONDITION.

27 **SECTION 2.** In Colorado Revised Statutes, **add to article 280**
28 **as relocated by House Bill 19-1172** 12-280-308 as follows:

29 **12-280-308. Manufacturer, agent, representative, employee -**
30 **drug cost information - required - definitions.** (1) A MANUFACTURER,
31 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER,
32 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE
33 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF
34 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,
35 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE
36 PRESCRIBER.

37 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY
38 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A
39 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL
40 ALSO DISSEMINATE EDUCATIONAL MATERIALS CONCERNING THE

1 WHOLESAL ACQUISITION COSTS OF AT LEAST THREE OTHER PRESCRIPTION
2 DRUGS FROM THE SAME THERAPEUTIC CLASS, OR IF THREE ARE NOT
3 AVAILABLE, AS MANY AS ARE AVAILABLE FOR PRESCRIPTIVE USE.

4 (b) FOR THE PURPOSES OF THIS SECTION:

5 (I) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED
6 PURSUANT TO THIS TITLE 12 WHO IS AUTHORIZED TO PRESCRIBE
7 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

8 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS
9 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED
10 TO TREAT A SPECIFIC CONDITION.

11 **SECTION 3. Act subject to petition - effective date.** (1) Except
12 as otherwise provided in subsection (2) of this section, this act takes
13 effect at 12:01 a.m. on the day following the expiration of the ninety-day
14 period after final adjournment of the general assembly (August 2, 2019,
15 if adjournment sine die is on May 3, 2019); except that, if a referendum
16 petition is filed pursuant to section 1 (3) of article V of the state
17 constitution against this act or an item, section, or part of this act within
18 such period, then the act, item, section, or part will not take effect unless
19 approved by the people at the general election to be held in November
20 2020 and, in such case, will take effect on the date of the official
21 declaration of the vote thereon by the governor.

22 (2) Section 2 of this act takes effect only if House Bill 19-1172
23 becomes law, in which case section 2 takes effect October 1, 2019."

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