

HB1061\_L.008

## SENATE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

HB09-1061 be amended as follows:

1 Amend reengrossed bill, page 2, after line 1, inert the following:

2 "SECTION 1. 10-16-122, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **10-16-122. Access to prescription drugs - definitions.**

5 (5) (a) NEITHER A CARRIER OR AN INTERMEDIARY WHO HAS ENTERED  
6 INTO A CONTRACT WITH A CARRIER PURSUANT TO SECTION 10-16-105 (6.5)  
7 SHALL REMOVE A DRUG FROM ITS PRESCRIPTION DRUG FORMULARY,  
8 INCREASE THE COST OF THE COVERED PRESCRIPTION DRUG TO THE  
9 COVERED PERSON, ADD UTILIZATION MANAGEMENT REQUIREMENTS FOR  
10 THE PRESCRIPTION DRUG, INTERCHANGE A PRESCRIPTION DRUG, OR  
11 IMPLEMENT A MANDATORY GENERIC PRESCRIPTION DRUG SUBSTITUTION  
12 PROGRAM UNLESS THE CARRIER PROVIDES AT LEAST SIXTY DAYS' NOTICE  
13 TO PARTICIPATING PROVIDERS THAT PRESCRIBE THE DRUG, NETWORK  
14 PHARMACIES, PHARMACISTS, AND COVERED PERSONS; EXCEPT THAT THE  
15 CARRIER IS AUTHORIZED TO MAKE A PRESCRIPTION DRUG FORMULARY  
16 CHANGE IF THE COVERED PERSONS CURRENTLY PRESCRIBED THE AFFECTED  
17 DRUG ARE EXEMPT FROM THE FORMULARY CHANGE FOR THE REMAINDER  
18 OF THE HEALTH COVERAGE PLAN CONTRACT PERIOD.

19 (b) FOR PURPOSES OF THIS SUBSECTION (5), "INTERCHANGE"  
20 MEANS THE SUBSTITUTION OF ONE VERSION OF A PRESCRIPTION DRUG,  
21 INCLUDING A GENERIC VERSION FOR THE PRESCRIBED BRAND OF DRUG, A  
22 BRAND VERSION FOR THE PRESCRIBED GENERIC VERSION, A GENERIC  
23 VERSION OF A DRUG FROM ONE MANUFACTURER FOR A GENERIC VERSION



- 1 OF THE DRUG FROM A DIFFERENT MANUFACTURER, A DIFFERENT
- 2 FORMULATION OF THE PRESCRIBED DRUG, OR A DIFFERENT DRUG IN THE
- 3 SAME CLASS AS THE DRUG ORIGINALLY PRESCRIBED."
  
- 4 Renumber succeeding sections accordingly.

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