

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0735.01 Chelsea Princell x4335

SENATE BILL 24-110

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SENATE SPONSORSHIP

Rodriguez and Kirkmeyer,

HOUSE SPONSORSHIP

(None),

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Health & Human Services

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A BILL FOR AN ACT

101 CONCERNING PROHIBITING PRIOR AUTHORIZATION FOR  
102 ANTIPSYCHOTIC PRESCRIPTION DRUGS USED TO TREAT A  
103 MENTAL HEALTH CONDITION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits the department of health care policy and financing from requiring prior authorization for an antipsychotic prescription drug used to treat a mental health disorder or mental health condition.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Nearly a quarter million Coloradan adults live with a mental  
5 health disorder or mental health condition like schizophrenia or bipolar  
6 disorder, yet less than half of the adult population in the state of Colorado  
7 receives appropriate treatment and care;

8 (b) Access to appropriate treatment, including prescription drugs,  
9 leads to better outcomes for individuals living with serious mental health  
10 disorders;

11 (c) Individuals living with schizophrenia who are subject to  
12 formulary restrictions are more likely to be hospitalized and incur 23%  
13 higher inpatient costs compared to individuals living with schizophrenia  
14 who are not subject to inpatient costs. Similar effects are observed for  
15 individuals living with bipolar disorder.

16 (d) Prior authorization requirements for antipsychotic prescription  
17 drugs are associated with a 22% increase in the likelihood of  
18 imprisonment; and

19 (e) Policies that have formulary restrictions, including prior  
20 authorization, step therapy protocols, and fail first requirements, may  
21 diminish access to necessary prescription drugs and ultimately result in  
22 significant human, economic, and social costs.

23 (2) Therefore, the general assembly declares that access to  
24 antipsychotic prescription drugs to treat mental health disorders or mental  
25 health conditions must be available without excessive access restrictions  
26 for Coloradans receiving care through the state medical assistance

1 program.

2 **SECTION 2.** In Colorado Revised Statutes, **add 25.5-5-517** as  
3 follows:

4 **25.5-5-517. Prescription drugs for treating mental health**  
5 **disorders or conditions - no prior authorization - rules - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
7 REQUIRES:

8 (a) "MENTAL HEALTH DISORDER OR MENTAL HEALTH CONDITION"  
9 REFERS TO THE MENTAL HEALTH DISORDERS DESCRIBED IN THE MOST  
10 RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF  
11 MENTAL DISORDERS.

12 (b) "PRESCRIPTION DRUG" HAS THE SAME MEANING AS SET FORTH  
13 IN SECTION 12-280-103.

14 (2) THE STATE DEPARTMENT SHALL NOT REQUIRE PRIOR  
15 AUTHORIZATION FOR AN ANTIPSYCHOTIC PRESCRIPTION DRUG PRESCRIBED  
16 TO AN ADULT THAT IS USED TO TREAT A MENTAL HEALTH DISORDER OR  
17 MENTAL HEALTH CONDITION, AS INDICATED ON FEDERALLY APPROVED  
18 LABELS, IF, DURING THE PRECEDING YEAR, THE ADULT WAS PRESCRIBED  
19 AND UNSUCCESSFULLY TREATED WITH AN ANTIPSYCHOTIC PRESCRIPTION  
20 DRUG THAT IS INCLUDED ON THE PREFERRED DRUG LIST AND USED TO  
21 TREAT A MENTAL HEALTH DISORDER OR MENTAL HEALTH CONDITION AND  
22 FOR WHICH A SINGLE CLAIM WAS PAID.

23 (3) THIS SECTION APPLIES TO A FEE-FOR-SERVICE MEDICAL  
24 ASSISTANCE PLAN AND A HEALTH MAINTENANCE ORGANIZATION THAT HAS  
25 A CONTRACT WITH THE STATE DEPARTMENT AND PROVIDES COVERAGE FOR  
26 PRESCRIPTION DRUGS.

27 (4) THIS SECTION DOES NOT PROHIBIT THE STATE DEPARTMENT

1 FROM CONTRACTING WITH A MANAGED CARE ORGANIZATION FOR  
2 PHARMACEUTICAL SERVICES OFFERED UNDER THE STATE MEDICAL  
3 ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 5 AND ARTICLES 4 AND  
4 6 OF THIS TITLE 25.5, IF THE CONTRACT COMPLIES WITH THIS SECTION.

5 (5) THIS SECTION DOES NOT PROHIBIT OR DISCOURAGE THE USE OF  
6 A GENERIC DRUG.

7 (6) THIS SECTION DOES NOT PREVENT THE STATE DEPARTMENT  
8 FROM PERFORMING A DRUG UTILIZATION REVIEW THAT IS NECESSARY FOR  
9 PATIENT SAFETY OR TO ENSURE THE PRESCRIBED USE IS FOR A MEDICALLY  
10 ACCEPTED INDICATION, AS REQUIRED BY SECTION 1927 OF THE FEDERAL  
11 "SOCIAL SECURITY ACT OF 1935".

12 **SECTION 3. Safety clause.** The general assembly finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety or for appropriations for  
15 the support and maintenance of the departments of the state and state  
16 institutions.