

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0027.01 Shelby Ross x4510

SENATE BILL 26-006

SENATE SPONSORSHIP

Amabile and Michaelson Jenet,

HOUSE SPONSORSHIP

Brown,

Senate Committees

Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING PARITY FOR THE USE OF NON-OPIOID PAIN MANAGEMENT**
102 **DRUGS.**

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 requires a health insurance carrier that provides prescription drug benefits to require that:

- The utilization review requirements, including prior authorization and step therapy, for a non-opioid drug prescribed and approved by the federal food and drug administration (FDA) for the treatment or management of

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.

chronic or acute pain (non-opioid pain management drug) are no more restrictive than the least restrictive utilization review requirements for opioid drugs prescribed for the treatment or management of chronic or acute pain;

- There is at least one clinically appropriate non-opioid prescription drug available as an alternative for each opioid prescription drug; and
- The cost-sharing, copayment, or deductible for a non-opioid pain management drug is not greater than the cost-sharing, copayment, or deductible for an opioid drug prescribed for the treatment or management of chronic or acute pain.

The bill requires the department of health care policy and financing to ensure that the utilization review requirements, including prior authorization or step therapy, for a non-opioid prescription drug prescribed and approved by the FDA for the treatment or management of chronic or acute pain are no more restrictive than the least restrictive utilization requirements for opioid drugs prescribed for the treatment or management of chronic or acute pain.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-145.5, **add**
3 (2.5) as follows:

4 **10-16-145.5. Step therapy - prior authorization - prohibited -**
5 **stage four advanced metastatic cancer - non-opioid pain management**
6 **drug - definitions.**

7 (2.5) NOTWITHSTANDING SECTION 10-16-145, A CARRIER THAT
8 PROVIDES PRESCRIPTION DRUG BENEFITS SHALL REQUIRE THAT:

9 (a) THE UTILIZATION REVIEW REQUIREMENTS, INCLUDING PRIOR
10 AUTHORIZATION AND STEP THERAPY, FOR A NON-OPIOID DRUG PRESCRIBED
11 AND APPROVED BY THE FDA FOR THE TREATMENT OR MANAGEMENT OF
12 CHRONIC OR ACUTE PAIN ARE NO MORE RESTRICTIVE THAN THE LEAST
13 RESTRICTIVE UTILIZATION REVIEW REQUIREMENTS FOR OPIOID DRUGS
14 PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF CHRONIC OR

1 ACUTE PAIN;

2 (b) THERE IS AT LEAST ONE CLINICALLY APPROPRIATE NON-OPIOID

3 PRESCRIPTION DRUG AVAILABLE AS AN ALTERNATIVE FOR EACH OPIOID

4 PRESCRIPTION DRUG; AND

5 (c) THE COST-SHARING, COPAYMENT, OR DEDUCTIBLE FOR A

6 NON-OPIOID DRUG PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF

7 CHRONIC OR ACUTE PAIN IS NO GREATER THAN THE COST-SHARING,

8 COPAYMENT, OR DEDUCTIBLE FOR AN OPIOID DRUG PRESCRIBED FOR THE

9 TREATMENT OR MANAGEMENT OF CHRONIC OR ACUTE PAIN.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-520 as

11 follows:

12 **25.5-5-520. Non-opioid prescription drugs for treating or**

13 **managing chronic or acute pain - no prior authorization or step**

14 **therapy - definition.**

15 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

16 REQUIRES:

17 (a) "PRESCRIPTION DRUG" HAS THE SAME MEANING SET FORTH IN

18 SECTION 12-280-103.

19 (2) THE STATE DEPARTMENT SHALL REQUIRE THAT THE

20 UTILIZATION REVIEW REQUIREMENTS, INCLUDING PRIOR AUTHORIZATION

21 OR STEP THERAPY, FOR A NON-OPIOID DRUG PRESCRIBED AND APPROVED

22 BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT

23 OR MANAGEMENT OF CHRONIC OR ACUTE PAIN ARE NO MORE RESTRICTIVE

24 THAN THE LEAST RESTRICTIVE UTILIZATION REQUIREMENTS FOR OPIOID

25 DRUGS PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF CHRONIC

26 OR ACUTE PAIN.

27 (3) THIS SECTION APPLIES TO A FEE-FOR-SERVICE MEDICAL

1 ASSISTANCE PLAN AND A HEALTH MAINTENANCE ORGANIZATION THAT HAS
2 A CONTRACT WITH THE STATE DEPARTMENT AND PROVIDES COVERAGE FOR
3 PRESCRIPTION DRUGS.

4 (4) THIS SECTION DOES NOT PROHIBIT THE STATE DEPARTMENT
5 FROM CONTRACTING WITH A MANAGED CARE ORGANIZATION FOR
6 PHARMACEUTICAL SERVICES OFFERED UNDER THE STATE MEDICAL
7 ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 5 AND ARTICLES 4 AND
8 6 OF THIS TITLE 25.5 IF THE CONTRACT COMPLIES WITH THIS SECTION.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.