

Colorado eases medical aid in dying rules, increases EpiPen manufacturer penalties in new laws

June 13 2024, by Meg Wingerter, The Denver Post



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Colorado loosened regulations on medical aid in dying, made a mental health program for teens permanent and increased the penalties on

EpiPen manufacturers who don't participate in an affordability program, among other changes to the health care landscape this legislative session.

Gov. Jared Polis has signed Senate Bill 68, which shortened the waiting period for [terminally ill people](#) who wish to end their lives with a [drug cocktail](#) to seven days. Under the previous law, people with less than six months to live had to request the medication twice, at least 15 days apart, before they could receive it.

The law also will open access to medical aid in dying in Colorado to non-residents, and allow advanced practice registered nurses to prescribe the medication cocktail. APRNs can prescribe most other drugs.

The group Compassion and Choices called the bill an important step to increase access to end-of-life options, while groups representing people with disabilities worried that a shorter waiting period might lead people to decide to die before they have time to adjust to a diagnosis. A previous version of the bill would have shortened the waiting period to two days.

I Matter program made permanent

A program that offers up to six free therapy sessions to Colorado youth will no longer have to go through reauthorization each year, after a new law made it permanent.

The legislature created I Matter in 2021, in response to widespread distress during the early phases of the pandemic. Young people under 18, or people receiving special education services under 21, can request [mental health services](#) at [IMatterColorado.org](https://www.imattercolorado.org).

The Behavioral Health Administration reported 3,658 children and teens used the program between July 2023 and April. I Matter received about

\$5 million in state funds in the current fiscal year.

EpiPen manufacturers face stiffer penalties

Drug manufacturers who don't cooperate with Colorado's out-of-pocket cost cap on EpiPens and their generic equivalents could face larger fines this year. Epinephrine auto-injectors can stop a severe allergic reaction from becoming fatal.

Colorado set a \$60 limit on out-of-pocket costs for a two-pack of epinephrine auto-injectors starting this year, but some patients reported pharmacies wouldn't sell them for that price. Pharmacies, in turn, blamed manufacturers for refusing to reimburse them the full cost of the injection pens, as required by state law.

House Bill 1438, which Polis signed June 3, allows the Colorado Attorney General's office to charge manufacturers who refuse to reimburse pharmacies for auto-injectors under the affordability program with a deceptive trade practice, increasing fines they could pay to \$20,000 per violation, or \$50,000 if a victim is over 60. Previously, the maximum fine was \$10,000 per month.

The same provision applies to insulin manufacturers who didn't comply with the state's \$50 out-of-pocket cap, though it appears all have followed the insulin rules.

Among other health bills signed:

- Senate Bill 34: Allows telehealth providers to qualify for school-based health center grants.
- Senate Bill 55: Creates a rural behavioral health program.
- Senate Bill 80: Requires insurers to post price transparency information and submit it to the state.

- Senate Bill 110: Forbids the state Medicaid program from requiring recipients to switch [antipsychotic drugs](#) if they are stable on their current regimen.
- Senate Bill 142: Creates a pilot dental screening program for children in kindergarten and third grade.
- Senate Bill 175: Requires state-regulated large-group insurance plans to cover doula services; extends the requirement to other state-regulated plans if the federal government agrees; and orders all birthing hospitals to participate in a quality-improvement plan.
- Senate Bill 221: Creates a rural hospital cash fund.
- Senate Bill 231: Requires the state to study creating an online liquor licensing portal; allows liquor stores to hold tasting events; and allows [alcohol sales](#) on Christmas.
- House Bill 1037: Allows syringe-exchange programs to distribute drug-smoking supplies as a harm reduction method; removes civil liability for people who give someone an overdose-reversal drug, or distribute one; and exempts items received from a syringe-exchange program from the penalties on possessing drug paraphernalia.
- House Bill 1132: Prohibits employers from retaliating against living organ donors.
- House Bill 1149: Requires insurers to simplify or eliminate prior authorization for medical care, and to post data about their care denials.
- House Bill 1356: Prohibits selling e-cigarettes or similar devices to minors.

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Citation: Colorado eases medical aid in dying rules, increases EpiPen manufacturer penalties in new laws (2024, June 13) retrieved 22 June 2024 from

<https://medicalxpress.com/news/2024-06-colorado-eases-medical-aid-dying.html>

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