

After setting the first Upper Payment Limit (UPL) in October 2025, Colorado is likely to move forward with setting UPLs for additional “unaffordable drugs.” Maryland is expected to do the same.

Implementation: Since the Colorado UPL is based on Medicare MFP, PDABs could adjust UPL implementation based on MFP implementation, specifically how **efficiently the Medicare Transaction Facilitator processes refund payments to pharmacies** when pharmacy acquisition costs exceed the Medicare MFP.

Reports must include any changes to plan formularies due to UPLs.

In October 2025, Amgen again sued the Colorado PDAB over Enbrel's UPL, alleging that the UPL is unconstitutional and will cause Amgen "irreparable harm."

The map shows the following distribution:

- States with PDABs (Dark Blue):** Oregon, Washington, Maine.
- PDABs that can set UPLs (Pink):** Minnesota, Colorado, Maryland, Delaware.
- States with legislative proposals to establish PDABs (Light Blue/Cyan):** Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Idaho, Utah, Arizona, Nevada, California, Alaska, Hawaii.

Callout 1 (Maine): Governor delayed action on a bill to establish UPLs in Maine. Further action is likely in 2026.

Callout 2 (Maryland/Delaware area): Governor vetoed a bill to establish a PDAB for the second time in March 2025. The bill is likely to be re-introduced.

Legend:

- States with PDABs
- PDABs that can set UPLs
- States with legislative proposals to establish PDABs

CRA Charles River
Associates