

HOUSE BILL NO. HB0119

Medical prescriptions-off label purposes.

Sponsored by: Representative(s) Penn, Angelos, Bear, Davis, Haroldson, Hornok, Jennings, Neiman, Ottman, Smith and Ward and Senator(s) Brennan and Salazar

A BILL

for

1 AN ACT relating to professions and occupations; authorizing
2 prescribers to prescribe medications for off label
3 indication as specified; authorizing pharmacists to
4 dispense medications for off label indication as specified;
5 providing prescribers and pharmacists immunity from
6 disciplinary action as specified; providing definitions;
7 and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 33-1-401 through 33-1-403 are created
12 to read:

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ARTICLE 4

1 PRESCRIBING AND DISPENSING DRUGS FOR OFF LABEL INDICATION

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3 **33-1-401. Definitions.**

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5 (a) As used in this article:

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7 (i) "Disciplinary action" means any action taken
8 by a health related licensing board against a licensee,
9 including but not limited to revocation, limitation,
10 suspension or denial of a license or any other disciplinary
11 action taken by a health related licensing board against a
12 licensee;

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14 (ii) "Off label indication" means the
15 prescribing of prescription drugs for treatments other than
16 those stated in the labeling approved by the United States
17 food and drug administration;

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19 (iii) "Pharmacist" means any person licensed by
20 the board of pharmacy under title 33, chapter 24 of the
21 Wyoming statutes to practice pharmacy as specified in W.S.
22 33-24-124;

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1 (iv) "Prescriber" means a physician or a
2 physician assistant licensed under title 33, chapter 26 of
3 the Wyoming statutes, a dentist licensed under title 33,
4 chapter 15 of the Wyoming statutes, an optometrist licensed
5 under title 33, chapter 23 of the Wyoming statutes or an
6 advanced practice registered nurse licensed under title 33,
7 chapter 21 of the Wyoming statutes.

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9 **33-1-402. Prescribing drugs for off label indication;**
10 **exception.**

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12 (a) Notwithstanding any law to the contrary, a
13 prescriber may lawfully prescribe a United States food and
14 drug administration approved prescription drug for off
15 label indication and a pharmacist is authorized to dispense
16 a prescribed drug for off label indication within the scope
17 of practice pursuant to a valid prescription order.

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19 (b) This section shall not apply to prescriptions for
20 substances that are listed as schedule I or schedule II
21 controlled substances under federal law or the Wyoming
22 Controlled Substances Act of 1971, W.S. 35-7-1001 through
23 35-7-1063.

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2 **33-1-403. Professional conduct.**

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4 (a) Notwithstanding any law to the contrary, a
5 prescriber or pharmacist shall not face any adverse action
6 from a health related licensing board or employer,
7 including disciplinary action, loss of employment, hospital
8 privileges or credentials, solely on the basis that a
9 prescriber prescribed a United States food and drug
10 administration approved prescription drug for off label
11 indication or a pharmacist dispensed a prescription drug
12 prescribed for off label indication pursuant to a valid
13 prescription order pursuant to this article. Any action
14 taken by a prescriber or pharmacist authorized under this
15 article shall not be considered unprofessional conduct if
16 the prescriber has obtained the informed consent of the
17 patient specifically acknowledging the off label indication
18 and use.

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20 (b) Notwithstanding any law to the contrary, any
21 recommendation, prescription, use or opinion of a
22 prescriber or pharmacist related to medical treatment for
23 COVID-19 as defined by W.S. 1-1-141(a)(ii), including

1 medical treatment that is not regulated by a health related
2 licensing board, the department of health, a professional
3 association or the United States food and drug
4 administration, shall not be considered unprofessional
5 conduct provided the prescriber has obtained the informed
6 consent of the patient specifically acknowledging the off
7 label indication and use.

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9 **Section 2.** This act is effective July 1, 2023.

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(END)