

ENROLLED ACT NO. 37, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

AN ACT relating to public health and safety; amending and renaming the Emergency Administration of Opiate Antagonist Act; clarifying that the Act applies to the University of Wyoming and Wyoming community colleges; providing for prescription and administration of epinephrine through the use of epinephrine auto-injectors as specified; granting immunity from criminal or civil liability for specified conduct; making a technical correction; making conforming amendments; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 33-24-158, 35-4-901, 35-4-902(a)(vi), (vii) and by creating a new paragraph (viii), 35-4-903 through 35-4-905 and 35-4-906(a) through (e) are amended to read:

**33-24-158. Prescription of epinephrine auto-injector or opiate antagonist by pharmacist.**

(a) A pharmacist licensed under this act may prescribe an opiate antagonist in accordance with the ~~Emergency Administration of Opiate Antagonist Act~~ Emergency Administration of Medical Treatment Act.

(b) The board, in cooperation with the Wyoming state board of medicine, shall adopt rules specifying the requirements a pharmacist shall meet in order to prescribe an epinephrine auto-injector or an opiate antagonist.

ARTICLE 9

EMERGENCY ADMINISTRATION OF MEDICAL TREATMENT ACT

**35-4-901. Short title.**

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This article may be cited as the "Emergency Administration of ~~Opiate Antagonist~~ Medical Treatment Act."

**35-4-902. Definitions.**

(a) As used in this article:

(vi) "Entity" means any person as defined in W.S. 8-1-102(a)(vi), and includes the University of Wyoming and Wyoming community colleges, who employs persons who, in the course of their official duties or business, may encounter a person experiencing anaphylaxis or an opioid related drug overdose;

(vii) "Opioid" or "opiate" means an opiumlike compound that binds to one (1) or more of the major opioid receptors in the body.

(viii) "Epinephrine auto-injector" means an automatic injectable device that administers the drug epinephrine to a person experiencing anaphylaxis and includes epipens or any other device under a different brand name used for emergency epinephrine delivery for the treatment of anaphylaxis and which device is approved by the United States food and drug administration.

**35-4-903. Prescription of epinephrine auto-injector or opiate antagonist.**

(a) A practitioner or a pharmacist acting in good faith and exercising reasonable care may, without a prescriber-patient relationship, prescribe an epinephrine auto-injector or an opiate antagonist to:

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(i) A person at risk of experiencing anaphylaxis or an opiate related drug overdose;

(ii) A person in a position to assist a person at risk of experiencing anaphylaxis or an opiate related drug overdose;

(iii) A person who, in the course of the person's official duties or business, may encounter a person experiencing anaphylaxis or an opiate related drug overdose.

(b) A practitioner or pharmacist who prescribes an epinephrine auto-injector or an opiate antagonist under this article shall provide education to the person to whom the epinephrine auto-injector or opiate antagonist is prescribed, which shall include written instruction on how to:

(i) Recognize anaphylaxis or an opiate related drug overdose;

(ii) Respond appropriately to an anaphylaxis or opiate related drug overdose event, including how to administer epinephrine through use of an epinephrine auto-injector or administer an opiate antagonist;

(iii) Ensure that a person to whom epinephrine or an opiate antagonist has been administered receives, as soon as possible, additional medical care and a medical evaluation.

**35-4-904. Standing order for epinephrine auto-injector or opiate antagonist; anaphylaxis and drug overdose treatment policy; rules.**

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(a) A practitioner acting in good faith and exercising reasonable care may prescribe by a standing order an epinephrine auto-injector or an opiate antagonist to an entity that, in the course of the entity's official duties or business, may be in a position to assist a person experiencing anaphylaxis or an opiate related drug overdose.

(b) An entity prescribed an epinephrine auto-injector or an opiate antagonist by standing order shall establish an anaphylaxis or a drug overdose treatment policy in accordance with rules adopted by the department of health. The anaphylaxis or drug overdose treatment policy shall:

(i) Provide for the designation of individuals to receive training and instructional materials on how to recognize and respond to anaphylaxis or an opiate related drug overdose and ensure that a person to whom epinephrine or an opiate antagonist has been administered receives additional medical care and a medical evaluation;

(ii) Provide for reporting to the department of health, in the manner and form prescribed by the department, all anaphylaxis events or opiate related drug overdoses for which epinephrine or an opiate antagonist is administered under this article.

(c) The Wyoming state board of medicine and the Wyoming state board of nursing may adopt rules as necessary to implement and administer prescription of an epinephrine auto-injector or an opiate antagonist by a standing order.

**35-4-905. Voluntary participation.**

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This article does not establish a duty or standard of care for a person to prescribe or administer epinephrine, through use of an epinephrine auto-injector, or an opiate antagonist.

**35-4-906. Administration of an epinephrine auto-injector or opiate antagonist; immunity from liability; exemption from unprofessional conduct; relation to other law.**

(a) A person acting in good faith may administer epinephrine through use of an epinephrine auto-injector or an opiate antagonist to another person who appears to be experiencing anaphylaxis or an opiate related drug overdose.

(b) A person who administers epinephrine through use of an epinephrine auto-injector or an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(c) A practitioner or pharmacist who prescribes an epinephrine auto-injector or opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(d) An entity that establishes ~~a~~an anaphylaxis or drug overdose treatment policy pursuant to this article is immune from civil or criminal liability for any act or omission related to the administration of epinephrine through use of an epinephrine auto-injector or an opiate antagonist resulting in damage or injury.

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ENGROSSED

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(e) Prescribing an epinephrine auto-injector or opiate antagonist by a practitioner or pharmacist pursuant to this article shall not constitute unprofessional conduct.

**Section 2.** This act is effective July 1, 2022.

(END)

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk