

ENROLLED ACT NO. 74, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to professions and occupations; authorizing prescribers to prescribe medications for off-label indication as specified; authorizing pharmacists to dispense medications for off-label indication as specified; providing prescribers and pharmacists immunity from disciplinary action as specified; providing definitions; requiring rulemaking; and providing for an effective date.

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

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

ARTICLE 4

PRESCRIBING AND DISPENSING DRUGS FOR OFF-LABEL INDICATION

33-1-401. Definitions.

(a) As used in this article:

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

(ii) "Off-label indication" means drug treatments for conditions other than those stated in the labeling approved by the United States food and drug administration;

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(iii) "Pharmacist" means any person licensed by the board of pharmacy under title 33, chapter 24 of the Wyoming statutes to practice pharmacy;

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

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

(a) Notwithstanding any other law, a prescriber may lawfully prescribe a United States food and drug administration approved prescription drug for off-label indication, and a pharmacist is authorized to dispense a prescribed drug for off-label indication within their scope of practice pursuant to a valid prescription order.

(b) This section shall not apply to prescriptions for substances that are:

(i) Listed as schedule I or schedule II controlled substances under federal law or the Wyoming Controlled Substances Act of 1971;

(ii) Intended to transition a minor's biological sex as determined by the sex organs, chromosomes and endogenous profiles of the minor or affirm the minor's perception of the minor's sex if that perception is inconsistent with the minor's biological sex;

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(iii) Intended to induce an abortion.

33-1-403. Professional conduct.

(a) Notwithstanding any other law, a prescriber or pharmacist shall not face any adverse action from a health related licensing board, including disciplinary action, solely on the basis that a prescriber prescribed a United States food and drug administration approved prescription drug for off-label indication, or a pharmacist dispensed a prescription drug prescribed for off-label indication pursuant to a valid prescription order pursuant to this article.

(b) Notwithstanding any other law, any recommendation, prescription, use or opinion of a prescriber or pharmacist related to medical treatment that is not regulated by a health related licensing board, the department of health, a professional association or the United States food and drug administration, shall not be considered unprofessional conduct.

Section 2. The Wyoming state board of medicine, the board of dental examiners, the Wyoming state board of examiners in optometry, the board of nursing and the state board of pharmacy shall adopt all rules necessary to implement this act.

ORIGINAL HOUSE
BILL NO. HB0164

ENGROSSED

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Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk