

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Pharmacist and pharmacy technician practice.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to professions and occupations; authorizing
2 the administration of immunizations by pharmacy technicians
3 and pharmacy interns; repealing the requirements for direct
4 supervision of a pharmacy technician or a pharmacy intern
5 by a licensed pharmacist; making conforming amendments; and
6 providing for effective dates.

7

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

9

10 **Section 1.** W.S. 33-24-151(a), 33-24-155(b), 33-24-157
11 by creating a new subsection (d) and 33-24-301(b)(iii),
12 (c), (d) and (g)(iii) are amended to read:

1

2 **33-24-151. Substitution not considered practice of**
3 **medicine; individual causes of action.**

4

5 (a) The substitution of any dangerous substance by a
6 registered pharmacist or a registered pharmacy intern under
7 his ~~direct~~ supervision does not under this act constitute
8 the practice of medicine.

9

10 **33-24-155. Reports required to state health officer.**

11

12 (b) Pursuant to department of health rule and
13 regulation, there may be a review of medical records by the
14 state health officer, his designee or their designated
15 health care representative who shall be under the ~~direct~~
16 supervision of the state health officer or his designee to
17 confirm diagnosis, investigate causes or identify other
18 cases of disease conditions in a region, community or
19 workplace in the state to determine if proper measures have
20 been taken to protect the public health and safety.
21 Notwithstanding any other provision of law, the review of
22 records during a public health emergency or disease
23 outbreak may occur without patient consent, but shall be

1 kept confidential and shall be restricted to information
2 necessary for the control, investigation and prevention of
3 any disease condition dangerous to the public health. Any
4 person who receives medical information under this
5 subsection shall not disclose that information for any
6 other purpose than the investigation and any disease
7 control effort. Any violation of this subsection is a
8 misdemeanor punishable by imprisonment for not more than
9 six (6) months, a fine of not more than one thousand
10 dollars (\$1,000.00), or both.

11

12 **33-24-157. Immunization administration.**

13

14 (d) A pharmacy technician or pharmacy intern licensed
15 under this act shall only administer immunizations under
16 the supervision of a pharmacist licensed under this act. A
17 pharmacy technician or pharmacy intern who intends to
18 administer immunizations shall register with the board, but
19 nothing in this subsection shall be deemed to require any
20 pharmacy technician to administer immunizations to
21 individuals who are less than thirteen (13) years of age.
22 No employer shall discriminate against a pharmacy
23 technician on the basis that the pharmacy technician

1 determines not to administer immunizations to individuals
2 who are less than thirteen (13) years of age.

3

4 *****
5 STAFF COMMENT

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7 The new language included in subsection (d) above,
8 beginning on page 3, line 19 and extending through page 4,
9 line 2 is borrowed from subsection (a) of the same statute
10 (W.S. 33-24-157) which affords the same protections to
11 licensed pharmacists.

12 *****

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15
16 33-24-301. Pharmacy technicians; licensing;
17 definitions; revocation or suspension of license; letter of
18 admonition; information required for background checks.

19

20 (b) As used in this section:

21

22 (iii) "Pharmacy technician" means an individual
23 other than an intern, who performs pharmacy functions under
24 the ~~direct~~ supervision of a licensed pharmacist.

25

26 (c) A pharmacy technician shall not perform pharmacy
27 functions unless under the ~~direct~~ supervision of a licensed
28 pharmacist.

29

1 (d) A licensed pharmacist shall be jointly
2 responsible and liable for the actions of a pharmacy
3 technician when ~~direct~~-supervision is required.

4

5 (g) The board shall promulgate reasonable rules and
6 regulations necessary to carry out the purposes of this
7 section including, but not limited to:

8

9 (iii) Requirements for ~~direct~~-supervision by
10 licensed pharmacists.

11

12 **Section 2.** W.S. 33-24-101(b)(i) and 33-24-301(b)(i)
13 are repealed.

14

15 *****

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STAFF COMMENT

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18 Section 2 above would repeal the definitions of "direct
19 supervision" specific to pharmacists and pharmacy
20 technicians. The definitions are similar but not identical:

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22 W.S. 33-24-101(b)(i):

23

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(i) "Direct supervision" means that a licensed
pharmacist shall be physically present and capable of
observing the actions of a pharmacy technician except at
telepharmacies where video oversight is maintained;

1 W.S. 33-24-301(b)(i):

2 (i) "Direct supervision" means that a licensed
3 pharmacist shall be physically present and capable of
4 observing the actions of a pharmacy technician;

5 *****
6 *****
7 *****

8 Section 3. The state board of pharmacy shall
9 promulgate rules and regulations necessary to implement
10 this act on or before July 1, 2022.

11

12 Section 4.

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14 (a) Except as provided in subsection (b) of this
15 section, this act is effective July 1, 2022.

16

17 (b) Sections 3 and 4 of this act are effective
18 immediately upon completion of all acts necessary for a
19 bill to become law as provided by Article 4, Section 8 of
20 the Wyoming Constitution.

21

22 (END)