

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to food and drugs; requiring the department of health to study the feasibility of a prescription drug importation program for possible implementation in Wyoming; specifying study parameters; requiring a report; and providing for an effective date.

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

**Section 1.**

(a) Not later than October 1, 2020, the department of health shall complete a study on the feasibility of establishing a prescription drug importation program for distributing prescription drugs to voluntarily participating, state-licensed pharmacies in Wyoming for retail sale to persons in Wyoming with valid prescriptions. As part of this study, the department shall consider the following:

(i) The potential savings Wyoming residents and state agencies may gain from the implementation of a prescription drug importation program;

(ii) Which prescription drugs may have the highest potential for consumer savings and budget savings through importation including the amounts and dosages needed for the most commonly prescribed drugs;

(iii) The need for any necessary federal certification for implementation of a prescription drug importation program in Wyoming, including complying with the federal importation requirements of 21 U.S.C. § 384 and the federal Drug Supply Chain Security Act and the procedures necessary to achieve that certification;

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(iv) Any impacts that a prescription drug import program may have on payers, pharmacies, other health care providers and suppliers in Wyoming;

(v) Any impacts that a prescription drug import program may have on Wyoming consumers, including the impact imported prescription drugs may have on overall consumer costs and the impact imported drugs may have on the accessibility of prescription drugs throughout Wyoming;

(vi) The establishment of a process and any necessary procedures for the department of health, the state board of pharmacy and any other state agency involved with the procurement, storage and distribution of prescription drugs for implementing a prescription drug importation program in Wyoming;

(vii) Any administrative costs, impacts and savings to the department of health, the state board of pharmacy and any other state agency that provides healthcare to persons in Wyoming associated with the implementation and supervision of a prescription drug importation program in Wyoming;

(viii) Any funding, spending or borrowing authorization necessary to maintain a month-to-month cash flow of funds necessary for administering a prescription drug importation program.

(b) In completing the study provided under subsection (a) of this section, the department shall study for comparative purposes other factors affecting access to, and the affordability of, prescription drugs in Wyoming, including but not limited to:

(i) The methods health insurers and pharmacy benefit managers use to manage prescription drug costs;

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(ii) The use of pharmaceutical manufacturer rebates and discounts used by health insurers and pharmacy benefit managers;

(iii) The portion of prescription drug prices attributable to drug manufacturer:

(A) Costs for research and development; and

(B) Profit margins.

(iv) Other arrangements, including direct contracts with prescription drug suppliers, statewide distribution agreements with wholesale or retail prescription drug providers, price agreements and the possibility of group purchasing with other states;

(v) The group purchasing of Hepatitis C drugs in conjunction with other states to meet the needs of both the Medicaid program and the department of corrections. This study shall not be deemed to prevent implementation of a group purchasing effort for these drugs prior to the completion of the study.

(c) Not later than October 1, 2020, the department of health shall report to the joint labor, health and social services interim committee on the results of the study required by subsections (a) and (b) of this section. As part of this report, the department of health shall recommend whether it is feasible to implement a prescription drug importation program in Wyoming and whether the program is likely to result in significant savings to Wyoming state agencies and consumers.

(d) The joint labor, health and social services interim committee may sponsor any legislation necessary to

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implement the recommendations the department of health makes as part of the study required under subsections (a) and (b) of this section.

(e) No state agency shall implement or seek federal approval to implement a prescription drug importation program in Wyoming without legislative authorization.

**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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