

HOUSE BILL NO. HB0164

Medical prescriptions-off-label purposes.

Sponsored by: Representative(s) Brown, G, Allemand, Guggenmos, Haroldson, Johnson, Kelly, Lien, Lucas, Neiman, Ottman, Pendergraft, Schmid, Strock and Wasserburger and Senator(s) Hutchings and Ide

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 for  
7 severability of provisions as specified; providing  
8 definitions; requiring rulemaking; and providing for an  
9 effective date.

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

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13 **Section 1.** W.S. 33-1-401 through 33-1-404 are created

14 to read:

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2

ARTICLE 4

3

PRESCRIBING AND DISPENSING DRUGS FOR OFF-LABEL INDICATION

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

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(a) As used in this article:

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(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;

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(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;

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

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

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

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

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

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

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11           (iii) Intended to induce an abortion.

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13           **33-1-403. Professional conduct.**

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15           (a) Notwithstanding any other law, a prescriber or  
16 pharmacist shall not face any adverse action from a health  
17 related licensing board, including disciplinary action,  
18 loss of employment, hospital privileges or credentials,  
19 solely on the basis that a prescriber prescribed a United  
20 States food and drug administration approved prescription  
21 drug for off-label indication, or a pharmacist dispensed a  
22 prescription drug prescribed for off-label indication

1 pursuant to a valid prescription order pursuant to this  
2 article.

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

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12 **33-1-404. Severability of provisions.**

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14 The provisions of this article shall be severable and if  
15 any phrase, clause, sentence or provision of this article  
16 is declared to be unconstitutional or the applicability of  
17 this article to any state, agency, person or circumstance  
18 is held invalid, the constitutionality of this act and the  
19 applicability to any other state, agency person or  
20 circumstance shall, with respect to all severable matters,  
21 not be affected.

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

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

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(END)