

HOUSE BILL NO. HB0287

Prescription drugs.

Sponsored by: Representative(s) Yin and Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to prescription drugs; creating a
 2 prescription drug importation program; authorizing a fee;
 3 creating an account; clarifying provisions relating to
 4 epinephrine auto injectors in school districts; requiring a
 5 study and report as specified; and providing for an effective
 6 date.

7

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

9

10 **Section 1.** W.S. 35-7-2201 is created to read:

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ARTICLE 22

PRESCRIPTION DRUG IMPORTATION PROGRAM

14

15 **35-7-2201. Prescription drug importation program.**

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1 (a) There is created the prescription drug importation
2 program. To the extent authorized by federal law and
3 notwithstanding any other provision of state law, the
4 department of health shall, not earlier than November 1, 2019:

5
6 (i) Identify three (3) prescription drugs,
7 excluding any schedule II controlled substances as defined in
8 W.S. 35-7-1002(a)(iv), with the highest potential for
9 consumer savings through importation from outside the United
10 States; and

11
12 (ii) Conduct a limited prescription drug
13 importation program relating to the prescription drugs
14 identified in paragraph (i) of this subsection, in not more
15 than five (5) counties within this state which face high
16 prescription drug costs, as determined by the department.

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18 (b) The department of health shall:

19
20 (i) Ensure that only drugs meeting United States
21 food and drug administration safety and effectiveness
22 standards are imported under subsection (a) of this section;

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1 (ii) Consult with representatives of the
2 pharmaceutical industry, patient advocates and any other
3 relevant persons or organizations before implementing this
4 section;

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6 (iii) Apply for any federal permit, waiver,
7 certification or other authorization necessary to carry out
8 this section, which may include approval under 21 U.S.C. §
9 384;

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11 (iv) If necessary, establish a process to ensure
12 the purity, chemical composition and potency of imported
13 prescription drugs;

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15 (v) Ensure, as reasonably possible, that imported
16 prescription drugs will not be distributed, dispensed or sold
17 outside of Wyoming; and

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19 (vi) Comply with any applicable federal laws,
20 including laws relating to patents and prescription drug
21 security and tracing requirements.

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1 (c) To cover any administrative expenses, the
2 department of health may charge a fee to a distributor or a
3 consumer who receives an imported prescription drug under
4 this section, unless doing so would not be cost effective for
5 the consumer based on the cost of the prescription drug in
6 the United States. The department shall deposit fees
7 collected under this section into the account created
8 pursuant to subsection (d) of this section.

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10 (d) There is created the prescription drug importation
11 account. Funds remitted to the account pursuant to subsection
12 (c) of this section shall be used by the department of health
13 to implement this section. The account may be divided into
14 subaccounts for purposes of administrative management. Funds
15 in the account are continuously appropriated and shall not
16 lapse at the end of any fiscal period. Interest accruing to
17 this account shall be retained in the account and shall be
18 expended for the purposes provided in this section. For the
19 purposes of accounting and investing only, the subaccounts
20 shall be treated as separate accounts.

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22 (e) The department of health may enter into contracts
23 to implement this section, including contracts with

1 distributors and insurers to make coverage under a private
2 health benefit plan available for imported prescription drugs
3 under this section.

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5 (f) The provisions of W.S. 33-24-153, and any rules
6 adopted under that section, shall not apply to the department
7 of health, or any person under contract with the department,
8 while acting as an importer or distributor of imported
9 prescription drugs under this section.

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11 (g) The board of pharmacy, department of revenue and
12 department of agriculture shall cooperate with the department
13 of health to implement this section.

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15 (h) The department of health may adopt rules to
16 implement this section.

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18 **Section 2.** W.S. 21-4-316(e)(v) is amended to read:

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20 **21-4-316. Administration of stock epinephrine**
21 **auto-injectors.**

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23 (e) As used in this section:

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2 (v) "Stock epinephrine" or "epinephrine auto-
3 injector" means injectable medications used for the treatment
4 of severe, life-threatening allergies that schools or
5 districts buy and keep on-site for emergency use, and may
6 include any type or brand of injector, including a generic
7 equivalent, which has been approved by the United States food
8 and drug administration for epinephrine delivery.

9

10 **Section 3.**

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12 (a) Beginning on the effective date of this act and in
13 no event later than November 1, 2019, the department of health
14 shall study the manner in which to gain approval for the state
15 of Wyoming to import prescription drugs from outside the
16 United States for use by Wyoming consumers and issue a report
17 to the joint labor, health and social services interim
18 committee. The study and report shall be consistent with the
19 requirements of W.S. 35-7-2201 as created by this act. As a
20 component of this study and report, the department shall:

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22 (i) Determine how the state of Wyoming can become
23 certified by the United States department of health and human

1 services to operate a prescription drug importation program,
2 including under 21 U.S.C. § 384;

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4 (ii) Determine how to ensure that only drugs
5 meeting United States food and drug administration safety,
6 effectiveness and other related standards are imported as
7 part of this program;

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9 (iii) Identify prescription drugs, excluding
10 schedule II controlled substances as defined in W.S.
11 35-7-1002(a)(iv), with potential for consumer savings through
12 importation from outside the United States;

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14 (iv) Estimate potential consumer savings based on
15 importation;

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17 (v) Determine potential contractors who are
18 capable of distributing imported drugs, if necessary;

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20 (vi) Determine how the distribution of imported
21 drugs will be limited to Wyoming residents, as reasonably
22 possible;

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