

HOUSE BILL NO. HB0114

Pharmacists.

Sponsored by: Representative(s) Osborn and Iekel and
Senator(s) Barrasso and Massie

A BILL

for

1 AN ACT relating to the Wyoming Pharmacy Act; amending
2 licensing requirements for resident and nonresident
3 pharmacies as specified; amending grounds for denial,
4 suspension, revocation or nonrenewal of licenses as
5 specified; amending grounds for required notice by
6 licensees to the board of pharmacy; specifying procedures
7 for appeals; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-24-113 and 33-24-152(a)(intro),
12 (ii), by creating new paragraphs (v) and (vi), (c) through
13 (e), (g) and by creating a new subsection (h) are amended
14 to read:

15

1 **33-24-113. Licensing of resident pharmacy;**
2 **exceptions; display of license; suspension, revocation,**
3 **letter of admonition, administrative penalty or refusal to**
4 **renew; appeals.**

5
6 (a) ~~Every commercial operation~~ Any pharmacy located
7 in ~~the~~ this state ~~operating a pharmacy which dispenses,~~
8 mails or in any manner delivers controlled substances or
9 dangerous drugs or devices in this state pursuant to a
10 prescription or provides pharmaceutical care in this state
11 shall: ~~annually make~~

12
13 (i) Submit a license application to the board
14 ~~for a license on a form prescribed by the board~~ and pay the
15 license fee established ~~in accordance with this act~~ by the
16 board in its rules and regulations. Where pharmaceutical
17 operations are conducted at more than one (1) location,
18 each location shall be separately licensed;

19
20 (ii) Notify the board of the occurrence of any
21 of the following:

22
23 (A) Permanent closing of the pharmacy;
24

1 (B) Change in pharmacy ownership, name,
2 management, location or pharmacist in charge;

3

4 (C) Conviction of any pharmacy owner or
5 employee for violation of any state or federal drug law;

6

7 (D) Any substantial theft or loss of
8 dangerous drugs, controlled substances or medical devices;

9

10 (E) Any other matter required to be
11 reported by rule and regulation of the board.

12

13 (b) The license shall be displayed in a conspicuous
14 place in the pharmacy for which it is issued, and shall
15 ~~expire one (1) year after the date of issue~~ be renewed
16 annually on or before June 30 by submitting a renewal
17 application to the board.

18

19 (c) It is unlawful for any person or commercial
20 operation to operate a pharmacy unless a license has been
21 issued to the operator by the board of pharmacy.

22

23 (d) The board ~~of pharmacy~~ may deny, suspend, revoke
24 or refuse to renew a license issued under the section, may

1 issue a letter of admonition, to a resident pharmacy
2 licensee and may assess an administrative penalty, ~~of up to~~
3 not to exceed two thousand dollars (\$2,000.00) ~~or refuse to~~
4 ~~renew any registration obtained by false representation or~~
5 ~~fraud, or when the pharmacy for which the registration was~~
6 ~~made is kept open for the transaction of business without a~~
7 ~~registered pharmacist in charge thereof, or when the person~~
8 ~~to whom registration was granted or his employees or other~~
9 ~~persons under his supervision or control has been convicted~~
10 ~~of a violation of W.S. 33-24-101 through 33-24-301.~~ per
11 violation, against a resident pharmacy licensee on any of
12 the following grounds:

13
14 (i) Failure to comply with any requirement of
15 this chapter or the Wyoming Controlled Substances Act;

16
17 (ii) Failure to comply with rules and
18 regulations of the board;

19
20 (iii) Conviction of a pharmacy owner, pharmacist
21 in charge, staff pharmacist or pharmacy technician for a
22 felony under any state or federal law, if the conviction is
23 related to the practice of pharmacy;

24

1 (iv) Obtaining any remuneration by fraud,
2 misrepresentation or deception;

3

4 (v) Suspension or revocation of a pharmacy
5 license in any other state;

6

7 (vi) Knowing submission of false, misleading or
8 fraudulent information to the board in connection with an
9 initial or renewal application for a resident pharmacy
10 license;

11

12 (vii) Purchase or receipt of a dangerous drug,
13 controlled substance or medical device from a source other
14 than a manufacturer, wholesaler or pharmacy licensed by the
15 board;

16

17 (viii) Purchase or receipt of a dangerous drug,
18 controlled substance or medical device that is not approved
19 by the federal drug administration;

20

21 (ix) Keeping the pharmacy open for business
22 without a licensed pharmacist in charge on site;

23

1 (x) Allowing a person who is not licensed by the
2 board to perform duties as a pharmacist, pharmacy
3 technician or pharmacy technician in training.

4
5 (e) Before any final adverse administrative ~~penalty~~
6 ~~may be assessed~~ action is taken against a pharmacy
7 licensee, the ~~holder of the registration~~ licensee is
8 entitled to a hearing by the board of pharmacy upon due
9 notice of the time and place where the hearing will be
10 held. The accused may be represented by legal counsel, is
11 entitled to compulsory attendance of witnesses and may
12 appeal to the district court of the county in which the
13 pharmacy is situated, in accordance with the Wyoming
14 Administrative Procedure Act.

15
16 (f) Any administrative penalty assessed shall be paid
17 to the board who shall remit the monies to the county
18 treasurer to the credit of the public school fund of the
19 county in which the violation occurred.

20
21 **33-24-152. Nonresident pharmacy registration;**
22 **requirements for registration; fees; renewal; denial,**
23 **letter of admonition, administrative penalty, revocation or**
24 **suspension; advertising.**

1

2 (a) Any pharmacy located outside this state which
3 ships, mails or delivers, in any manner, controlled
4 substances or dangerous drugs or devices into this state
5 pursuant to a prescription or provides pharmaceutical care
6 to a resident of this state shall be considered a
7 nonresident pharmacy, shall ~~register with~~ obtain a license
8 from the board, and shall:

9

10 (ii) Comply with all directions and requests for
11 information from the regulatory or licensing agency of the
12 state in which it is licensed as well as with all requests
13 for information made by the board pursuant to this section.
14 The nonresident pharmacy shall maintain, at all times, a
15 valid unexpired license, permit or registration to conduct
16 the pharmacy in compliance with the laws of the state in
17 which it is a resident; ~~As a prerequisite to registering~~
18 ~~with the board, the nonresident pharmacy shall submit a~~
19 ~~copy of the most recent inspection report resulting from an~~
20 ~~inspection conducted by the regulatory or licensing agency~~
21 ~~of the state in which it is located;~~

22

1 (v) Submit a license application to the board on
2 a form prescribed by the board and pay the license fee
3 established by the board in its rules and regulations;

4
5 (vi) Immediately notify the board of the
6 occurrence of any of the following:

7
8 (A) Permanent closing of pharmacy
9 operations;

10
11 (B) Change in pharmacy ownership, name,
12 management, location or pharmacist in charge;

13
14 (C) Conviction of a pharmacy owner or
15 employee for a felony under any state or federal law;

16
17 (D) Any substantial theft or loss of
18 dangerous drugs, controlled substances or medical devices;

19
20 (E) Any other matter required to be
21 reported by rule and regulation of the board.

22

1 (c) A pharmacy applying for ~~registration~~licensure
2 under this section shall be charged the fee specified in
3 W.S. 33-24-112(a)(iii).

4
5 (d) A nonresident pharmacy ~~registration~~license under
6 this section shall be renewed annually on or before ~~the~~
7 ~~first day of July of each year~~June 30 by submitting a
8 renewal application to the board.

9
10 (e) The board may deny, suspend, revoke or refuse to
11 renew a license issued under this section, may issue a
12 letter of admonition, to a nonresident pharmacy licensee
13 and may assess an administrative penalty, not to exceed two
14 thousand dollars (\$2,000.00) per violation, ~~revoke or~~
15 ~~suspend~~against a nonresident pharmacy ~~registration for~~
16 ~~failure to comply with any requirement of this chapter.~~
17 licensee on any of the following grounds:

18
19 (i) Failure to comply with any requirement of
20 the pharmacy practice act of the state of domicile or the
21 Wyoming Controlled Substances Act;

22

1 (ii) Failure to comply with rules and
2 regulations of the regulatory body of the jurisdiction in
3 which the pharmacy is located;

4
5 (iii) Conviction of a pharmacy owner, pharmacist
6 in charge, staff pharmacist or pharmacy technician for a
7 felony under any state or federal law, if the conviction is
8 related to the practice of pharmacy;

9
10 (iv) Obtaining any remuneration by fraud,
11 misrepresentation or deception;

12
13 (v) Suspension or revocation of a pharmacy
14 license in any other state;

15
16 (vi) Knowing submission of false, misleading or
17 fraudulent information to the board in connection with an
18 initial or renewal application for a nonresident pharmacy
19 license;

20
21 (vii) Purchase or receipt of a dangerous drug,
22 controlled substance or medical device from a source other
23 than a manufacturer, wholesaler or pharmacy licensed by the

1 regulatory authority in the state where the pharmacy is
2 located;

3

4 (viii) Purchase or receipt of a dangerous drug,
5 controlled substance or medical device that is not approved
6 by the federal drug administration;

7

8 (ix) Keeping the pharmacy open for business
9 without a licensed pharmacist in charge on site.

10

11 (g) It is unlawful for any nonresident pharmacy which
12 is not ~~registered pursuant to this section~~ licensed by the
13 board to advertise its services in this state, or for any
14 person ~~who is a resident of this state~~ to advertise the
15 pharmacy services of a nonresident pharmacy which has not
16 ~~registered with~~ been licensed by the board, with the
17 knowledge that the advertisement will or is likely to
18 induce members of the public in this state to use the
19 pharmacy to fill prescriptions. Any person convicted of
20 violating this subsection shall be subject to the penalties
21 provided by W.S. 33-24-142.

22

23 (h) Before any final adverse administrative action is
24 taken against a nonresident pharmacy licensee, the licensee

1 is entitled to a hearing by the board of pharmacy upon due
2 notice of the time and place where the hearing will be
3 held. The accused may be represented by legal counsel, is
4 entitled to the compulsory attendance of witnesses and may
5 appeal to the first judicial district court located in
6 Laramie county in accordance with the Wyoming
7 Administrative Procedure Act.

8

9 **Section 2.** W.S. 33-24-152(a)(i), (iv) and (f) is
10 repealed.

11

12 **Section 3.** This act is effective July 1, 2005.

13

14

(END)