

ENROLLED ACT NO. 117, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to controlled substances; requiring weekly reporting to the controlled substance prescription tracking program; requiring the Wyoming state board of pharmacy to create a pilot project for real-time access to data from the controlled substance prescription tracking program; establishing a method for assisting persons who must participate in the pilot program; providing an appropriation; and providing for effective dates.

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

**Section 1.** W.S. 35-7-1061 and 35-7-1062 are created to read:

**35-7-1061. Pilot program for real-time database data access.**

(a) There is established a pilot program for real-time access to data from the controlled substance prescription tracking program, established by W.S. 35-7-1060, beginning July 1, 2010 and ending June 30, 2012.

(b) In addition to fulfilling the requirements of W.S. 35-7-1060 on a statewide basis, the board shall upgrade, modify, administer and direct the functioning of the controlled substance prescription tracking program in geographical areas specified by the board, or on a statewide basis, in a manner that provides real-time access to the program. The pilot program also shall:

(i) Allow authorized persons to access the program, portions of the program or certain reports generated by the program from remote locations at any time;

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(ii) Create a means of verifying the identity of persons seeking access to the program;

(iii) Develop programs to educate persons who are authorized to access the program about the pilot project and the methods by which the pilot program can be used to better avoid the inappropriate use of controlled substances and the identification of illegal activity related to the dispensing of controlled substances;

(iv) Develop means of sharing relevant prescription drug information with other states who maintain prescription drug monitoring programs using the prescription monitoring information exchange specifications adopted by the United States department of justice;

(v) Ensure the confidentiality of all information disclosed;

(vi) Ensure that the real-time access developed and allowed by the pilot program does not interfere with the proper functioning of the existing controlled substance prescription tracking program.

(c) The requirements and obligations imposed by W.S. 35-7-1060 shall be applicable to the pilot program administered under this section to the extent they do not conflict with the requirements and obligations of this section.

(d) All persons to whom W.S. 35-7-1060 applies shall cooperate with the board to provide weekly submission of, and real-time access to, information for the pilot program:

(i) Within the pilot area as determined by the board under subsection (b) of this section;

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(ii) When the board implements the pilot program as a permanent program under subsection (g) of this section, on a statewide basis.

(e) The board may promulgate rules and regulations as are necessary to create and operate the pilot program required by this section.

(f) Each year starting in 2010 and ending in 2012, on or before June 30, the board shall report to the joint labor, health and social services interim committee regarding:

(i) The implementation, operation and impact of the pilot program established in this section;

(ii) The progress made by the board in implementing the pilot program on a statewide basis;

(iii) The advisability of, and projected cost of, implementing the pilot program on a statewide basis;

(iv) Any education sessions offered to the public regarding the pilot project and participation at those educational sessions;

(v) Use of the pilot program by those persons entitled to receive information from the program; and

(vi) Other information which the board believes is relevant.

(g) The board shall, on or before July 1, 2012, implement the pilot program as a permanent program on a statewide basis.

(h) The board shall submit an application to the United States department of justice and department of

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health and human services for all available grant monies to fund the pilot project required by this section.

(j) To the extent federal funds are available to fund the pilot project required by this section, the board may expend any monies appropriated by the legislature in any minimum amount as may be necessary to qualify to receive the federal funds. After all federal funds are exhausted, the board is authorized to use any remaining state funds consistent with all limitations imposed on funds in their appropriation.

**35-7-1062. Pilot program implementation assistance.**

(a) To the extent funds are available, the board may provide, at a reduced cost or free of charge, to any person required to participate in the pilot program described in W.S. 35-7-1061 and who incurs or will incur costs associated with that participation, technical assistance, training, software or hardware that will allow the person to participate in the pilot program. The board may promulgate rules and regulations necessary to provide the assistance described in this subsection which rules or regulations shall:

- (i) Require written requests for assistance;
- (ii) Require itemized statements and proof of any costs incurred in participating in the pilot program;
- (iii) Establish deadlines for requesting the assistance described in this subsection;
- (iv) Require that equal assistance be provided to all persons requesting assistance and complying with the board's rules and regulations, except any person may receive less assistance if their request for assistance is

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in an amount less than the equal amount otherwise required by this paragraph.

**Section 2.** W.S. 35-7-1060(b) is amended to read:

**35-7-1060. Controlled substances prescription tracking program.**

(b) All prescriptions for schedule II, III and IV controlled substances dispensed by any retail pharmacy licensed by the board shall be filed with the board electronically or by other means required by the board no more than seven (7) days after dispensed. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed.

**Section 3.** There is appropriated eighty thousand dollars (\$80,000.00) from the general fund to the Wyoming state pharmacy board for the purposes of this act. This appropriation shall be for the period beginning with the earliest effective date of this act and ending June 30, 2012. No part of this appropriation shall be expended until after the chief information officer has reviewed and approved the proposed expenditure of these funds. This appropriation shall only be expended for the purpose of establishing and maintaining the pilot program for real-time access to data from the controlled substance prescription tracking program, as described in this act. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. W.S. 9-4-207 shall not act to revert unexpended or unobligated funds prior to June 30, 2012.

**Section 4.** The Wyoming state board of pharmacy may adopt rules and regulations to implement the provisions of this act upon the effective date of this section.

ORIGINAL HOUSE  
BILL NO. 0294

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**Section 5.**

(a) Section 4 of 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.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2009.

(END)

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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