

HOUSE BILL NO. HB0127

Prescription drugs-physician shopping.

Sponsored by: Representative(s) Simpson, Gingery and
Lubnau and Senator(s) Fecht

A BILL

for

1 AN ACT relating to controlled substances; amending the
2 Wyoming Controlled Substances Act of 1971 to further
3 specify illegal means of obtaining and dispensing
4 controlled substances or obtaining prescriptions for
5 controlled substances; amending penalties; and providing
6 for an effective date.

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

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10 **Section 1.** W.S. 35-7-1033(a)(iii), by creating a new
11 subsection (b) and by amending and renumbering (b) as (c)
12 is amended to read:

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14 **35-7-1033. Unlawful acts; distribution; registration;**
15 **possession; records; counterfeiting; punishment.**

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1 (a) It is unlawful for any person knowingly or
2 intentionally:

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4 (iii) To acquire or obtain possession of, ~~a~~ to
5 procure or attempt to procure the administration of, to
6 obtain a prescription for, to prescribe or dispense to any
7 person known to be attempting to acquire or obtain
8 possession of, or to procure the administration of any
9 controlled substance by misrepresentation, fraud, forgery,
10 deception or subterfuge. ~~+~~ The conduct prohibited by this
11 paragraph includes but is not limited to:

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13 (A) Failing to disclose to a practitioner
14 that the person has received the same or similar controlled
15 substance or prescription for a controlled substance from
16 another source within the prior thirty (30) days;

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18 (B) Alteration of a prescription or written
19 order for a controlled substance; and

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21 (C) The use of a false name or address.

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23 (b) Except as otherwise provided, a person convicted
24 of violating paragraph (a)(iii) of this section may be

1 ordered to receive a substance abuse assessment conducted
2 by a substance abuse provider certified by the department
3 of health pursuant to W.S. 9-2-2701(c) before sentencing.
4 Any person who violates paragraph (a)(iii) of this section
5 is guilty of a misdemeanor punishable by imprisonment for
6 not more than six (6) months, a fine of not more than seven
7 hundred fifty dollars (\$750.00), or both. On a second
8 conviction he shall be punished by imprisonment for not
9 less than seven (7) days nor more than six (6) months, he
10 shall be ordered to or shall receive a substance abuse
11 assessment conducted by a substance abuse provider
12 certified by the department of health pursuant to W.S.
13 9-2-2701(c) before sentencing and shall not be eligible for
14 probation or suspension of sentence or release on any other
15 basis until he has served at least seven (7) days in jail.
16 In addition, the person may be fined not less than two
17 hundred dollars (\$200.00) nor more than seven hundred fifty
18 dollars (\$750.00). On a third or subsequent conviction he
19 shall be guilty of a felony and fined not more than ten
20 thousand dollars (\$10,000.00), punished by imprisonment for
21 not more than two (2) years, or both. The cost of any
22 substance abuse assessment permitted by this subsection
23 shall be assessed to and paid by the offender.

24

1 ~~(b)~~ (c) Except as otherwise provided, any person who
2 violates this section is guilty of a crime and upon
3 conviction may be imprisoned for not more than five (5)
4 years, or fined not more than ten thousand dollars
5 (\$10,000.00), or both.

6

7 **Section 2.** This act is effective July 1, 2008.

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9 (END)