

S.F. No. 0003	Right to try.
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Sponsored By: Senator(s) Burns and Representative(s) Barlow,
Berger, Clem, Miller, Patton and Throne

AN ACT relating to public health and safety; authorizing provision of certain investigational drugs, biological products and devices by manufacturers; providing for availability and coverage of investigational drugs, biological products and prohibiting actions against licenses of physicians as specified; specifying that no private cause of action against manufacturers and other entities is created; providing definitions; exempting conflicting provisions; and providing for an effective date.

12/1/2014 Bill Number Assigned
1/13/2015 S Received for Introduction
1/15/2015 S Introduced and Referred to S10 - Labor
1/26/2015 Labor:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Craft, Driskill, Landen, Peterson, Scott
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/26/2015 S Placed on General File

SF0003SS001.01/ADOPTED

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 1-line 5 After "devices;" delete balance of line.
Page 1-line 6 Delete through "specified;".
Page 1-line 13 Delete "35-7-1806" insert "35-7-1805".
Page 3-line 12 Delete "(b)" insert "(ii)".
Page 3-line 13 After "has" insert ":".
Page 3-line 14 Before "successfully" insert "(A)"; delete
"one" insert "two".
Page 3-line 17 Delete "." insert "; or".
Page 3-after line 17 Insert:
"(B) Has been approved for general use in one (1) or
more member countries of the Organisation for Economic Co-operation and
Development."
Page 3-line 19 Delete "(c)" insert "(iii)".
Page 5-lines 5 through 16 Delete.
Page 5-line 18 Delete "35-7-1805" insert "35-7-1804".
Page 6-line 5 Delete "35-7-1806" insert "35-7-1805".SCOTT,
CHAIRMAN

SF0003SS001.02/FAILED

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 6-lines 5 through 13 Delete. SCOTT, CHAIRMAN

1/26/2015 S COW Passed
1/27/2015 S 2nd Reading:Passed
1/28/2015 S 3rd Reading:Passed 29-0-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard,
Bebout, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader,

Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Driskill

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

1/29/2015 H Received for Introduction

2/18/2015 H Introduced and Referred to H10 - Labor

2/27/2015 Labor:Recommend Amend and Do Pass 8-1-0-0-0

ROLL CALL

Ayes: Representative(s) Baldwin, Barlow, Dayton, Edmonds, Harvey, Kasperik, Larsen, Schwartz

Nays: Representative Wilson

Ayes 8 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2015 H Placed on General File

SF0003HS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 3 Delete "specifying" insert "providing for".
Page 1-line 4 Delete "costs" insert "coverage".
Page 1-line 5 After "devices;" insert "prohibiting actions
against licenses of physicians as specified;".
Page 1-line 11 Delete "35-7-1805" insert "35-7-1806".
Page 3-line 13 Delete ":".
Page 3-line 15 Delete "(A)"; delete "two" insert "one".
Page 3-line 18 Delete "or".
Page 3-lines 20 through 22 Delete entirely.
Page 4-line 7 Delete "**costs**".
Page 4-lines 16 through 20 Delete entirely.
Page 5-lines 1 through 3 Delete entirely.
Page 5-line 5 Delete "(c)" insert "(b)".
Page 5-line 9 Delete "(d)" insert "(c)".
Page 5-After line 10 Insert:

"35-7-1804. Action against physician license prohibited.

Notwithstanding any other provision of law, the Wyoming state board of medicine shall not revoke, fail to renew, suspend or take any other action against a physician's license issued pursuant to W.S. 33-26-101 et seq., based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product or device, as long as the recommendations are consistent with medical standards of care."

Page 5-line 12 Delete "**35-7-1804**" insert "**35-7-1805**".

Page 5-line 22 Delete "**35-7-1805**" insert "**35-7-1806**". HARVEY,
CHAIRMAN

3/2/2015 H COW Passed

SF0003H2001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 7 After "definitions;" insert "exempting
conflicting provisions;".

Page 6-After line 7 Insert:

"Section 2. W.S. 35-7-118 is amended to read:

35-7-118. New drugs.

(a) No person shall sell, offer for sale, hold for sale or give away any new drug unless an application with respect thereto has been

approved and the approval has not been withdrawn under section 505 of the federal act.

(b) This section does not apply to a drug intended solely for investigational use by physicians pursuant to W.S. 35-7-1802(a)(i)(C).".

Page 6-line 9 Delete "Section 2." insert "Section 3."
BARLOW

3/3/2015 H 2nd Reading:Passed

3/4/2015 H 3rd Reading:Passed 58-1-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhardt, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative Wilson

Excused: Representative Patton

Ayes 58 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

3/4/2015 S Received for Concurrence

3/4/2015 S Concur:Passed 28-1-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Von Flatern, Wasserburger

Nays: Senator Scott

Excused: Senator Craft

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

3/4/2015 Assigned Number SEA No. 0076

3/5/2015 S President Signed SEA No. 0076

3/5/2015 H Speaker Signed SEA No. 0076

3/9/2015 Governor Signed SEA No. 0076

3/9/2015 Assigned Chapter Number

Chapter No. 174 Session Laws of Wyoming 2015