

SENATE FILE NO. SF0048

Stem Cell Freedom Act.

Sponsored by: Senator(s) Barlow, Brennan and Hutchings and
Representative(s) Clouston and Haroldson

A BILL

for

1 AN ACT relating to public health and safety; authorizing
2 physicians to recommend and perform stem cell therapy on
3 patients as specified; allowing health care insurers to
4 cover stem cell therapy as specified; prohibiting the state
5 board of medicine from taking action against a physician's
6 license due to the use or promotion of stem cell therapy;
7 prohibiting the state of Wyoming from denying patients
8 access to stem cell therapy; providing that no cause of
9 action is created against a person properly performing stem
10 cell therapy; requiring compliance as specified; providing
11 definitions; and providing for an effective date.

12

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

14

1 **Section 1.** W.S. 35-4-1101 through 35-4-1106 are
2 created to read:

3

4

ARTICLE 11

5

STEM CELL FREEDOM ACT

6

7

35-4-1101. Short title.

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9 This act shall be known and may be cited as the "Stem Cell
10 Freedom Act."

11

12

35-4-1102. Definitions.

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(a) As used in this article:

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(i) "Current good manufacturing practices" means
the quality, safety and manufacturing practice standards
employed under this act that are consistent with applicable
federal law;

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(ii) "Institutional review board" means a group
duly constituted and currently registered in accordance
with applicable federal law that provides initial approval

1 and continuing oversight of the stem cell therapies being
2 offered under this act, including adverse event reporting
3 and the approval of a form to be used for informed consent
4 between a physician and patient or the patient's legal
5 representative prior to the use of stem cell therapy;

6

7 (iii) "Investigational drug, biological product
8 or device" means a drug, biological product or device that
9 has successfully completed phase one (1) of a clinical
10 trial but has not yet been approved for general use by the
11 United States food and drug administration and remains
12 under investigation in a clinical trial;

13

14 (iv) "Physician" means a person licensed to
15 practice medicine by the state board of medicine pursuant
16 to title 33, chapter 26 of the Wyoming statutes.
17 "Physician" shall not include a physician assistant as
18 defined by W.S. 33-26-501(a)(iii);

19

20 (v) "Stem cell therapy" means treatment
21 involving the use of autologous mesenchymal stem cells,
22 including but not limited to the collection, processing,
23 cultural expansion, manufacturing, storage and therapeutic

1 use of stem cells. "Stem cell therapy" shall not include,
2 whether directly or indirectly, the use of any biological
3 material derived from an abortion;

4

5 (vi) "This act" means W.S. 35-4-1101 through
6 35-4-1106.

7

8 **35-4-1103. Access to stem cell therapy; conditions;**
9 **insurance coverage.**

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11 (a) Notwithstanding W.S. 35-7-118 and any other law
12 to the contrary, a patient may receive, and a physician may
13 perform, stem cell therapy that has not been approved by
14 the United States food and drug administration if:

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16 (i) The therapy is conducted in accordance with
17 a current institutional review board approval or is an
18 investigational drug, biological product or device;

19

20 (ii) The stem cells are manufactured and handled
21 in accordance with current good manufacturing practice
22 standards;

23

1 (iii) A physician-patient relationship exists
2 between the physician administering the stem cell therapy
3 and the person receiving the therapy;

4

5 (iv) The physician is registered with the
6 Wyoming state board of medicine to provide stem cell
7 therapy pursuant to this act;

8

9 (vv) The patient or legally recognized
10 representative of the patient has provided written informed
11 consent acknowledging:

12

13 (A) The nature and character of the
14 proposed stem cell therapy;

15

16 (B) That stem cell therapy is not approved
17 by the United States food and drug administration;

18

19 (C) The potential benefits, risks and
20 complications associated with stem cell therapy and the
21 procedure to be performed; and

22

1 (D) The financial responsibility of the
2 patient or legally recognized representative of the patient
3 in paying for the stem cell therapy to be received.

4

5 (b) Stem cell therapy provided pursuant to this act
6 shall be administered by a physician or under the direct
7 supervision of a physician. Activities other than the
8 actual administration of the stem cells to the patient
9 shall be supervised by a physician.

10

11 (c) No person authorized under this act to perform
12 stem cell therapy or manufacture stem cells shall be
13 obligated by this act to provide stem cell therapy or stem
14 cells but may do so according to the person's own
15 discretion and judgment.

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17 (d) A health carrier as defined by W.S.
18 26-13-303(a)(iii) may but shall not be required to provide
19 coverage for costs associated with stem cell therapy.

20

21 (e) This act shall not prohibit the performing of any
22 stem cell therapy or activity otherwise allowed by law. A
23 person shall not perform, advertise or represent that the

1 person is providing stem cell therapy under this act if the
2 person does not comply with the provisions of this act.

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4 **35-4-1104. Action against physician license**
5 **prohibited.**

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7 Notwithstanding any other provision of law, the Wyoming
8 state board of medicine shall not revoke, fail to renew,
9 suspend or take any other action against a physician's
10 license based solely on the physician's recommendations to
11 a patient regarding access to or treatment with stem cell
12 therapy or the performance of stem cell therapy, provided
13 that the recommendations or procedures are consistent with
14 medical standards of care and that the physician is
15 registered with the Wyoming state board of medicine to
16 provide stem cell therapy under this act.

17

18 **35-4-1105. Access to stem cell therapy.**

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20 An official, employee or agent of this state or any
21 political subdivision of this state shall not prohibit or
22 attempt to prohibit a patient's access to stem cell
23 therapy. Counseling, advice or a recommendation consistent

1 with medical standards of care from a licensed health care
2 provider shall not constitute a violation of this section.

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4 **35-4-1106. No cause of action created.**

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6 This act shall not create a private cause of action against
7 any person involved in the care of any patient using stem
8 cell therapy or the manufacturing of stem cells if the
9 person is complying with the requirements of this act and
10 medical standards of care.

11

12 **Section 2.** W.S. 33-26-202(b) by creating a new
13 paragraph (xx) is amended to read:

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15 **33-26-202. Board; duties; general powers.**

16

17 (b) The board is empowered and directed to:

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19 (xx) Operate and publish a public registry of
20 qualified physicians registered to perform stem cell
21 therapy pursuant to the Stem Cell Freedom Act.

22

1 **Section 3.** This act is effective July 1, 2026.

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(END)