

(d) In any criminal prosecution for a violation of this section relating to operating or being in actual physical control of a watercraft while under the influence of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

(ii) If there was at that time an alcohol concentration of more than five one-hundredths of one percent (0.05%) and less than ~~ten one-hundredths of one percent (0.10%)~~ eight one-hundredths of one percent (0.08%) if the watercraft is a motorboat, that fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(e) Nothing in subsection (d) of this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol, ~~including tests obtained more than three (3) hours after the alleged violation.~~ The fact that any person charged with a violation of subsection (c) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under this section. It is an affirmative defense to a violation of paragraph (c)(iii) of this section that the defendant consumed a sufficient quantity of alcohol after the time of actual operation or physical control of a watercraft and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed ~~ten one-hundredths of one percent (0.10%)~~ eight one-hundredths of one percent (0.08%) if the watercraft is a motorboat, but evidence of the consumption may not be admitted unless notice is given to the prosecution pursuant to Rule 12.1 of the Wyoming Rules of Criminal Procedure.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 153

CONTROLLED SUBSTANCES EDUCATION AND ADMINISTRATION

Original Senate File No. 47

AN ACT relating to controlled substances; providing for specified boards regulating health care practitioners to require continuing education related to controlled substances; requiring electronic prescriptions for controlled substances; requiring practitioners to search the controlled substance prescription tracking program; exempting veterinarians from required use of the program; authorizing exceptions; requiring the state board of pharmacy to provide specified information from the prescription tracking program to providers and dispensers; and providing for an effective date.

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

Section 1. W.S. 33-9-107, 33-15-109(c), 33-21-129 by creating a new subsection (e), 33-23-114, 33-24-121(d)(intro), 33-26-202(b)(xiv), 33-30-211(e), 35-7-1030(a), (c) and by creating a new subsection (e) and 35-7-1060(b) and (c)(i) are amended to read:

33-9-107. Licensing matters.

A license issued under W.S. 33-9-101 through 33-9-114 shall be designated a “registered podiatrist’s license” and may not contain any abbreviations thereof nor any other designation or title except that a statement of limitation shall be contained in the license referring to the licensee as a “registered podiatrist - practice limited to the foot and ankle”, so as not to mislead the public with respect to their right to treat other portions of the body. A renewal license fee in an amount established by the board pursuant to W.S. 33-1-201 shall be due to the board annually on July 1 each year, and if not paid within three (3) months the license shall be revoked and may be reissued only upon an additional application and payment of a fee in an amount established by the board pursuant to W.S. 33-1-201. Application for renewal shall be accompanied by evidence satisfactory to the board of compliance with participation in continuing education activities as established by rules and regulations of the board. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years. The board may waive the continuing education requirement for the first renewal of a license. Licenses shall be conspicuously displayed by podiatrists at their offices or other places of practice.

33-15-109. Renewal license certificate.

(c) The board may set continuing education requirements for renewal certificates and relicensure certificates. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years.

33-21-129. Renewal of licenses or certificates.

(e) For licensees who have prescriptive authority the board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances or treatment of substance abuse disorders every two (2) years.

33-23-114. Continuing education courses required.

All optometrists shall take courses of study in subjects relating to the practice of the profession of optometry for the utilization and application of new techniques, scientific and clinical advances, and achievements of research which will assure expansive and comprehensive care to the public. The board shall prescribe the length of study. Attendance shall be at a course or courses approved by the board. Attendance at any course or courses of study is to be certified to the board upon a form provided by the board and submitted by each optometrist to

the board. The board may use up to one-half (1/2) of its annual renewal fees for the purposes of contracting with institutions of higher learning, professional organizations, or qualified individuals to provide educational programs that meet this requirement. The board may also treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the programs of continuing education. In no instance may the board require a greater number of hours of study than are available at approved courses held within this state. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years. The board may waive the requirements of this section in cases of certified illness or undue hardship.

33-24-121. Renewal license certificate; late fee; expiration upon failure to renew; reinstatement; continuing professional education requirement for renewal; reduction or exception determined by board.

(d) The board may require that any person applying for renewal in accordance with subsection (a) of this section shall satisfactorily complete not less than six (6) nor more than fifteen (15) contact hours or not less than three-fifths (3/5) of one (1) continuing education unit nor more than one and one-half (1 1/2) continuing education units of approved continuing pharmaceutical education courses each year. For purposes of this subsection, one (1) continuing education unit is equivalent to ten (10) contact hours. No hours or units used for one (1) year shall apply to any other year. The board shall promulgate rules and regulations necessary to administer this subsection and may reduce or make exception to the requirements of this subsection for the initial year of application and for emergency or hardship cases. The board shall require one and one-half (1 1/2) hours of continuing education related to the responsible prescribing of controlled substances annually. The board may require a person licensed as an inactive pharmacist, who seeks to be licensed as an active pharmacist, to:

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

(b) The board is empowered and directed to:

(xiv) Adopt, amend, repeal, enforce and promulgate reasonable rules and regulations necessary to implement and administer continuing medical education requirements of its licensees. The board shall require licensees who are registered with the board of pharmacy to dispense a controlled substance in this state to complete one (1) hour of continuing education related to the responsible prescribing of controlled substances or the treatment of substance abuse disorders every two (2) years.

33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses; continuing education.

(e) The renewal under subsection (a) of this section shall be accompanied

by evidence satisfactory to the board of compliance with this chapter and completion of continuing education activities as established by rules and regulations of the board. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years.

35-7-1030. Prescriptions required in certain instances.

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written or electronic prescription of a practitioner. This subsection is repealed effective January 1, 2021.

(c) Except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under state or federal statute, shall not be dispensed without a written, oral or electronic prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner. This subsection is repealed effective January 1, 2021.

(e) On and after January 1, 2021, except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, no controlled substance included in any schedule shall be dispensed without the electronic prescription of a practitioner. The prescription for a controlled substance included in Schedule III or IV shall not be filled or refilled more than six (6) months after the date of the prescription or be refilled more than five (5) times unless renewed by the practitioner. The board may by rule and regulation provide exemptions from the requirements of this subsection including exemptions for emergencies and technical failures.

35-7-1060. Controlled substance prescription tracking program.

(b) Except as otherwise provided in this subsection, when a practitioner, other than a veterinarian, prescribes a schedule II, III, IV or V controlled substance, the practitioner or his delegate shall search the prescription tracking program for prior prescriptions issued to the patient before first issuing the prescription and shall repeat the search every three (3) months thereafter for as long as the controlled substance remains a part of the patient's treatment. A practitioner who prescribes a schedule V controlled substance shall only be required to search the program as otherwise provided in this subsection if the substance is an opioid. A dispenser, other than a veterinarian, shall electronically file with the board information regarding any prescription for a schedule II, III, IV or V controlled substance dispensed by the dispenser no later than the close of business on the business day immediately following the day the controlled substance was dispensed. The board may grant a reasonable time extension to a dispenser or practitioner who is unable to electronically file

or search information as required under this subsection. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed. The board may, by rule and regulation, ~~exempt provide exemptions~~ from the requirements of this subsection including exemptions for prescriptions dispensed in certain inpatient health care settings; and exemptions for emergencies and other situations as determined by the board in consultation with other professional licensing boards that license practitioners who are affected by the requirements of this subsection.

(c) The tracking program shall not be used to infringe on the legal use of a controlled substance. Information obtained through the controlled substance prescription tracking program is confidential and may not be released and is not admissible in any judicial or administrative proceeding, except as follows:

(i) The board may release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information may be of assistance in preventing or avoiding inappropriate use of controlled substances. The board shall release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information is necessary to comply with the requirements of subsection (b) of this section;

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 154

WYOMING COWBOY AND COWGIRL LEGACY WEEK

Original House Bill No. 130

AN ACT relating to holidays; making legislative findings; designating the third week of September as Wyoming Cowboy and Cowgirl Legacy Week; and providing for an effective date.

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

Section 1.

(a) The legislature finds the following:

(i) Pioneering men and women, today honored with the title “cowboy” and “cowgirl”, were integral to the founding and development of Wyoming;

(ii) Cowboys and cowgirls transcend ethnicity, gender, geographic boundaries and political affiliations;

(iii) The cowboy and cowgirl today exemplify the Code of the West, which accentuates the values of courage, pride, persistence, hard work, toughness, fairness, fidelity, loyalty, honesty, directness, integrity and a principles-based