

"AN ACT TO PERMIT EMPLOYEE FREEDOM OF CHOICE FOR PHARMACY SERVICES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. After the effective date of this Act, it shall be unlawful for any employer providing pharmacy services including prescription drugs to employees as a part of a health care program to require the employee to obtain drugs from an out-of-state mail order pharmacy as a condition of obtaining the employer's payment for such prescription drugs, or to impose upon an employee not utilizing an out-of-state mail order pharmacy designated by the employer a co-payment fee or other condition not imposed upon employees utilizing the designated out-of-state mail order pharmacy.

SECTION 2. This Act shall not apply to any employer: (1) who offers, as a part of a health care program, health insurance coverage to employees which provides for payment of an equal portion of the cost to the employee for prescription drugs regardless of the supplier, provided that the health insurance plan allows the employee freedom of choice in determining where the drugs are purchased; or (2) who had in force effective January 1, 1987 a mail order prescription drug plan for employees.

SECTION 3. The provisions of this Act shall not be applicable to health care programs in existence on the effective date of this Act.

SECTION 4. Any person or entity violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and each violation shall constitute a separate offense.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. It has been found and it is hereby declared by the General Assembly of the State of Arkansas that citizens of Arkansas are being denied or restricted in their ability to obtain immediate and locally available pharmacy services and that this Act is immediately necessary for the protection and preservation of the health, safety and welfare of the people. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 3/31/87 - Without Governor's Signature
