

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# **A Bill**

**HOUSE BILL 1195**

4 **By: Representative McKissack**

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## **For An Act To Be Entitled**

8 "AN ACT PROHIBITING MISUSE OF PRESCRIPTION MEDICATION  
9 INTENDED FOR THERAPEUTIC USE; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. For purposes of this act, "prescription" means a written or  
14 oral order to a pharmacist from a physician, dentist, or other qualified  
15 health practitioner for a therapeutic or corrective agent with directions for  
16 use.

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18 SECTION 2. For the purpose of this act, a scheduled drug is defined as  
19 a drug, substance, or immediate precursor that has been assigned to any one of  
20 the schedules I, II, III, IV, V, or VI pursuant to the Uniform Controlled  
21 Substances Act.

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23 SECTION 3. It shall be unlawful for any person, firm or corporation:

24 (a) To increase the quantity of a scheduled drug in any prescription,  
25 or to knowingly present a prescription bearing altered information or to  
26 possess any drug secured by an altered prescription.

27 (b) To sell, offer for sale, barter or give away any unused quantity of  
28 scheduled drugs obtained by prescription.

29 (c) To sell, offer for sale, barter or give away any drugs damaged by  
30 fire or water without first obtaining the written approval of the Board of  
31 Pharmacy and the State Department of Health.

32 (d) To transport into the state or within the state by mail, parcel  
33 post, or any commercial common carrier any federal legend drug that has been  
34 dispensed lawfully on a physician's prescription order without obtaining a  
35 signed return receipt by the addressee or an agent of the addressee.

1 (e) To sell, offer for sale, barter or buy any professional samples.

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3 SECTION 4. Any person violating the provisions of this act, upon  
4 conviction, shall be guilty of a class B misdemeanor. Each violation shall  
5 constitute a separate offense.

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7 SECTION 5. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 6. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 7. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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20 SECTION 8. It is hereby found and determined by the General Assembly  
21 that there is an immediate necessity to enact a law to prohibit the misuse of  
22 prescription drugs; that this act prohibits the same; and that this act should  
23 provide a deterrent to such unlawful activities. Therefore an emergency is  
24 hereby declared to exist and this act being necessary for the preservation of  
25 the public peace, health and safety shall be in full force and effect from and  
26 after its passage and approval.

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28 /s/J. D. McKissack

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