

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Ross**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-91-504 TO REMOVE THE
9 REQUIREMENT THAT THE BOARD OF PHARMACY PROVIDE ALL
10 PHYSICIANS IN THE STATE A LIST OF THE NONEQUIVALENT DRUG
11 PRODUCTS AND ALL CHANGES TO THE LIST; AND FOR OTHER
12 PURPOSES."

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

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16 SECTION 1. Arkansas Code § 17-91-504 is hereby amended to read as
17 follows:

18 "17-91-504. Nonequivalent drug product list.

19 (a) (1) The Board of Pharmacy shall be responsible for determining and
20 designating drug products which in its best judgment are not equivalent in
21 quality and effectiveness and which, because of nonequivalency, would pose a
22 substantial threat to the health, safety, and welfare of the people of
23 Arkansas if such drug products were subject to dispensing under the provisions
24 of 17-91-503.

25 (2) The Board of Pharmacy shall promulgate a nonequivalent drug
26 product list of those drug products which it has determined are not equivalent
27 in quality and effectiveness.

28 (3) The Board of Pharmacy shall provide a copy of the
29 nonequivalent drug product list and changes to each pharmacist licensed with
30 the Board of Pharmacy and to the Arkansas Medical Board.

31 (b) (1) From time to time the Board of Pharmacy shall make such
32 additions to or deletions from the nonequivalent drug product list as it deems
33 appropriate and in the best interest and for the health, safety, and welfare
34 of the people of this state.

35 (2) Notification of additions or deletions promptly shall be made

1 to each pharmacist licensed with the Board of Pharmacy and to the Arkansas
2 Medical Board.

3 (c) No pharmacist may dispense a generically equivalent drug product as
4 provided in 17-91-503 if the drug product appears on the current nonequivalent
5 drug product list as promulgated by the Board of Pharmacy in accordance with
6 subsection (d) of this section.

7 (d)(1) In determining and designating drug products which are not
8 equivalent in quality and effectiveness, including the promulgation of the
9 nonequivalent drug product list and additions and deletions thereto, the Board
10 of Pharmacy shall comply with the provisions of the Administrative Procedure
11 Act, as amended, 25-15-201 et seq.

12 (2) However, any opponent to the inclusion within, addition to,
13 or deletion from the nonequivalent drug product list of any drug product shall
14 have the burden of proof to show cause why the inclusion, addition, or
15 deletion should not be made."

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17 SECTION 2. All provisions of this act of general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 3. If any provisions of this act or the application thereof to
22 any person or circumstance is held invalid, the invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provisions or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 4. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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