

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 339

TO AMEND THE PRESCRIPTION DRUG MONITORING PROGRAM TO MANDATE PRESCRIBERS
CHECK THE PRESCRIPTION DRUG MONITORING PROGRAM WHEN PRESCRIBING CERTAIN
MEDICATIONS.

Amendment No. 4 to Senate Bill No. 339

Amend Senate Bill No. 339 as engrossed, S3/13/17 (version: 03/13/2017 2:16:36 PM):

Page 2, delete line 22, and substitute the following:
"failure.

(D) The State Board of Health may amend, by rule, the exemptions listed in subdivision (d)(2)(C) of this section upon a recommendation from the Director of the Department of Health and a showing that the exemption or lack of exemption is unnecessarily burdensome or has created a hardship."

AND

Immediately following SECTION 3, add an additional section to read as follows:

"SECTION 4. Arkansas Code § 20-7-605(c), concerning the membership of the Prescription Drug Monitoring Program Advisory Committee, is amended to read as follows:

(c) The committee shall consist of:

(1) One (1) representative designated by each of the following organizations:

- (A) The Arkansas Academy of Physician Assistants;
- (B) The Arkansas Association of Chiefs of Police;
- (C) The Arkansas Drug Director;
- (D) The Arkansas Medical Society;
- (E) The Arkansas Nurses Association;
- (F) The Arkansas Optometric Association;
- (G) The Arkansas Osteopathic Medical Association;
- (H) The Arkansas Pharmacists Association;
- (I) The Arkansas Podiatric Medical Association;
- (J) The Arkansas Prosecuting Attorneys Association;
- (K) The Arkansas Sheriffs' Association;
- (L) The Arkansas State Dental Association;
- (M) The Arkansas Veterinary Medical Association;



- (N) The State Board of Health; and
- (O) The Arkansas Public Defender Commission;
- (2) One (1) mental health provider or certified drug and alcohol counselor; ~~and~~
- (3) One (1) consumer appointed by the Governor;
- (4) The chair of the Arkansas State Medical Board or his or her designee who is also a member of the Arkansas State Medical Board; and
- (5) The chair of the Arkansas State Board of Dental Examiners or his or her designee who is also a member of the Arkansas State Board of Dental Examiners.

SECTION 5. Arkansas Code § 17-95-303, concerning the powers and duties of the Arkansas State Medical Board, is amended to add an additional subdivision to read as follows:

(11) Promulgate rules limiting the amount of Schedule II narcotics that may be dispensed by licensees of the board.

SECTION 6. Arkansas Code § 10-3-309(c), concerning the review and approval of proposed state agency rules by the Legislative Council, is amended to read as follows:

(c)(1) A state agency shall file a proposed rule with the Legislative Council at least thirty (30) days before the expiration of the period for public comment on the rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other laws or policies pertaining to the rulemaking authority of that state agency.

(2) The Legislative Council shall assign proposed rules to the Administrative Rules and Regulations Subcommittee of the Legislative Council.

(3)(A)(i) The proposed rule shall be reviewed by the Administrative Rules and Regulations Subcommittee of the Legislative Council.

(ii) When reviewing a rule under subdivision (c)(3)(A)(i) of this section, the Administrative Rules and Regulations Subcommittee of the Legislative Council shall allow members of the public a reasonable opportunity to comment on the proposed rule.

(B)(i)(a) Except as set forth in subdivision (c)(3)(B)(ii) of this subsection, Upon upon conclusion of the review of the proposed rule by the Administrative Rules and Regulations Subcommittee of the Legislative Council, the proposed rule shall be considered approved unless a majority of a quorum present request that the Administrative Rules and Regulations Subcommittee of the Legislative Council vote on the issue of approving the proposed rule.

~~(ii)(b)~~ If the Administrative Rules and Regulations Subcommittee of the Legislative Council votes on the issue of approving the proposed rule, the proposed rule shall be approved unless a majority of a quorum present vote for the proposed rule to not be approved.

(ii) A proposed rule submitted by the State Board of Health under Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the requirements of the Prescription Drug Monitoring Program, shall be considered reviewed and approved by the subcommittee upon an affirmative vote of three-fourths (3/4) of the members present when a quorum is present.

(4)(A)(i) Except as set forth in subdivision (c)(4)(B) of this subsection, A a proposed rule approved by the Administrative Rules and Regulations Subcommittee of the Legislative Council shall be considered

approved by the Legislative Council unless a majority of a quorum present request that the Legislative Council vote on the issue of approving the proposed rule.

~~(B)(ii)~~ If the Legislative Council votes on the issue of approving the proposed rule, the proposed rule shall be approved unless a majority of a quorum present vote for the proposed rule to not be approved.

(B) A proposed rule submitted by the State Board of Health under Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the requirements of the Prescription Drug Monitoring Program, shall be considered reviewed and approved by the Legislative Council upon an affirmative vote of three-fourths (3/4) of the members present when a quorum is present.

SECTION 7. Arkansas Code § 10-3-309(f), concerning a vote not to approve a state agency rule, is amended to read as follows:

(f)(1) A committee or subcommittee under this section may vote to not approve a rule under this section only if the rule is inconsistent with:

- (A) State or federal law; or
- (B) Legislative intent.

(2) A committee or subcommittee under this section voting not to approve a rule under this section shall state the grounds under subdivision (f)(1) of this section when not approving a rule.

(3) A committee or subcommittee under this section considering a rule submitted in accordance with Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the Prescription Drug Monitoring Program, is not required to state the grounds required under subdivision (f)(1) when not approving a rule."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Hutchinson

JMB/JMB - 03-14-2017 13:25:06

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Secretary