

INTERIM STUDY PROPOSAL 2019-178

State of Arkansas  
92nd General Assembly  
Second Extraordinary Session, 2020

**A Bill**

JMB/JMB  
HOUSE BILL

By: Representative Boyd

Filed with: House Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AMEND THE DEFINITION OF "PRACTICE OF  
PHARMACY" TO ALLOW PHARMACISTS TO PRESCRIBE,  
ADMINISTER, DELIVER, DISTRIBUTE, OR DISPENSE ANTI-  
ALLERGY MEDICATIONS, VACCINES, OR IMMUNIZATIONS TO A  
PERSON WHO IS THREE (3) YEARS OF AGE OR OLDER; AND  
FOR OTHER PURPOSES.

**Subtitle**

TO ALLOW PHARMACISTS TO PRESCRIBE,  
ADMINISTER, DELIVER, DISTRIBUTE, OR  
DISPENSE ANTI-ALLERGY MEDICATIONS,  
VACCINES, OR IMMUNIZATIONS TO A PERSON  
WHO IS THREE (3) YEARS OF AGE OR OLDER.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The federal Public Readiness and Emergency Preparedness Act, Pub. L. No. 109-148, also known as the "PREP Act", and amendments to the act made by the United States Department of Health and Human Services have created confusion as to the scope of practice of pharmacists;

(2) Under federal law, a licensed pharmacist may prescribe, administer, deliver, distribute, or dispense to or for a person three (3) years of age or older an anti-allergy medications that treat adverse

1 reactions associated with the administration of vaccines and immunizations,  
2 vaccines, and immunizations that has been authorized or licensed by the  
3 United States Food and Drug Administration;

4 (3) Pharmacists licensed in this state are not presently  
5 authorized to administer vaccines or immunizations to a person under seven  
6 (7) years of age;

7 (4) Confusion exists among the citizens of this state regarding  
8 the age at which a pharmacist may administer a vaccine or immunization to a  
9 child in this state; and

10 (5) It is in the best interest of the citizens of this state to  
11 ensure that the scope of practice of pharmacists is not more restrictive than  
12 the scope of practice of pharmacists permitted under federal law.

13 (b) It is the intent of the General Assembly to authorize pharmacists  
14 licensed in this state to prescribe, administer, deliver, distribute, or  
15 dispense anti-allergy medications that treat adverse reactions associated  
16 with the administration of vaccines and immunizations, vaccines, and  
17 immunizations to or for a person three (3) years of age or older.

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19 SECTION 2. Arkansas Code § 17-92-101(17)(A)(i), concerning the  
20 definition of "practice of pharmacy", is amended to read as follows:

21 (i)(a) Dispensing, selling, distributing,  
22 transferring possession of, vending, bartering, or, in accordance with rules  
23 adopted by the Arkansas State Board of Pharmacy, administering drugs,  
24 medicines, poisons, or chemicals that under the laws of the United States or  
25 the State of Arkansas may be sold or dispensed only on the prescription and  
26 order of a practitioner authorized by law to prescribe drugs, medicines,  
27 poisons, or chemicals.

28 (b) Except as limited by rules adopted by the  
29 Arkansas State Board of Pharmacy, a pharmacist has the ability to administer  
30 medications.

31 ~~(c) Influenza vaccines and influenza~~  
32 ~~immunizations may be administered to a person seven (7) years of age or older~~  
33 ~~under a general written protocol.~~

34 ~~(d) Vaccines and immunizations other than~~  
35 ~~influenza vaccines and influenza immunizations may be administered to a~~  
36 ~~person from seven (7) years of age to eighteen (18) years of age under a~~

1 ~~general written protocol and subject to reporting required under § 20-15-1203~~  
2 ~~if written consent of the parent or legal guardian of the minor is obtained~~  
3 ~~before the administration of the vaccine or immunization.~~

4 ~~(e) Vaccines and immunizations other than~~  
5 ~~influenza vaccines and influenza immunizations may be administered to a~~  
6 ~~person eighteen (18) years of age or older under a general written protocol.~~

7 ~~(f) Medications other than vaccines and~~  
8 ~~immunizations may be administered to a person seven (7) years of age or older~~  
9 ~~under a patient-specific order or prescription and subject to reporting of~~  
10 ~~the administration to the prescribing physician.~~

11 (c) A pharmacist may prescribe, administer,  
12 deliver, distribute, or dispense anti-allergy medications that treat adverse  
13 reactions associated with the administration of vaccines and immunizations,  
14 vaccines, and immunizations to or for a person three (3) years of age or  
15 older.

16 (d)(1) A pharmacist may administer medications  
17 other than anti-allergy medications that treat adverse reactions associated  
18 with the administration of vaccines and immunizations, vaccines, and  
19 immunizations under a patient-specific order or prescription or general  
20 written protocol.

21 (2) The administration of the medication  
22 under subdivision (17)(A)(i)(d)(1) of this section is subject to reporting to  
23 the prescribing physician, if applicable.

24 ~~(g)(e)~~ A general written protocol under  
25 subdivisions ~~(17)(A)(i)(e)~~ and ~~(e)~~ of this section and patient-specific  
26 orders or prescriptions under subdivisions ~~(17)(A)(i)(d)~~ and ~~(f)~~ subdivision  
27 (17)(A)(i)(d) of this section shall be from a physician licensed by the  
28 Arkansas State Medical Board and practicing in Arkansas or within fifty (50)  
29 miles of the Arkansas border.

30 ~~(h)(f)~~ Under a statewide protocol, a  
31 pharmacist may initiate therapy and administer or dispense, or both, drugs  
32 that include Naloxone and nicotine replacement therapy products;

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1 Referred by Representative Boyd

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6 Prepared by: JMB/JMB

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