

**Stricken language would be deleted from and underlined language would be added to the law as it existed  
prior to this session of the General Assembly.  
Act 388 of the Regular Session**

1 State of Arkansas  
2 8th General Assembly  
3 Regular Session, 2005  
4

# A Bill

SENATE BILL 234

5 By: Senator Malone  
6  
7

## For An Act To Be Entitled

9 AN ACT TO RESTRUCTURE THE FEE FOR INTERN  
10 PHARMACIST LICENSURE; TO CLARIFY THE SCOPE OF  
11 ENFORCEMENT OF THE ARKANSAS STATE BOARD OF  
12 PHARMACY; TO CLARIFY LICENSE EXPIRATION DATES FOR  
13 VARIOUS PHARMACIST, PHARMACY, AND INTERN LICENSES  
14 AND PERMITS; AND FOR OTHER PURPOSES.  
15

## Subtitle

16 AN ACT TO RESTRUCTURE FEES FOR INTERN  
17 PHARMACISTS AND TO CLARIFY EXPIRATION  
18 DATES FOR VARIOUS PHARMACIST LICENSES.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 17-92-108(a), concerning fees assessed by  
25 the Arkansas State Board of Pharmacy, is amended to read as follows:

26 (a) The fees charged by the Arkansas State Board of Pharmacy for the  
27 various examinations, permits, licenses, certificates, credentials, and books  
28 issued by the board shall be as follows:

29 (1) The fee for examination for a license as a licensed  
30 pharmacist upon examination shall not exceed twenty-five dollars (\$25.00)  
31 plus the actual cost of the examination;

32 (2) The fee for a license as a licensed pharmacist from another  
33 state by reciprocity and without examination shall not exceed two hundred  
34 dollars (\$200);

35 (3)(A) The fee for the initial license as a licensed pharmacist



1 shall not exceed seventy-five dollars (\$75.00).

2 (B) The fee for the renewal of a license as a licensed  
3 pharmacist shall not exceed seventy-five dollars (\$75.00) per year;

4 (4)(A)(i) The fee for issuance of a pharmacy permit for the  
5 first time to operate an in-state pharmacy shall not exceed three hundred  
6 dollars (\$300).

7 (ii) The fee for renewal of a permit to operate an  
8 in-state pharmacy shall not exceed one hundred fifty dollars (\$150) per year.

9 (iii) When there is a change in ownership in an in-  
10 state pharmacy, a new permit must be obtained and the fee shall not exceed  
11 one hundred fifty dollars (\$150).

12 (B)(i) The fee for issuance of a permit for the first time  
13 to operate a specialty pharmacy shall not exceed three hundred dollars  
14 (\$300).

15 (ii) The fee for renewal of a permit to operate a  
16 specialty pharmacy shall not exceed one hundred fifty dollars (\$150) per  
17 year.

18 (iii) When there is a change in ownership in a  
19 specialty pharmacy, a new permit must be obtained and the fee shall not  
20 exceed one hundred fifty dollars (\$150);

21 (C)(i) The fee for issuance of a permit for the first time  
22 to operate an out-of-state pharmacy shall not exceed three hundred dollars  
23 (\$300).

24 (ii) The fee for renewal of a permit to operate an  
25 out-of-state pharmacy shall not exceed one hundred fifty dollars (\$150) per  
26 year.

27 (iii) When there is a change in ownership in an out-  
28 of-state pharmacy, a new permit must be obtained and the fee shall not exceed  
29 one hundred fifty dollars (\$150);

30 (5) The fee for a certificate as a licensed pharmacist shall not  
31 exceed ten dollars (\$10.00);

32 (6) The fee for certifying grades in connection with an  
33 application for reciprocity licensure without an examination shall not exceed  
34 ten dollars (\$10.00);

35 (7)(A) The fee for issuance of a hospital pharmaceutical service  
36 permit shall not exceed three hundred dollars (\$300), and the fee for the

1 renewal of a hospital pharmaceutical service permit shall not exceed one  
2 hundred fifty dollars (\$150) per year.

3 (B) When there is a change in ownership of a hospital  
4 pharmacy, a new permit must be obtained and the fee shall not exceed one  
5 hundred fifty dollars (\$150)+.

6 (C)(i) The fee for issuance of an ambulatory care center  
7 pharmaceutical service permit shall not exceed three hundred dollars (\$300),  
8 and the fee for the renewal of an ambulatory care center pharmaceutical  
9 service permit shall not exceed one hundred fifty dollars (\$150) per year.

10 (ii) When there is a change in ownership of an  
11 ambulatory care center pharmacy, a new permit must be obtained, and the fee  
12 shall not exceed one hundred fifty dollars (\$150);

13 (8)(A) The fee for issuance of an institutional pharmaceutical  
14 services permit shall not exceed thirty-five dollars (\$35.00).

15 (B) The fee for the annual renewal of an institutional  
16 pharmaceutical services permit shall not exceed thirty-five dollars (\$35.00);

17 (9)(A) The fee for issuance of and the reinstatement of a  
18 nursing home consultant pharmacist permit shall not exceed thirty-five  
19 dollars (\$35.00).

20 (B) The fee for the renewal of a nursing home consultant  
21 pharmacist permit shall not exceed thirty-five dollars (\$35.00) per year;

22 (10)(A) The fee for intern registration shall not exceed ~~fifteen~~  
23 ~~dollars (\$15.00) per year~~ forty-five dollars (\$45.00), and the fee for  
24 preceptor registration shall not exceed twenty dollars (\$20.00) every two (2)  
25 years.

26 (B)(i) An intern license that expires on May 31, 2005, may  
27 be renewed and shall be treated as a new intern license as provided for in  
28 § 17-92-310 (a)(1)(c).

29 (ii) However, the fee for the renewed license shall  
30 be prorated so that the total fees paid by the intern for intern licensure  
31 shall not exceed forty-five dollars (\$45.00);

32 (11) The fee for a change of pharmacist in charge of a pharmacy  
33 or other facility as described at § 17-92-403 shall not exceed thirty-five  
34 dollars (\$35.00);

35 (12) The fee for reinstatement of a pharmacist licensure shall  
36 not exceed seventy-five dollars (\$75.00) for each delinquent year up to a

1 maximum of three hundred dollars (\$300);

2 (13) The fee for the Arkansas State Board of Pharmacy law book  
 3 shall not exceed twenty-five dollars (\$25.00) except to interns on initial  
 4 licensure and applicants for reciprocity on a one-time basis. A copy of each  
 5 edition as revised shall be provided free to each pharmacy permit holder;

6 (14) The fee for a change of location inspection shall not  
 7 exceed one hundred dollars (\$100);

8 (15) The penalty for late payment of renewal of any permit,  
 9 license, registration, or certificate shall not exceed twenty dollars  
 10 (\$20.00) per month beginning the first day of the second month after  
 11 expiration, provided that if the renewal is not paid by the first day of the  
 12 fourth month after expiration, the license shall be null and void;

13 (16)(A) The fee for issuance of a wholesale distributor of  
 14 legend drugs and controlled substances permit shall not exceed three hundred  
 15 dollars (\$300), and the renewal fee shall not exceed one hundred fifty  
 16 dollars (\$150) per year.

17 (B) When there is a change in ownership of a wholesale  
 18 distributor of legend drugs and controlled substances, a new permit must be  
 19 obtained and the fee shall not exceed one hundred fifty dollars (\$150);

20 (17)(A) The fee for the original issuance of a pharmacy  
 21 technician's permit shall not exceed thirty-five dollars ~~(\$35)~~ (\$35.00).

22 (B) The fee for the renewal of a pharmacy technician's  
 23 permit shall not exceed thirty-five dollars ~~(\$35)~~ (\$35.00) per year;

24 (18) The reinstatement fee for a pharmacy technician's permit  
 25 shall not exceed forty dollars ~~(\$40)~~ (\$40.00); and

26 (19)(A) The application fee for a license to sell, rent, offer  
 27 to sell, or rent directly to patients in this state any home medical  
 28 equipment, legend drugs, or medical gases shall not exceed two hundred fifty  
 29 dollars (\$250).

30 (B) The license renewal fee shall not exceed one hundred  
 31 twenty-five dollars (\$125).

32 (C) The change-of-ownership fee shall not exceed one  
 33 hundred twenty-five dollars (\$125).

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35 SECTION 2. Arkansas Code § 17-92-205(c)(1), concerning enforcement of  
 36 rules and regulations of the Arkansas State Board of Pharmacy, is amended to

1 read as follows:

2 (c)(1) The board's inspectors or other designated agents, upon written  
 3 authorization by the board, to conduct oversight activities authorized by  
 4 law, including, but not limited to, audits, investigations, inspections,  
 5 licensure, or disciplinary actions, civil, administrative, or criminal  
 6 proceedings or actions, or other activities necessary for appropriate  
 7 oversight of the regulated activities may enter any store, business  
 8 establishment, including any hospital pharmacy, or any other facility holding  
 9 a license, permit, or other authority issued by the board where drugs,  
 10 medicines, chemicals, pharmaceuticals, poisons, home medical equipment, or  
 11 services or other objects, services, or activities regulated by the board are  
 12 manufactured, sold, dispensed, or conducted to enforce ~~this subchapter~~ this  
 13 chapter, the Uniform Controlled Substances Act, § 5-64-101 et seq., §§ 5-64-  
 14 1001 -- 5-64-1006, §§ 5-64-1101 -- 5-64-1103,  
 15 ~~or the Food, Drug, and Cosmetic Act, § 20-56-201 et seq., or §§ 20-64-501--~~  
 16 20-64-513.

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18 SECTION 3. Arkansas Code § 17-92-310(a)(1), concerning failure to  
 19 renew licenses issued by the Arkansas State Board of Pharmacy; is amended to  
 20 read as follows:

21 (a)(1)(A) ~~All licenses, permits, registrations, and certificates~~  
 22 ~~issued by the Arkansas State Board of Pharmacy shall expire on the December~~  
 23 ~~31 following the date of their issuance, except that intern registrations~~  
 24 ~~shall expire on the thirty first day of May next following the issuance~~  
 25 ~~thereof and preceptor registrations shall expire on the thirty first day of~~  
 26 ~~May of the second calendar year after issuance thereof~~ All retail pharmacy  
 27 permits, out-of-state pharmacy permits, specialty pharmacy permits, and  
 28 pharmacist licenses shall expire on December 31 of the first odd-numbered  
 29 year following the date of their issuance.

30 (B) All preceptor permits shall expire on May 31 of the  
 31 second calendar year following the date of their issuance.

32 (C)(i)(a) Intern licenses issued to foreign graduates  
 33 shall expire on December 31 of the second calendar year following the date of  
 34 issuance.

35 (b) However, intern licenses issued to foreign  
 36 graduates shall expire when the intern is issued a pharmacist license.

1                   (ii)(a) Intern licenses issued to student interns  
2 shall remain valid as long as the intern maintains active student status in a  
3 college of pharmacy approved by the Arkansas State Board of Pharmacy and for  
4 six (6) months following graduation.

5                   (b) An intern license issued to a student  
6 intern shall expire six (6) months following graduation.

7                   (c) An intern license issued to a student  
8 intern may be reinstated if the intern resumes active student status in a  
9 board-approved college of pharmacy and applies for reinstatement.

10                   (d) An intern license issued to a student  
11 intern shall expire when the intern is issued a pharmacist license.

12                   (D) All pharmacy technician permits, hospital pharmacy  
13 permits, ambulatory care center pharmaceutical services permits, wholesale  
14 distributors of legend or controlled substance permits, wholesale  
15 distributors of medical equipment, legend devices, and medical gases permits,  
16 institutional pharmaceutical services permits, List I chemical permits,  
17 nursing home consultant pharmacist permits, and any other issued by the board  
18 and not covered in subdivisions (a)(1)(A)-(C) of this section shall expire on  
19 December 31 of the first even-numbered year following the date of the  
20 issuance of the permit, license, registration, or certificate.

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23                   APPROVED: 2/24/2005  
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