

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/13/13
A Bill

SENATE BILL 965

5 By: Senator J. Dismang
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND UNCODIFIED SECTION 1 OF ACT 274 OF
9 2013 TO EXCLUDE CERTAIN DRUGS FROM THE DEFINITION OF
10 THERAPEUTIC CLASS; AND FOR OTHER PURPOSES.
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13 **Subtitle**

14 TO AMEND UNCODIFIED SECTION 1 OF ACT 274
15 OF 2013 TO EXCLUDE CERTAIN DRUGS FROM THE
16 DEFINITION OF THERAPEUTIC CLASS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Uncodified Section 1 of Act 274 of 2013 is amended to read
22 as follows:

23 SECTION 1. Arkansas Code § 17-92-101(17), concerning the definition of
24 prescription for the pharmacy act, is amended to read as follows:

25 (17)(A) "Prescription" means an order for medicine or medicines
26 usually written as a formula by a physician, optometrist, dentist,
27 veterinarian, or other licensed medicinal practitioner. It contains the
28 names and quantities of the desired substance, with instructions to the
29 pharmacist for its preparation and to the patient for the use of the medicine
30 at a particular time and may authorize the pharmacist to substitute a
31 therapeutically equivalent drug that is at a lower cost to the patient and
32 communicate that authorization by any generally accepted means of
33 communication of a prescription from a prescriber to a pharmacist.

34 (B) A substitution of a therapeutically equivalent drug
35 shall occur only after the prescriber grants such authorization for each
36 prescription.



1 ~~(B)(i)~~(C)(i) Before dispensing, the pharmacist shall
2 discuss verbally any suggested substitution with the patient and inform the
3 patient that the patient has a right to refuse the substitution.

4 (ii) The discussion under subdivision ~~(17)(B)(i)~~
5 (17)(C)(i) of this section shall include without limitation:

6 (a) Notification to the patient that the
7 therapeutically equivalent drug does not contain the identical active
8 ingredient present in the ~~prescribe~~ prescribed drug; and

9 (b) All differences in dosage and frequency
10 between the prescribed drug and the therapeutically equivalent drug.

11 ~~(G)(D)~~ The pharmacist shall send notice of the
12 substitution to the prescriber in writing or by electronic communication
13 within twenty-four (24) hours after the drug is dispensed to the patient.

14 (E) Subdivision (17)(B) of this section does not apply to
15 specific acts of drug therapy management or disease state management
16 delegated to a pharmacist based upon a written protocol or patient care plan
17 approved by a physician under § 17-92-101(16)(A)(ix);

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19 */s/J. Dismang*

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22 **APPROVED: 03/28/2013**
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