

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/22/21

A Bill

HOUSE BILL 1069

5 By: Representatives Pilkington, McCollum
6 By: Senators B. Davis, T. Garner
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE PRACTICE OF PHARMACY; TO AUTHORIZE
11 PHARMACISTS TO PROVIDE ACCESS TO AND ADMINISTRATION
12 OF ORAL CONTRACEPTIVES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE PROVISIONS OF THE ARKANSAS
16 CODE CONCERNING THE PRACTICE OF PHARMACY;
17 AND TO AUTHORIZE PHARMACISTS TO PROVIDE
18 ACCESS TO AND ADMINISTRATION OF ORAL
19 CONTRACEPTIVES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(h), concerning the
26 definition of "practice of pharmacy" regarding pharmacists and pharmacies, is
27 amended to read as follows:

28 (h) Under a statewide protocol, a pharmacist
29 may initiate therapy and administer or dispense, or both, drugs that include
30 Naloxone, ~~and~~ nicotine replacement therapy products, and oral contraceptives;
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32 SECTION 2. Arkansas Code § 17-92-115 is amended to read as follows:
33 17-92-115. Requirements for administering and dispensing under
34 statewide protocol.

35 (a) When initiating therapy and administering or dispensing, or both,
36 under a statewide protocol, a pharmacist shall:



1 (1) Notify the primary care provider of the patient of any drug
2 or device furnished to the patient or enter the appropriate information in a
3 patient record system shared with the primary care provider, as permitted by
4 the primary care provider;

5 (2) Provide the patient with a written record of the drugs or
6 devices furnished and advise the patient to consult a physician of the
7 patient's choice, if the patient does not have a primary care provider; and

8 (3)(A) Make a standardized fact sheet available to the recipient
9 of the drug or device.

10 (B) The standardized fact sheet shall include without
11 limitation:

12 (i) The indications and contraindications for the
13 use of the drug or device;

14 (ii) The appropriate method for the use of the drug
15 or device;

16 (iii) The need for medical follow-up; and

17 (iv) Other appropriate information.

18 (b)(1) In addition to the requirements under subsection (a) of this
19 section, when initiating therapy and administering or dispensing, or both,
20 oral contraceptives under a statewide protocol, a pharmacist shall:

21 (A) Complete a training program related to oral
22 contraceptives that has been approved by the Arkansas State Board of
23 Pharmacy;

24 (B)(i) Screen a patient seeking oral contraceptives to
25 assess whether the patient has been seen by a primary care provider or
26 women's healthcare provider within the previous six (6) months.

27 (ii) If the patient has not been seen by a primary
28 care provider or women's healthcare provider within the previous six (6)
29 months, the pharmacist shall:

30 (a) Provide the patient with a referral to a
31 local primary care provider or women's healthcare provider; and

32 (b) Not dispense more than a six-month supply
33 of oral contraceptives or the equivalent number of refills to the patient
34 until the patient has been seen by a primary care provider or women's
35 healthcare provider.

36 (iii) A pharmacist shall not provide the patient

1 with a referral to a licensed abortion provider.

2 (iv) The board shall adopt screening assessment
3 procedures and questionnaires to be used by pharmacists throughout the state;

4 (C)(i) Explain verbally to the patient the possible
5 effects of an oral contraceptive, including without limitation the death of
6 an unborn child and possible health complication or adverse reactions as
7 printed by the United States Food and Drug Administration.

8 (ii) The patient and pharmacist shall sign an
9 informed consent form that documents the explanation described in subdivision
10 (b)(1)(C)(i) of this section and place the form in the patient's medical
11 record;

12 (D) Report the following information to the Department of
13 Health:

14 (i) The number of women who receive oral
15 contraceptives without a prescription; and

16 (ii) The age of the women who receive oral
17 contraceptives without a prescription;

18 (E) Provide a standardized information sheet about the
19 oral contraceptive dispensed to the patient; and

20 (F) Write a summary of consultation to be maintained in
21 the patient's medical record.

22 (2) A pharmacist shall only initiate therapy and administer or
23 dispense, or both, oral contraceptives under a statewide protocol to an
24 individual who is eighteen (18) years of age or older.

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26 /s/Pilkington

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29 **APPROVED: 3/22/21**