

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/28/23

A Bill

HOUSE BILL 1662

5 By: Representative Puryear
6 By: Senator J. Payton
7

For An Act To Be Entitled

9 AN ACT TO EXEMPT THE SALE OF VETERINARY DRUGS AND
10 MEDICINE IF BASED ON A PRESCRIPTION OF A LICENSED
11 VETERINARIAN FROM THE LICENSURE REQUIREMENTS FOR A
12 PHARMACIST AND A PHARMACY; TO DECLARE AN EMERGENCY;
13 AND FOR OTHER PURPOSES.
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Subtitle

16 TO EXEMPT THE SALE OF VETERINARY DRUGS
17 AND MEDICINE IF BASED ON A PRESCRIPTION
18 OF A LICENSED VETERINARIAN FROM THE
19 LICENSURE REQUIREMENTS FOR A PHARMACIST
20 AND A PHARMACY; AND TO DECLARE AN
21 EMERGENCY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 17-92-102(b), concerning the exemptions to
28 licensure as a pharmacist or pharmacy, is amended to read as follows:

29 (b) The provisions of this section and § 17-92-101, § 17-92-103, § 17-
30 92-105, § 17-92-205(b), § 17-92-206(b), § 17-92-303, § 17-92-402, § 17-92-
31 404, § 17-92-405, § 17-92-409, § 17-92-410, and § 17-92-411(a) shall not
32 apply:

33 (1) To the sale of drugs and medicines when intended for
34 agricultural, technical, and industrial use, unless those drugs and medicines
35 are legend drugs as defined in § 20-64-503;

36 (2) To the sales by wholesale druggists, wholesale or retail



1 grocers, or other wholesale or retail dealers or manufacturers of proprietary
2 medicines in original packages; ~~or~~

3 (3) To the sales of those drugs commonly known as “grocers’
4 drugs” in original packages when put up under the direction of a licensed
5 pharmacist of this or some other state; or

6 (4) To the sale or shipping of antibiotics and microbials for
7 veterinary medical use directly from a wholesaler, distributor, pharmacy, or
8 farm store to a client if the veterinary drugs and medicine are dispensed
9 based only on a prescription of a licensed veterinarian who has an existing
10 veterinary-client-patient relationship with the client.

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12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that the United States Food and
14 Drug Administration has issued guidance that as of June 2023 all medically
15 important antibiotics that were previously available over the counter shall
16 require a prescription from a veterinarian for legal use in animals; that it
17 is possible that some of the antibiotics may include common antibiotics and
18 microbials used in the production of livestock and feed, as authorized under
19 the Veterinary Feed Directive issued by the United States Food and Drug
20 Administration; that stores across this state that specialize in agricultural
21 needs, including those that produce livestock for human consumption, may be
22 prohibited from the sale of these antibiotics for animals if an exemption to
23 the licensure of a pharmacist or pharmacy is not provided in state law; and
24 that this act is immediately necessary to ensure this state maintains access
25 to antibiotics that were previously available over the counter for animals to
26 avoid any issues in food production in this state. Therefore, an emergency is
27 declared to exist, and this act being immediately necessary for the
28 preservation of the public peace, health, and safety shall become effective
29 on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/Puryear

APPROVED: 4/11/23