

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

As Engrossed: S4/9/13  
**A Bill**

SENATE BILL 1171

5 By: Senator Caldwell  
6

7 **For An Act To Be Entitled**

8 AN ACT TO CLARIFY THAT ELECTRONIC PRESCRIBING OF  
9 CONTROLLED SUBSTANCES IS PERMITTED; AND FOR OTHER  
10 PURPOSES.  
11

12  
13 **Subtitle**

14 TO CLARIFY THAT ELECTRONIC PRESCRIBING OF  
15 CONTROLLED SUBSTANCES IS PERMITTED.  
16

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 *SECTION 1. Arkansas Code § 5-64-308 is amended to read as follows:*

21 *5-64-308. ~~Written prescriptions~~ Prescriptions.*

22 *(a) Except when dispensed directly by a practitioner, other than a*  
23 *pharmacy, to an ultimate user, no controlled substance in Schedule II may be*  
24 *dispensed without the written prescription of a practitioner or the oral,*  
25 *faxed, or electronic prescription of a practitioner, if issued in compliance*  
26 *with federal law and regulations.*

27 *(b)(1) ~~In an emergency situation, as defined by rule of the Director~~*  
28 *~~of the Division of Health of the Department of Health and Human Services, a~~*  
29 *~~Schedule II drug may be dispensed upon oral prescription of a practitioner,~~*  
30 *~~reduced promptly to writing, and filed by the pharmacy Except when dispensed~~*  
31 *directly by a practitioner, other than a pharmacy, to an ultimate user, a*  
32 *controlled substance included in Schedule III or Schedule IV that is a*  
33 *prescription drug shall not be dispensed without a written or oral*  
34 *prescription of a practitioner or the faxed or electronic prescription of a*  
35 *practitioner, if issued in compliance with federal law and regulations.*

36 *(2) ~~The prescription shall be retained in conformity with the~~*



1 ~~requirements of section 6 of this subchapter~~ The prescription shall not be  
2 filled or refilled more than six (6) months after the date of the  
3 prescription or be refilled more than five (5) times, unless renewed by the  
4 practitioner.

5 ~~(3) No prescription for a Schedule II substance may be refilled,~~  
6 ~~(c)(1) Except when dispensed directly by a practitioner, other than a~~  
7 ~~pharmacy, to an ultimate user, a controlled substance included in Schedule~~  
8 ~~III or Schedule IV that is a prescription drug shall not be dispensed without~~  
9 ~~a written or oral prescription of a practitioner.~~

10 ~~(2) The prescription shall not be filled or refilled more than~~  
11 ~~six (6) months after the date of the prescription or be refilled more than~~  
12 ~~five (5) times, unless renewed by the practitioner.~~

13 ~~(d) A controlled substance included in Schedule V shall not be~~  
14 ~~distributed or dispensed other than for a medical purpose.~~

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16 SECTION 2. Arkansas Code § 20-56-211(11)(C)(ii), concerning a  
17 misbranded drug or device, is repealed.

18 ~~(ii) Upon the oral prescription of a physician,~~  
19 ~~dentist, or veterinarian which is reduced promptly to writing by the~~  
20 ~~pharmacist; or~~

21  
22 SECTION 3. Arkansas Code § 20-56-211(11)(C)(iii), concerning a  
23 misbranded drug or device, is amended to read as follows:

24 ~~(iii)(ii)(a)~~ By refilling any a written or oral  
25 prescription if the refilling is authorized by the prescriber either in the  
26 original prescription or by oral order which is promptly reduced to writing  
27 by the pharmacist.

28 (b) However, any a drug dispensed by filling  
29 or refilling a written or oral prescription of a physician, dentist, or  
30 veterinarian shall be is exempt from the requirements of this section except  
31 subdivisions (1) and (9) of this section if the drug bears a label  
32 containing:

33 (1) the The name and address of the  
34 dispenser;

35 (2) the The serial number and date of  
36 the prescription or its filling;



1 or the name, address, and registry number of the apothecary for whom he or  
 2 she is lawfully acting;

3 (ii) ~~the~~ The name and address of the patient or, if the  
 4 patient is an animal, the name and address of the owner of the animal and the  
 5 species of the animal;

6 (iii) ~~the~~ The name, address, and registry number of the  
 7 physician, dentist, or veterinarian ~~by~~ from whom the prescription was ~~written~~  
 8 prescribed; and

9 (iv) ~~such~~ The directions ~~as may be stated on~~ for the use  
 10 of the prescription.

11 (B) ~~No person shall~~ A person shall not alter, deface, or remove  
 12 ~~any a~~ a label ~~so~~ affixed as required under this subdivision (2).

14 SECTION 7. Arkansas Code § 20-64-217(1)(b), concerning the use of  
 15 fraud or deceit to obtain a narcotic drug, is amended to read as follows:

16 (b) by the forgery or alteration of a prescription or of any  
 17 ~~written~~ order; or

19 SECTION 8. Arkansas Code § 20-64-217(5), concerning the use of fraud  
 20 or deceit to obtain a narcotic drug, is amended to read as follows:

21 (5) ~~No person shall~~ A person shall not make or utter ~~any a~~ a false or  
 22 forged prescription or false or forged ~~written~~ order.

24 SECTION 9. Arkansas Code § 20-64-314 is amended to read as follows:

25 20-64-314. Depressant and stimulant drugs – Limitations on filling of  
 26 prescriptions.

27 (a)(1)(A) ~~No~~ A prescription for ~~any a~~ a depressant or stimulant drug ~~may~~  
 28 ~~be~~ shall not be filled or refilled more than six (6) months after the date on  
 29 which the prescription was issued, ~~and no.~~

30 (B) A prescription ~~which~~ that is authorized to be refilled  
 31 ~~may be~~ shall not be refilled more than five (5) times.

32 (2) ~~However, nothing in this subchapter shall be construed as~~  
 33 ~~preventing this subchapter does not prevent~~ a practitioner from issuing a new  
 34 written prescription for the same drug ~~either in writing or orally. An oral~~  
 35 ~~prescription for the drug shall be promptly reduced to writing on a new~~  
 36 ~~prescription blank and filed by the pharmacist filling it.~~

