Stricken language would be deleted from and underlined language would be added to present law. Act 1331 of the Regular Session

1	State of Arkansas	As Engrossed: S4/9/13	
2	89th General Assembly	A Bill	
3	Regular Session, 2013		SENATE BILL 1171
4			
5	By: Senator Caldwell		
6			
7		For An Act To Be Entitled	
8	AN ACT TO	CLARIFY THAT ELECTRONIC PRESCRIB	BING OF
9	CONTROLLE	D SUBSTANCES IS PERMITTED; AND FO	OR OTHER
10	PURPOSES.		
11			
12			
13		Subtitle	
14	TO C	CLARIFY THAT ELECTRONIC PRESCRIBIN	NG OF
15	CONT	TROLLED SUBSTANCES IS PERMITTED.	
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18	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
19			
20	SECTION 1. Ark	tansas Code § 5-64-308 is amended	to read as follows:
21	5-64-308. Writt	en prescriptions <u>Prescriptions</u> .	
22	(a) Except whe	en dispensed directly by a practit	tioner, other than a
23	pharmacy, to an ultim	nate user, no controlled substance	e in Schedule II may be
24	dispensed without the	e written prescription of a practi	itioner <u>or the oral,</u>
25	faxed, or electronic	prescription of a practitioner, i	if issued in compliance
26	with federal law and	<u>regulations</u> .	
27		mergency situation, as defined by	
28	of the Division of He	ealth of the Department of Health	and Human Services, a
29	Schedule II drug may	be dispensed upon oral prescripti	ion of a practitioner,
30	reduced promptly to w	riting, and filed by the pharmacy	Except when dispensed
31	directly by a practit	ioner, other than a pharmacy, to	an ultimate user, a
32	<u>controlled</u> substance	included in Schedule III or Sched	dule IV that is a
33	prescription drug shall not be dispensed without a written or oral		
34	prescription of a pra	actitioner or the faxed or electro	onic prescription of a
35	practitioner, if issu	ued in compliance with federal law	v 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		
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 with		
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	$rac{(d)}{d}$ A controlled substance included in Schedule V shall not be		
14	distributed or dispensed other than for a medical purpose.		
15			
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 <u>a</u> 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 <u>is</u> exempt from the requirements of this section excep		
31	subdivisions (1) and (9) of this section if the drug bears a label		
32	containing <u>:</u>		
33	$\underline{(1)}$ the $\underline{\mathit{The}}$ name and address of the		
34	dispenser,;		
35	(2) the <u>The</u> serial number and date of		
36	the prescription or its filling.		

1	(3) the The name of the prescriber and,;			
2	$\underline{(4)}$ if \underline{If} stated in the prescription,			
3	the name of the patient; and			
4	$\underline{(5)}$ the \underline{The} directions for use and			
5	cautionary statements, if any, contained in the prescription.			
6	<u>(c)</u> This exemption shall <u>does</u> not apply to any			
7	\underline{a} drug dispensed in the course of the conduct of a business of dispensing			
8	drugs pursuant to diagnosis by mail.			
9				
10	SECTION 4. Arkansas Code § 20-64-201(9), concerning the definition of			
11	"official written order" as used in the Uniform Narcotic Drug Act, is amended			
12	to read as follows:			
13	(9) <u>(A)</u> "Official written order" means an order written on a form			
14	provided for that purpose by the United States Director of the Drug			
15	Enforcement Administration under any the laws of the United States making			
16	provision therefor, if such order forms are authorized and required by			
17	federal law and, if no such <u>an</u> order form is <u>not</u> provided, then on an			
18	official form provided for that purpose by the Director of the Department of			
19	Health <u>.</u>			
20	(B) When permitted by federal law, an official written			
21	order may also be written and submitted electronically;			
22				
23	SECTION 5. Arkansas Code § 20-64-201, concerning the definitions used			
24	in the Uniform Narcotic Drug Act, is amended to add an additional subdivision			
25	to read as follows:			
26	(16) "Written prescription" means a prescription that is			
27	presented to an apothecary in compliance with federal law and regulations,			
28	including a written, oral, faxed, or electronic prescription.			
29				
30	SECTION 6. Arkansas Code § 20-64-210(2), concerning labels used by a			
31	manufacturer or wholesaler for narcotic drugs, is amended to read as follows:			
32	(2) <u>(A)</u> Whenever When an apothecary sells or dispenses any a narcotic			
33	drug on a prescription issued by a physician, dentist, or veterinarian, he or			
34	<u>she</u> shall affix to the container in which such <u>the</u> drug is sold or dispensed,			
35	a label showing:			
36	(i) his His or her own name, address, and registry number,			

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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 patient is an animal, the name and address of the owner of the animal and the 4 species of the animal; 5 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 label so affixed as required under this subdivision (2). 13 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 18 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 <u>A person shall not</u> make or utter any <u>a</u> false or 22 forged prescription or false or forged written order. 23 SECTION 9. Arkansas Code § 20-64-314 is amended to read as follows: 24 25 20-64-314. Depressant and stimulant drugs — Limitations on filling of 26 prescriptions. 27 (a)(1)(A) No A prescription for any 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. (B) A prescription which that is authorized to be refilled 30 31 may be shall not be refilled more than five (5) times. 32 (2) However, nothing in this subchapter shall be construed as preventing this subchapter does not prevent a practitioner from issuing a new 33 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

prescription blank and filed by the pharmacist filling it.

1	(b) If no indication of refill status is indicated on the
2	prescription, it shall not be refilled.
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4	/s/Caldwell
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7	APPROVED: 04/18/2013
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