

1 State of Arkansas As Engrossed: H2/12/13 H2/15/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1185

4

5 By: Representative Wright

6 By: Senator J. Dismang

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For An Act To Be Entitled

9 AN ACT TO MODIFY THE DEFINITION OF PRESCRIPTION UNDER
10 THE PHARMACY ACT; AND FOR OTHER PURPOSES.

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Subtitle

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TO MODIFY THE DEFINITION OF PRESCRIPTION

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UNDER THE PHARMACY ACT.

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

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

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

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

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

(a) Notification to the patient that the



1 therapeutically equivalent drug does not contain the identical active
2 ingredient present in the prescribe drug; and

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

5 (C) The pharmacist shall send notice of the substitution
6 to the prescriber in writing or by electronic communication within twenty-
7 four (24) hours after the drug is dispensed to the patient;

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9 SECTION 2. Arkansas Code § 17-92-101, concerning the definitions for
10 the pharmacy act, is amended to add an additional subdivision to read as
11 follows:

12 (20) "Therapeutic class" means a group of similar drug products
13 that have the same or similar mechanisms of action and are used to treat a
14 specific condition;

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16 SECTION 3. Arkansas Code § 17-92-101(20), concerning the definition of
17 therapeutically equivalent for the pharmacy act, is amended to read as
18 follows:

19 ~~(20)~~(21) "Therapeutically equivalent" means ~~pharmaceutically~~
20 ~~equivalent~~ drug products from the same therapeutic class that if administered
21 in ~~the same~~ appropriate amounts will provide the same therapeutic effect,
22 identical in duration and intensity;

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24 /s/Wright

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27 **APPROVED: 03/01/2013**

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