

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1466

5 By: Representative Shepherd
6

For An Act To Be Entitled

8 AN ACT TO AMEND CERTAIN SALES LIMITATIONS OF
9 EPHEDRINE AND OTHER NONPRESCRIPTION DRUGS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND CERTAIN SALES LIMITATIONS OF
14 EPHEDRINE AND OTHER NONPRESCRIPTION
15 DRUGS.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 5-64-1103(c), concerning sales limits of
22 ephedrine, pseudoephedrine, or phenylpropanolamine, is amended to read as
23 follows:

24 (c)(1)(A) Except under a valid prescription, before dispensing a
25 product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is
26 not exempt under subdivision (b)(1) or (b)(2) of this section, a pharmacist
27 shall make a professional determination ~~based on a pharmacist-patient~~
28 ~~relationship~~ as to whether or not there is a legitimate medical and
29 pharmaceutical need for the product containing ephedrine, pseudoephedrine, or
30 phenylpropanolamine.

31 (B) The determination under subdivision (c)(1)(A) of this
32 section may be based on factors, including without limitation:

- 33 (i) Prior medication-filling history;
34 (ii) Patient screening; and
35 (iii) Other tools that provide professional
36 reassurance to the pharmacist that a legitimate medical and pharmaceutical



1 need exists.

2 (2) The Arkansas State Board of Pharmacy may:

3 (A) Adopt rules regarding determinations made under
4 subdivision (c)(1) of this section;

5 (B) Review determinations made under subdivision (c)(1) of
6 this section; and

7 (C) Take appropriate disciplinary action as required.

8 (3) This subsection does not prohibit a pharmacist from
9 dispensing a product containing ephedrine, pseudoephedrine, or
10 phenylpropanolamine to a person who:

11 (A) Has not utilized the services of the pharmacist
12 frequently; or

13 (B) Has not established a pharmacist-patient relationship
14 with the pharmacist before the instance of dispensing.

15

16 SECTION 2. Arkansas Code § 5-64-1103(g) and (h), concerning the sales
17 limits of ephedrine, pseudoephedrine, or phenylpropanolamine, are amended to
18 read as follows:

19 (g) ~~{Repealed.}~~

20 ~~(h) Nothing in this section prohibits~~ This section does not prohibit a
21 person under eighteen (18) years of age from possessing and selling a product
22 described in subsections (a) and (b) of this section as an agent of the
23 minor's employer acting within the scope of the minor's employment.

24

25

26 APPROVED: 04/02/2015

27

28

29

30

31

32

33

34

35

36