

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1164

5 By: Representative Pilkington  
6

## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE A PHARMACIST TO DISPENSE ORAL  
9 CONTRACEPTIVES WITHOUT A PRESCRIPTION; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13 TO AUTHORIZE A PHARMACIST TO DISPENSE  
14 ORAL CONTRACEPTIVES WITHOUT A  
15 PRESCRIPTION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 17-92-101(16)(A), concerning the definition  
22 of "practice of pharmacy", is amended to read as follows:

23 (16)(A) "Practice of pharmacy" means the healthcare provider  
24 profession of:

25 (i)(a) Dispensing, selling, distributing,  
26 transferring possession of, vending, bartering, or, in accordance with  
27 ~~regulations~~ rules adopted by the Arkansas State Board of Pharmacy,  
28 administering drugs, medicines, poisons, or chemicals that under the laws of  
29 the United States or the State of Arkansas may be sold or dispensed only on  
30 the prescription and order of a practitioner authorized by law to prescribe  
31 drugs, medicines, poisons, or chemicals.

32 (b) Except as limited by rules adopted by the  
33 Arkansas State Board of Pharmacy, a pharmacist has the ability to administer  
34 medications.

35 (c) Influenza vaccines and influenza  
36 immunizations may be administered to a person seven (7) years of age and



1 older under a general written protocol.

2 (d) Vaccines and immunizations other than  
3 influenza vaccines and influenza immunizations may be administered to a  
4 person from seven (7) years of age to eighteen (18) years of age under a  
5 patient-specific order or prescription and subject to reporting of the  
6 administration to the prescribing physician together with any reporting  
7 required under § 20-15-1203.

8 (e) Vaccines and immunizations other than  
9 influenza vaccines and influenza immunizations may be administered to a  
10 person eighteen (18) years of age or older under a general written protocol.

11 (f) Medications other than vaccines and  
12 immunizations may be administered to a person seven (7) years of age or older  
13 under a patient-specific order or prescription and subject to reporting of  
14 the administration to the prescribing physician.

15 (g) A general written protocol under  
16 subdivisions (16)(A)(i)(c) and (e) of this section and patient-specific  
17 orders or prescriptions under subdivisions (16)(A)(i)(d) and (f) of this  
18 section shall be from a physician licensed by the Arkansas State Medical  
19 Board and practicing in Arkansas or within fifty (50) miles of the Arkansas  
20 border.

21 (h) ~~Pursuant to~~ Under a statewide protocol, a  
22 pharmacist may initiate therapy and administer or dispense, or both,  
23 Naloxone;

24 (ii) Placing, packing, pouring, or putting into a  
25 container for dispensing, sale, distribution, transfer of, possession of,  
26 vending, or bartering any drug, medicine, poison, or chemical that under the  
27 laws of the United States or the State of Arkansas may be sold or dispensed  
28 only on the prescription of a practitioner authorized by law to prescribe  
29 drugs, medicines, poisons, or chemicals;

30 (iii) Placing in or affixing upon any container  
31 described in subdivision (16)(A)(ii) of this section a label required to be  
32 placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon  
33 prescription of a practitioner authorized by law to prescribe those drugs,  
34 medicines, poisons, or chemicals;

35 (iv) Preparing, typing, or writing labels to be  
36 placed in or affixed on any container described in subdivision (16)(A)(ii) of

1 this section, which label is required to be placed upon drugs, medicines,  
 2 poisons, or chemicals sold or dispensed upon prescription of a practitioner  
 3 authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

4 (v) Interpreting prescriptions for drugs, medicines,  
 5 poisons, or chemicals issued by practitioners authorized by law to prescribe  
 6 drugs, medicines, poisons, or chemicals that may be sold or dispensed only on  
 7 prescription;

8 (vi) Selecting, taking from, and replacing upon  
 9 shelves in the prescription department of a pharmacy or apothecary drugs,  
 10 medicines, chemicals, or poisons that are required by the laws of the United  
 11 States or the State of Arkansas to be sold or dispensed only on prescription  
 12 of a practitioner authorized by law to prescribe them;

13 (vii) Compounding, mixing, preparing, or combining  
 14 drugs, medicines, chemicals, or poisons that under the laws of the United  
 15 States or the State of Arkansas may be sold or dispensed only on the  
 16 prescription of a practitioner authorized by law to prescribe them;

17 (viii) Advising and providing information concerning  
 18 utilization of drugs and devices and participation in drug utilization  
 19 reviews;

20 (ix)(a) Performing a specific act of drug therapy  
 21 management or disease state management delegated to a pharmacist for an  
 22 individual patient based upon a written protocol or a patient care plan  
 23 approved by a physician, ~~who shall be~~ licensed in this state under the  
 24 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,  
 25 and § 17-95-401 et seq.

26 (b) Drug therapy management ~~shall~~ does not  
 27 include the selection of drug products not prescribed by the physician unless  
 28 the drug products are either named in the physician-initiated protocol or the  
 29 physician-approved patient care plan;

30 (x) Providing pharmacy care; ~~and~~

31 (xi) Providing pharmacokinetic services; and

32 (xii) Providing oral contraceptives to an individual  
 33 who is eighteen (18) years of age or older.

34  
 35 SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 1, is  
 36 amended to add an additional section to read as follows:

1 17-92-117. Oral contraceptives.

2 (a) A pharmacist who provides oral contraceptives under § 17-92-  
3 101(16)(A)(xii) shall:

4 (1) Complete a training program approved by the Arkansas State  
5 Board of Pharmacy and the Arkansas State Medical Board related to oral  
6 contraceptives;

7 (2) Advise the patient to consult with a primary care  
8 practitioner;

9 (3) Provide the patient with:

10 (A) Documentation about the oral contraceptive that was  
11 provided;

12 (B) A standardized factsheet that includes without  
13 limitation:

14 (i) The indications and contraindications for use of  
15 the oral contraceptive;

16 (ii) The appropriate method for using the oral  
17 contraceptive;

18 (iii) The importance of medical follow-up visits;  
19 and

20 (iv) Other appropriate information as determined by  
21 the Arkansas State Board of Pharmacy and the Arkansas State Medical Board;

22 (C) A self-screening risk assessment tool developed or  
23 approved by both the Arkansas State Board of Pharmacy and the Arkansas State  
24 Medical Board; and

25 (D) Contact information of a primary care practitioner or  
26 women's healthcare practitioner and a recommendation that the patient be seen  
27 for a medical follow up within a reasonable period of time after provision of  
28 the oral contraceptive; and

29 (4) Either dispense the oral contraceptives or refer the patient  
30 to a pharmacy that dispenses the oral contraceptives as soon as practicable  
31 after the pharmacist determines that the patient should receive the oral  
32 contraceptive.

33 (b) A pharmacist may charge an annual administrative fee for services  
34 provided under this section and § 17-92-101(16)(A)(xii) in addition to any  
35 costs associated with the dispensing of the oral contraceptive and paid by  
36 the pharmacy benefit.

1           (c)(1) A pharmacist or a pharmacy employee shall disclose the total  
2 cost that a patient would pay for pharmacist-provided oral contraceptives.

3           (2) As used in subdivision (c)(1) of this section, "total cost"  
4 means the price of the oral contraceptive and the price of the administrative  
5 fee.

6           (d)(1) All state and federal laws governing insurance coverage of  
7 contraceptive drugs, devices, products, and services apply to oral  
8 contraceptives provided by a pharmacist under this section and § 17-92-  
9 101(16)(A)(xii).

10           (2) Patients who are insured or covered and receive a pharmacy  
11 benefit that covers the cost of oral contraceptives shall not pay an  
12 administrative fee but shall pay any co-payments under the insurance policy.

13           (e) A pharmacist who is acting in good faith and with reasonable care  
14 involved in the provision of oral contraceptives under this section and § 17-  
15 92-101(16)(A)(xii) is immune from:

16           (1) Disciplinary or adverse administrative actions for acts or  
17 omissions during the provision of oral contraceptives; and

18           (2) Civil liability in the absence of gross negligence or  
19 willful misconduct for actions authorized under this section and § 17-92-  
20 101(16)(A)(xii).

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