

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

A Bill

HOUSE BILL 1186

4
5 By: Representatives S. Malone, D. Altes, Branscum, J. Burris, Gillam, Lea, Leding, Slinkard, Vines,
6 Westerman, Wright

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE ROLE OF PHARMACISTS WITH REGARD
10 TO EPHEDRINE, PSEUDOEPHEDRINE, OR
11 PHENYLPROPANOLAMINE; TO IMPROVE THE PROCESS FOR
12 IDENTIFYING PERSONS AUTHORIZED TO PURCHASE EPHEDRINE;
13 AND FOR OTHER PURPOSES.

Subtitle

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16 AN ACT TO CLARIFY THE ROLE OF PHARMACISTS
17 WITH REGARD TO AND TO IMPROVE THE PROCESS
18 FOR IDENTIFYING PURCHASERS OF EPHEDRINE,
19 PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE.

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

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25 SECTION 1. Arkansas Code § 5-64-1103(b), concerning sales limits on
26 ephedrine, pseudoephedrine, and phenylpropanolamine, is amended to read as
27 follows:

28 (b) Unless the product has been rescheduled pursuant to § 5-64-212(c),
29 this section does not apply to a retail distributor sale for personal use of
30 a product; ~~(1) That~~ that the Department of Health, in collaboration with
31 the Arkansas State Board of Pharmacy, upon application of a manufacturer and
32 certification by the Department of Justice Drug Enforcement Administration,
33 exempts by rule from this section because the product has been formulated in
34 such a way as to effectively prevent the conversion of the active ingredient
35 into methamphetamine or its salts or precursors; ~~or~~

36 ~~(2) Containing ephedrine or pseudoephedrine in liquid, liquid~~



1 capsule, or liquid gel capsule form if the drug is dispensed, sold,
 2 transferred, or otherwise furnished in a single transaction limited to no
 3 more than three (3) packages, with any single package containing not more
 4 than ninety-six (96) liquid capsules or liquid gel capsules or not more than
 5 three grams (3g) of ephedrine or pseudoephedrine base.

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 7 SECTION 2. Arkansas Code § 5-64-1103(c)(1)(A), concerning sales limits
 8 on ephedrine, pseudoephedrine, and phenylpropanolamine, is amended to read as
 9 follows:

10 (c)(1)(A) Except under a valid prescription, before dispensing a
 11 product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is
 12 not exempt under subdivision (b)(1) or (b)(2) of this section, a pharmacist
 13 ~~shall~~ may make a professional determination, ~~based on a pharmacist-patient~~
 14 ~~relationship,~~ as to whether or not there is a legitimate medical and
 15 pharmaceutical need for the drug.

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 17 SECTION 3. Arkansas Code § 5-64-1105, concerning definitions of “Proof
 18 of age” and “proof of identity” for the electronic log book, is amended to
 19 read as follows:

20 (2) “Proof of age” and “proof of identity” mean:

21 (A) ~~a~~ A current driver’s license issued by any state; ~~or~~

22 (B) Other state-issued identification issued by any state
 23 that contains a photograph of the person, the person’s date of birth, and a
 24 functioning magnetic stripe or bar code;

25 (C) An identification card issued by the Department of
 26 Finance and Administration; or

27 (D) ~~an~~ An identification card issued by the United States
 28 Department of Defense to active-duty military personnel that contains a
 29 photograph of the person, the person’s date of birth, and a functioning
 30 magnetic stripe or bar code;

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 32 SECTION 4. Arkansas Code § 5-64-1106, concerning the real-time
 33 electronic logbook for tracking prescriptions for ephedrine, pseudoephedrine,
 34 and phenylpropanolamine, is amended to read as follows:

35 (d) A real-time logbook or electronic tracking system used to track,
 36 record, and enforce state and federal purchase limits of ephedrine,

1 pseudoephedrine, and phenylpropanolamine shall be capable of interfacing and
2 sharing data with another state logbook or electronic tracking system that is
3 specifically designed to track, record, and enforce state and federal
4 purchase limits of ephedrine, pseudoephedrine, and phenylpropanolamine.

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