

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/9/11 S3/24/11

# A Bill

SENATE BILL 789

5 By: Senator J. Key  
6

## For An Act To Be Entitled

8 AN ACT TO PRESERVE THE PROFESSIONAL INDEPENDENCE OF A  
9 PHARMACIST AND A PHARMACY; TO PROHIBIT INTERFERENCE  
10 WITH THE PHARMACIST-PATIENT RELATIONSHIP OR THE  
11 PRACTICE OF MEDICINE; AND FOR OTHER PURPOSES.  
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### Subtitle

14 TO PRESERVE THE PROFESSIONAL INDEPENDENCE  
15 OF A PHARMACIST AND A PHARMACY; TO  
16 PROHIBIT INTERFERENCE WITH THE  
17 PHARMACIST-PATIENT RELATIONSHIP OR THE  
18 PRACTICE OF MEDICINE.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1 is amended  
25 to add an additional section to read as follows:

26 17-92-113. Preservation of professional responsibilities of pharmacist  
27 - Prohibitions.

28 (a) As used in this section:

29 (1) "Exercise of professional responsibilities" includes without  
30 limitation a pharmacist's or pharmacy's:

31 (A) Discussing any aspect of a patient's medical  
32 condition, treatment alternatives, or plan options with the patient;

33 (B) In good faith communicating with or advocating on  
34 behalf of a patient concerning the patient's needs; or

35 (C) Asserting rights under:

36 (i) The contract with the pharmacy benefits manager;



1 or

2 (ii) State or federal law; and

3 (2) "Pharmacy benefits manager" means a non-governmental entity  
4 that administers or manages a pharmacy benefits plan or program.

5 (b) A pharmacy benefits manager shall not interfere with the exercise  
6 of professional responsibilities to a patient by a pharmacist or a pharmacy.

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8 /s/J. Key

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