

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

# A Bill

HOUSE BILL 1466

5 By: Representative Shepherd  
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## 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

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13 TO AMEND CERTAIN SALES LIMITATIONS OF  
14 EPHEDRINE AND OTHER NONPRESCRIPTION  
15 DRUGS.  
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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 § 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.

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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.

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