

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

# A Bill

HOUSE BILL 1555

5 By: Representative Harris  
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## For An Act To Be Entitled

8 AN ACT TO MODIFY THE DEFINITION OF "PRESCRIPTION"  
9 UNDER THE ARKANSAS PHARMACY ACT; TO ENSURE THE  
10 PROTECTION OF PATIENTS WITH MENTAL ILLNESSES; AND FOR  
11 OTHER PURPOSES.  
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### Subtitle

14 TO MODIFY THE DEFINITION OF  
15 "PRESCRIPTION" UNDER THE ARKANSAS  
16 PHARMACY ACT; AND TO ENSURE THE  
17 PROTECTION OF PATIENTS WITH MENTAL  
18 ILLNESSES.  
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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 § 17-92-101(17), concerning the definition of  
25 "prescription" for the Arkansas Pharmacy Act, is amended to read as follows:

26 (17)(A) "Prescription" means an order for medicine or medicines  
27 usually written as a formula by a physician, optometrist, dentist,  
28 veterinarian, or other licensed medicinal practitioner, ~~It that~~ that contains the  
29 names and quantities of the desired substance, with instructions to the  
30 pharmacist for its preparation and to the patient for the use of the medicine  
31 at a particular time and may authorize the pharmacist to substitute a  
32 therapeutically equivalent drug that is at a lower cost to the patient and  
33 communicate that authorization by any generally accepted means of  
34 communication of a prescription from a prescriber to a pharmacist.

35 (B) A substitution of a therapeutically equivalent drug  
36 shall occur only after the prescriber grants ~~such~~ an authorization for each



1 prescription.

2 (C)(i) Before dispensing, the pharmacist shall ~~discuss~~  
 3 verbally discuss any suggested substitution with the patient and inform the  
 4 patient that the patient has a right to refuse the substitution.

5 (ii) The discussion under subdivision (17)(C)(i) of  
 6 this section shall include without limitation:

7 (a) Notification to the patient that the  
 8 therapeutically equivalent drug does not contain the identical active  
 9 ingredient present in the prescribed drug; and

10 (b) All differences in dosage and frequency  
 11 between the prescribed drug and the therapeutically equivalent drug.

12 (D) The pharmacist shall send notice of the substitution  
 13 to the prescriber in writing or by electronic communication within twenty-  
 14 four (24) hours after the drug is dispensed to the patient.

15 (E) Subdivision (17)(B) of this section does not apply to:

16 (i) ~~specific~~ Specific acts of drug therapy  
 17 management or disease state management delegated to a pharmacist based upon a  
 18 written protocol or patient care plan approved by a physician under § 17-92-  
 19 101(16)(A)(ix); or

20 (ii) Antipsychotic medications;

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