

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 162

5 By: Senators Bledsoe, L. Eads
6 By: Representative Boyd
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROVISIONS OF ARKANSAS CODE
10 CONCERNING THE PRACTICE OF PHARMACY; TO AUTHORIZE USE
11 OF PHARMACISTS TO PROVIDE ACCESS TO AND
12 ADMINISTRATION OF CERTAIN MEDICATIONS; TO AUTHORIZE
13 DISPENSING OF CERTAIN MEDICATION BY PHYSICIANS; AND
14 FOR OTHER PURPOSES.
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Subtitle

18 TO AMEND THE PROVISIONS OF ARKANSAS CODE
19 CONCERNING THE PRACTICE OF PHARMACY; TO
20 AUTHORIZE USE OF PHARMACISTS TO PROVIDE
21 ACCESS TO AND ADMINISTRATION OF CERTAIN
22 MEDICATIONS; AND TO AUTHORIZE DISPENSING
23 OF CERTAIN MEDICATION BY PHYSICIANS.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 17-92-101(7), concerning the definition of
29 "licensed pharmacist" within the laws concerning pharmacists and pharmacies,
30 is amended to read as follows:

31 (7)(A) "Licensed pharmacist" means a person holding a license
32 under the provisions of this chapter.

33 (B) A "licensed pharmacist" shall be considered an
34 individual healthcare provider;
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36 SECTION 2. The introductory language of Arkansas Code § 17-92-



1 101(16)(A) and Arkansas Code § 17-92-101(16)(A)(i), concerning the definition
2 of "practice of pharmacy" within the laws concerning pharmacists and
3 pharmacies, is amended to read as follows:

4 (16)(A) "Practice of pharmacy" means the ~~learned~~ healthcare
5 provider profession of:

6 (i)(a) Dispensing, selling, distributing,
7 transferring possession of, vending, bartering, or, in accordance with
8 regulations adopted by the Arkansas State Board of Pharmacy, administering
9 drugs, medicines, poisons, or chemicals that under the laws of the United
10 States or the State of Arkansas may be sold or dispensed only on the
11 prescription and order of a practitioner authorized by law to prescribe
12 drugs, medicines, poisons, or chemicals.

13 (b) ~~Except in accordance with regulations~~
14 ~~adopted by the Arkansas State Board of Pharmacy as recommended by the~~
15 ~~Medications Administration Advisory Committee, the administration of~~
16 ~~medications shall be limited to the following classifications of medications:~~
17 ~~immunizations, vaccines, allergy medications, vitamins, minerals,~~
18 ~~antihyperglycemics, and antinausea medications~~ Except as limited by rules
19 adopted by the Arkansas State Board of Pharmacy, a pharmacist has the ability
20 to administer medications.

21 (c) Influenza vaccines and influenza
22 immunizations may be administered to a person seven (7) years of age and
23 older under a general written protocol.

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

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

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

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

7 (h) Pursuant to a statewide protocol, a
8 pharmacist may initiate therapy and administer or dispense, or both,
9 Naloxone;

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11 SECTION 3. Arkansas Code § 17-92-101, concerning definitions relating
12 to pharmacists and pharmacies, is amended to add an additional subdivision to
13 read as follows:

14 (24) "Statewide protocol" means a standardized procedure or
15 protocol approved by the Arkansas State Board of Pharmacy and the Arkansas
16 State Medical Board authorizing a pharmacist to initiate therapy and
17 administer or dispense, or both, a drug or device.

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19 SECTION 4. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 17-92-115. Requirements for administering and dispensing without a
22 diagnosis.

23 When initiating therapy and administering or dispensing, or both, under
24 § 17-92-101, a pharmacist shall:

25 (1) Notify the primary care provider of the patient of any drug
26 or device furnished to the patient or enter the appropriate information in a
27 patient record system shared with the primary care provider, as permitted by
28 the primary care provider;

29 (2) Provide the patient with a written record of the drugs or
30 devices furnished and advise the patient to consult a physician of the
31 patient's choice, if the patient does not have a primary care provider; and

32 (3)(A) Make a standardized fact sheet available to the recipient
33 of the drug or device.

34 (B) The standardized fact sheet shall include without
35 limitation:

36 (i) The indications and contraindications for the

1 use of the drug or device;

2 (ii) The appropriate method for the use of the drug
3 or device;

4 (iii) The need for medical follow-up; and

5 (iv) Other appropriate information.

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7 SECTION 5. Arkansas Code § 17-95-102(d)(4), concerning physician
8 dispensing of legend drugs, is amended to read as follows:

9 (4) A prescription for a topical medication, Naloxone, or
10 contraceptives is exempt from subdivision (d)(3) of this section.

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