

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 505

5 By: Senator Bledsoe
6 By: Representative L. Johnson
7

For An Act To Be Entitled

9 AN ACT TO MANDATE THE COPRESCRIPTION OF AN OPIOID
10 ANTAGONIST UNDER CERTAIN CONDITIONS; TO AMEND THE
11 NALOXONE ACCESS ACT; AND FOR OTHER PURPOSES.
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Subtitle

15 TO MANDATE THE COPRESCRIPTION OF AN
16 OPIOID ANTAGONIST UNDER CERTAIN
17 CONDITIONS; AND TO AMEND THE NALOXONE
18 ACCESS ACT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 18, is
24 amended to add an additional section to read as follows:

25 20-13-1805. Opioid antagonist – Mandatory prescription.

26 (a) As used in this section:

27 (1) "Coprescribe" means to provide a prescription for an opioid
28 antagonist when prescribing or dispensing an opioid;

29 (2) "Healthcare professional" means a person who is licensed,
30 certified, or otherwise authorized by the laws of this state to administer
31 health care in the ordinary course of the practice of his or her profession;
32 and

33 (3) "Opioid antagonist" means naloxone hydrochloride or another
34 drug approved by the United States Food and Drug Administration for the
35 complete or partial reversal of opioid depression.

36 (b)(1) Except as provided under subdivision (b)(2) of this section, a



1 healthcare professional shall coprescribe an opioid antagonist to a patient
2 who does not have an existing prescription for an opioid antagonist when
3 prescribing or dispensing an opioid if:

4 (A) The opioid dosage prescribed or dispensed is equal to
5 or in excess of fifty morphine milligram equivalents (50 MME) per day;

6 (B) A benzodiazepine has been prescribed or dispensed for
7 the patient in the past or will be prescribed or dispensed at the same time
8 as the opioid; or

9 (C) The patient has a history of opioid use disorder or
10 drug overdose.

11 (2) If a healthcare professional does not believe that it is in
12 the best interest of a patient to coprescribe an opioid antagonist, the
13 healthcare professional shall make documentation to that effect as provided
14 in the guidance or rules of the appropriate licensing entity.

15 (c) A healthcare professional who coprescribes an opioid antagonist as
16 required under subdivision (b)(1) of this section shall provide counseling
17 and patient education to a patient, or a patient’s parent or guardian if the
18 patient is less than eighteen (18) years of age, as provided in the guidance
19 or rules of the appropriate licensing entity.

20 (d) A healthcare professional who fails to coprescribe an opioid
21 antagonist as required under this section may be referred to the appropriate
22 licensing board for administrative sanctions or disciplinary action.

23 (e)(1)(A) No later than six (6) months after the effective date of
24 this act, the Arkansas State Medical Board and the Arkansas State Board of
25 Pharmacy shall jointly develop and publish guidance or rules that address the
26 circumstances in which a healthcare professional is required to prescribe or
27 dispense, or both, an opioid antagonist to a patient when prescribing or
28 dispensing an opioid.

29 (B) The guidance or rules described in subdivision
30 (e)(1)(A) of this section shall:

31 (i) At a minimum, establish coprescribing
32 requirements based on:

33 (a) The daily dosage specified in subdivision
34 (b)(1)(A) of this section;

35 (b) The number of days for which the opioid
36 prescription is written or dispensed;

1 (c) A patient’s past or current history of
2 benzodiazepine prescriptions; and

3 (d) A patient’s history of substance use
4 disorder or overdose; and

5 (ii) Include provisions for documentation and
6 patient counseling that address use of an opioid antagonist, overdose
7 prevention, and situations in which the healthcare professional determines
8 coprescribing is inappropriate for a particular patient.

9 (C) Counseling and patient education shall utilize
10 guidelines and recommendations from nationally recognized organizations such
11 as the United States Food and Drug Administration and the Centers for Disease
12 Control and Prevention.

13 (2) A licensing entity that is authorized to license an
14 individual to prescribe opioids shall promulgate guidance or rules concerning
15 the coprescribing of an opioid antagonist that are no less restrictive than
16 those adopted by the Arkansas State Medical Board and the Arkansas State
17 Board of Pharmacy.

18 (3) A licensing entity described in subdivision (e)(2) of this
19 section includes without limitation:

20 (A) The Arkansas State Board of Nursing;

21 (B) The Arkansas State Board of Dental Examiners;

22 (C) The State Board of Optometry; and

23 (D) The Arkansas Board of Podiatric Medicine.

24 (f) This section does not:

25 (1) Apply to a patient receiving hospice or other end-of-life
26 care;

27 (2) Create a private right of action against a healthcare
28 provider; or

29 (3) Limit liability of a healthcare provider for failure to
30 properly diagnose or treat a patient.

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33 **APPROVED: 4/12/21**
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