

**Hall of the House of Representatives**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of House Bill No. 2970**

"TO REQUIRE DISCLOSURE OF CERTAIN PHARMACEUTICAL MARKETING  
PRACTICES."

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**Amendment No. 1 to House Bill No. 2970.**

Amend House Bill No. 2970 as originally introduced:

Page 1, delete line 5 and substitute the following:

"By: Representatives Norton, Dunn and Bolin  
By: Senator Laverty"

AND

Page 1, delete line 10 and substitute the following:

"PHARMACEUTICAL MARKETING PRACTICES; TO EXEMPT DISTRIBUTOR WAREHOUSES FROM  
ACT 256 OF 2005; AND FOR OTHER"

AND

Delete everything after the ENACTING CLAUSE and substitute the following:

"SECTION 1. Arkansas Code § 5-64-212, as added by Act 256 of 2005,  
adding ephedrine products to Schedule V, is amended to read as follows:

(e)(1) Ephedrine combination products, pseudoephedrine, and  
phenylpropanolamine, warehoused by a distributor located in this state that  
is warehoused for export to a retailer or distributor out of this state is  
exempt from this section.

(2) A distributor warehousing and exporting ephedrine  
combination products, pseudoephedrine, and phenylpropanolamine shall:

(A) Register with the Arkansas Board of Pharmacy; and

(B) Comply with any rules adopted by the board regarding  
the diversion from legitimate commerce of ephedrine combination products,  
pseudoephedrine, and phenylpropanolamine, including, but not limited to,  
disclosure of marketing practices.

SECTION 2. Arkansas Code § 5-64-1101(a), as amended by Act 256 of  
2005, pertaining to possession limitations for ephedrine and pseudoephedrine,  
is amended to read as follows:

(a) It shall be unlawful for any person to possess more than five (5)  
grams of ephedrine or nine (9) grams of pseudoephedrine or



phenylpropanolamine, or their salts, optical isomers, and salts of optical isomers, alone or in a mixture, except:

(1) Any pharmacist or other authorized person who sells or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers, upon the prescription of a physician, dentist, podiatrist, ~~or~~ veterinarian, or other healthcare professional with prescriptive authority, or as authorized pursuant to § 5-64-1103; or

(2) Without a prescription, pursuant to the Federal Food, Drug, and Cosmetic Act or regulations adopted under the act, products exempted under § 5-64-1103(b)(1) and (2), provided that the person possesses a sales and use tax permit issued by the Department of Finance and Administration; or

(3) Any physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority who administers or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers to his or her patients; or

(4)(A) Any manufacturer, wholesaler, or distributor licensed by the Arkansas State Board of Pharmacy who meets one (1) of the requirements in subdivision (a)(4)(B) of this section and sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers to a licensed pharmacy, physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority, or any person who possesses a sales and use tax permit issued by the department.

(B)(i) The manufacturer, wholesaler, or distributor must hold or store the substances in facilities that meet the packaging requirements of § 5-64-1005(d)(1)-(3).

(ii) The manufacturer, wholesaler, or distributor must sell, transfer, or otherwise furnish only to healthcare professionals identified in subdivisions (a)(1) and (3) of this section; or

(5) Wholesalers or distributors as specified in 5-64-212(e).

SECTION 3. Arkansas Code § 5-64-1103(a), as amended by Act 256 of 2005, concerning sales limits on ephedrine combination products, pseudoephedrine, and phenylpropanolamine, is amended to read as follows:

(a) It shall be unlawful for any person, other than a person or entity described in § 5-64-1101(a)(3) and ~~(a)(4)~~(a)(5), to knowingly dispense, sell, transfer, or otherwise furnish in a single transaction products containing ephedrine, pseudoephedrine, or phenylpropanolamine except in a licensed pharmacy by a licensed pharmacist or a registered pharmacy technician.

SECTION 4. Arkansas Code § 5-64-1103(f), as amended by Act 256 of 2005, concerning sales limits on ephedrine combination products, pseudoephedrine, and phenylpropanolamine, is amended to read as follows:

(f)(1) It shall be unlawful for any person, other than a person or entity described in § 5-64-1101(a)(1)-~~(4)~~(5), to knowingly purchase, acquire, or otherwise receive in a single transaction:

(A) More than three (3) packages of one (1) or more products that the person knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(B) Any single package of any product that the person knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, which

contains more than ninety-six (96) pills, tablets, gelcaps, capsules, or other individual units or more than three (3) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances, whichever is smaller.

(2) It shall be unlawful for any person, other than a person or entity described in § 5-64-1101(a)(1) - ~~(4)~~(5), to knowingly purchase, acquire, or otherwise receive more than five (5) grams of ephedrine or nine (9) grams of pseudoephedrine or phenylpropanolamine within any thirty-day period."

The Amendment was read \_\_\_\_\_

By: Representative Bolin  
MGF/JGH - 03-30-2005 15:47  
MGF548

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Chief Clerk