## ARKANSAS SENATE

86th General Assembly - Regular Session, 2007

## **Amendment Form**

Subtitle of Senate Bill No. 20 "AN ACT TO ESTABLISH A PRESCRIPTION DRUG MONITORING PROGRAM." 

## Amendment No. 4 to Senate Bill No. 20.

Amend Senate Bill No. 20 as engrossed, S2/1/07 (version: 02-01-2007 11:32):

Page 2, delete lines 2 and 3 and substitute the following: "(2)(A) "Dispenser" means a person who delivers Schedule II narcotics or Schedule III narcotics."

AND

Page 2, delete line 6 and substitute the following: "Schedule II narcotics and Schedule III narcotics:"

AND

Page 2, delete lines 8 and 9 and substitute the following: "care;

(b) For outpatient services, except for a pharmacy owned by a hospital that has a retail pharmacy permit; and (c) At the time of discharge from a hospital;"

AND

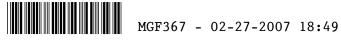
Page 2, lines 12 through 14 and substitute the following: "Schedule II narcotics or Schedule III narcotics; or (iv) A wholesale distributor of Schedule II narcotics and Schedule III narcotics;"

AND

Page 2, delete line 24 and substitute the following: "Schedule II narcotics or Schedule III narcotics for whom a prescription is issued or for"

AND

Page 2, delete lines 25 through 27 and substitute the following:



- "whom a drug is dispensed, or both; and
- (6) "Schedule II narcotics" means controlled substances that are placed in Schedule II under §5-64-205; and
- (7) "Schedule III narcotics" means controlled substances that are placed in Schedule III under §5-64-207."

AND

Page 2, delete line 34 and substitute the following:

"(A) Schedule II narcotics and Schedule III narcotics;

and"

AND

Page 3, line 7 delete "<u>State Board of Health</u>" and substitute "<u>Arkansas State</u> <u>Board of Pharmacy</u>"

AND

- Page 3, delete lines 12 through 14 and substitute the following:

  "(b)(1) Each dispenser shall submit to the division information
  regarding prescription drugs as specified by the Arkansas State Board of
  Pharmacy.
- (2) The Arkansas State Board of Pharmacy shall define:

  (A) The methods, including electronic means, by which information regarding each prescription included under subsection (a) of this section shall be submitted to the division; and
- $\underline{\mbox{(B)}}$  The types of data that shall be submitted to the division.
- (3) The data specified by the Arkansas State Board of Pharmacy under subdivision (b)(2)(B) of this section may include:

AND

Page 4, delete line 3 and substitute the following: "the Arkansas State Board of Pharmacy."

AND

Page 4, delete lines 5 and 6 and substitute the following:
"required information at least every thirty (30) days, between the fifteenth and the last days of the month following the month the prescription was"

AND

- Page 4, delete lines 16 through 20 and substitute the following:
- "(a)(1) The prescription drug monitory program is a noncovered entity under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 201, as it existed on January 1, 2007.
- (2) However, to the extent not inconsistent with this subchapter, the requirements of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 201, as it existed on January 1,

2007, apply to the prescription drug monitory program."

AND

Page 5, delete lines 11 through 28 and substitute the following:

"(7) If the local, state, and federal law enforcement or

prosecutorial official presents a search warrant issued on probable cause by
a court of competent jurisdiction, local, state, and federal law enforcement
or prosecutorial officials engaged in the administration, investigation, or
enforcement of the laws governing controlled substances.

20-7-506. Unlawful acts - Penalties - Exception."

AND

Page 5, delete line 30 and substitute the following:
"under this subchapter who knowingly discloses that information in a manner not authorized under this subchapter shall be"

AND

Page 6, delete line 6 and substitute the following: "action by the dispenser's licensing board.

(e) Nothing in this section applies to a physician who does not use the program under this subchapter."

AND

Page 6, line 8, delete "20-7-508." and substitute "20-7-507."

AND

Page 6, line 17, delete "<u>including</u>, but not limited to," and substitute "<u>including</u>"

AND

Page 6, delete lines 19 through 22 and substitute the following: "No. 109-60.

(d) The rules promulgated under this subchapter shall ensure that no costs of the program established under this subchapter are charged to pharmacists or pharmacies.

20-7-508. Fund availability.

This subsection shall take effect only if funds are available as provided in  $\ 20-7-507(c)$ ."

The Amendment was read the first time, rules suspended and read the seco	nd time and
By: Senator Altes	
MGF/CDS - 02-27-2007 18:49	
MGF367	Secretary