

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. 5 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 lines 24 through 28 and substitute the following:

"Schedule II narcotics or Schedule III narcotics for whom a prescription is issued or for 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 "State Board of Health" and substitute "Arkansas State Board of Pharmacy"

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

(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 3, line 15, delete "(1)" and substitute "(A)"

AND

Page 3, line 16, delete "(2)" and substitute "(B)"

AND

Page 3, line 17, delete "(3)" and substitute "(C)"

AND

Page 3, line 18, delete "(4)" and substitute "(D)"

AND

Page 3, line 19, delete "(5)" and substitute "(E)"

AND

Page 3, line 20, delete "(A)" and substitute "(i)"

AND

Page 3, line 21, delete "(B)" and substitute "(ii)"

AND

Page 3, line 22, delete "(C)" and substitute "(iii)"

AND

Page 3, line 24, delete "(D)" and substitute "(iv)"

AND

Page 3, line 25, delete "(E)" and substitute "(v)"

AND

Page 3, line 26, delete "(6)" and substitute "(F)"

AND

Page 3, line 27, delete "(A)" and substitute "(i)"

AND

Page 3, line 28, delete "(B)" and substitute "(ii)"

AND

Page 3, line 29, delete "(C)" and substitute "(iii)"

AND

Page 3, line 30, delete "(7)" and substitute "(G)"

AND

Page 3, line 31, delete "(8)" and substitute "(H)"

AND

Page 3, line 32, delete "(9)" and substitute "(I)"

AND

Page 3, line 34, delete "(10)" and substitute "(J)"

AND

Page 3, line 35, delete "(11)" and substitute "(K)"

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 "including, but not limited to," and substitute

"including"

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 second time and _____

By: Senator Altes

MGF/CDS - 03-01-2007 08:10

MGF386

Secretary