Hall of the House of Representatives

95th General Assembly - Regular Session, 2025

Amendment Form

Subtitle of House Bill 1150

TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM OBTAINING CERTAIN PHARMACY PERMITS.

Amendment No. 3 to House Bill 1150

Amend House Bill 1150 as engrossed H3/18/25 (version: 3/18/25 10:24:32 AM):

Add Representative Duffield as a cosponsor of the bill

AND

Page 2, line 4, delete "an additional section" and substitute "additional sections"

AND

Page 2, line 27, delete "(2)(A)" and substitute "(2)(A)(i)"

AND

Page 2, delete lines 30 and 31, and substitute the following:

"revocation or renewal of an existing retail permit for a pharmacy.

(ii) If the assessment made by the board in subdivision (d)(2)(A)(i) of this section determines that a rare, orphan, or limited distribution drug is otherwise unavailable in the market to a patient or pharmacy that would otherwise be prohibited in this section, the board shall convert the retail permit for the prohibited pharmacy to a limited use permit for that pharmacy for a period of no less than ninety (90) days.

(B) This subsection shall expire on September 1, 2027.

(3)(A) Before the effective date of this section, the board shall adopt a written policy to implement subdivision (d)(1) of this section.

(B) The written policy under subdivision (d)(3)(A) of this section shall establish:

(i) The process in which a patient, pharmacy, or healthcare provider may notify the board of a rare, orphan, or limited distribution drug unavailable in the market;

(ii) The process in which a pharmacy may request a limited use permit under subdivision (d)(1) of this section;

(iii) The timeline in which the board must make a decision; and

(iv) The process for emergency determinations due to patient need."

AND

Page 3, delete line 11, and substitute the following:

"this state.

17-92-417. Notice required.

(a)(1) The Arkansas State Board of Pharmacy shall conduct an initial assessment of each active retail pharmacy permit that was issued under § 17-92-405 as of July 1, 2025, and shall send written notice to each pharmacy permit holder that the board reasonably believes will violate § 17-92-416 at least ninety (90) days before January 1, 2026.

(2) As used in subdivision (a)(1) of this section, "written notice" means actual notice to the pharmacy permit holder via mail or email.

(b) The written notice required under subdivision (a)(1) of this section shall include:

(1) A list of each pharmacy benefits manager that holds a direct or indirect interest in, or otherwise holds, directly or indirectly, a permit under § 17-92-405 for the retail sale of drugs or medicines in this state held by the pharmacy permit holder;

(2) A phone number and email address that is monitored by the board during regular business hours; and

(3)(A) A list of Arkansas pharmacies that hold an active retail

pharmacy permit that are not reasonably expected to violate § 17-92-416 as of January 1, 2026.

(B) The list in subdivision (b)(3)(A) of this section shall include:

(i) The name of the pharmacy;

(ii) The phone number of the pharmacy;

(iii) The physical address of the pharmacy;

(iv) The website of the pharmacy, if known; and

(v) An email address for the pharmacy, if known.

(C) If the board has a searchable website that includes the information required in subdivision (b)(3)(B) of this section, the board may provide the website information in lieu of the list.

(c)(1)(A) A pharmacy permit holder with written notice from the board in subdivision (a)(1) of this section shall provide written notice at least sixty (60) days before January 1, 2026, to each patient and each patient's prescribing healthcare provider that has used the pharmacy within the previous twelve (12) months that the pharmacy can no longer dispense retail drugs to the patient on or after January 1, 2026.

(B) As used in subdivision (c)(1)(A) of this section, "written notice" means actual notice to the patient via mail, email, or through the pharmacy's patient portal.

(2) Written notice required in subdivision (c)(1)(A) of this section shall include the information under subdivisions (b)(2) and (b)(3) of this section provided by the board to the pharmacy permit holder."

The Amendment was read _____

By: Representative J. Moore

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Chief Clerk