2 State of Arkansas 3 91st General Assembly A Bill JMB/JMB 4 Third Extraordinary Session, 2018 HOUSE BILL 5 By: Representative Magie Filed with: House Committee on Public Health, Welfare, and Labor pursuant to A.C.A. §10-3-217. 9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 19 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 10 to add new subdivisions to read as follows: 11 (25) "Biological product" means a biological product as defined 10 by 42 U.S.C. 262(1)(1), as existing on January 1, 2019; and 11 (26) "Interchangeable as defined by 42 U.S.C. 262(1)(3), as 12 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 13 product that	1	INTE	ERIM STUDY PROPOSAL 2017-1	35
4 Third Extraordinary Session, 2018 HOUSE BILL 5 By: Representative Magie Filed with: House Committee on Public Health, Welfare, and Labor pursuant to A.C.A. §10-3-217. 9 For An Act To BE Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 1 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 17 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 18 to add new subdivisions to read as follows: 14 (25) "Biological product" means a biological product as defined 19 be IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 10 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 11 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 10 to add new subdivisions to read as follows: 11 (25) "Thiterchangeable as defined by 42 U.S.C. 262(1)(3), as 11	2	State of Arkansas	11' ط	
5 6 By: Representative Magie 7 Filed with: House Committee on Public Health, Welfare, and Labor 8 pursuant to A.C.A. §10-3-217. 9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MARE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 Subtitle 13 TO ALLOW PHARMACISTS TO MARE BIOLOGICAL 14 Subtitle 15 TO ALLOW PHARMACISTS TO MARE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 19 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 10 add new subdivisions to read as follows: 11 (25) "Biological product" means a biological product as defined 10 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 11 (26) "Interchangeable biological product" means a biological 11 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 12 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 11 r-92-50	3	91st General Assembly	A Bill	JMB/JMB
6 By: Representative Magie 7 Field with: House Committee on Public Health, Welfare, and Labor 8 pursuant to A.C.A. §10-3-217. 9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 1 13 Subtitle 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(1) (1), as existing on January 1, 2019; and 26 (26) "Interchangeable as defined by 42 U.S.C. 262(1) (3), as	4	Third Extraordinary Session, 2018		HOUSE BILL
7 Filed with: House Committee on Public Health, Welfare, and Labor 8 pursuant to A.C.A. §10-3-217. 9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 13 Subtitle 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE 18 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 17 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 10 add new subdivisions to read as follows: 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 27 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 20 to add new subdivisions to read as follows: 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 28 (25) "Biological product" means a biological product as defined 29 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 20 (26) "Interchangeable biological product" means a biological 21 product that is interchangeable as defin	5			
8 pursuant to A.C.A. §10-3-217. 9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 1 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 1 18 Subtitle 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 10 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 17 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 18 to add new subdivisions to read as follows: 19 (25) "Biological product" means a biological product as defined 10 to add new subdivisions to read as follows: 11 (26) "Interchangeable biological product" means a biological 11 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 12 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 11 17-92-503. Generic drug product and biological product substitutions. 12 (a)(1)(<u>A</u>) Except as provided in subsection (b) of this section, when a	6	By: Representative Magie		
9 For An Act To Be Entitled 10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 1 13 Subtitle 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 BE 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 10 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 17 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 10 add new subdivisions to read as follows: 12 (25) "Biological product" means a biological product as defined 19 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 10 (26) "Interchangeable biological product" means a biological 17 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 18 existing on January 1, 2019. 19 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. 10 (a)(1)(A) Except as provided in subsection (b) of this section, when a	7		Filed with: House Committee on	Public Health, Welfare, and Labor
10 AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 13 13 Subtitle 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 1 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 26 (26) "Interchangeable biological product" means a biological 27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biolo	8			pursuant to A.C.A. §10-3-217.
11 PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES. 12 13 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 18 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 26 (26) "Interchangeable biological product" means a biological 27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(A) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product or	9	F	or An Act To Be Entitled	
12 13 14 Subtitle 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 PRODUCT SUBSTITUTIONS. 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 26 (26) "Interchangeable as defined by 42 U.S.C. 262(i)(3), as 27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(A) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product or	10	AN ACT TO ALLOW	PHARMACISTS TO MAKE BIOLO	OGICAL
13 Subtile 14 Subtile 15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 PRODUCT SUBSTITUTIONS. 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(1)(1), as existing on January 1, 2019; and 26 (26) "Interchangeable biological product" means a biological 27 product that is interchangeable as defined by 42 U.S.C. 262(1)(3), as 28 existing on January 1, 2019. 29 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(<u>A</u>) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescripti	11	PRODUCT SUBSTIT	UTIONS; AND FOR OTHER PURE	POSES.
14Subtitle15TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL16PRODUCT SUBSTITUTIONS.171819BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:2021SECTION 1. Arkansas Code § 17-92-101, concerning the definitions22relating to pharmacists, pharmacies, and the practice of pharmacy, is amended23to add new subdivisions to read as follows:24(25) "Biological product" means a biological product as defined25by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and26(26) "Interchangeable biological product" means a biological27product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as28existing on January 1, 2019.29SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows:3117-92-503. Generic drug product and biological product substitutions.32(a)(1)(A) Except as provided in subsection (b) of this section, when a33pharmacist receives a prescription for a brand or trade name drug product or	12			
15 TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL 16 PRODUCT SUBSTITUTIONS. 17 18 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 21 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 yeiological product" means a biological product as defined 26 (26) "Interchangeable biological product" means a biological 27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(A) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product or	13		~	
16PRODUCT SUBSTITUTIONS.171819191120212122232425252627282929202020212230313232333434343536373738393930313233343434353637373839393930303132333434353536373738393939303132333434343535363737383939393939393939393939393939393030 <t< td=""><td>14</td><td></td><td>Subtitle</td><td></td></t<>	14		Subtitle	
17 18 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 21 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions 22 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended 23 to add new subdivisions to read as follows: 24 (25) "Biological product" means a biological product as defined 25 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and 26 (26) "Interchangeable biological product" means a biological 27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 30 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(<u>A)</u> Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product <u>or</u>	15	TO ALLOW H	PHARMACISTS TO MAKE BIOLOG	ICAL
 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: SECTION 1. Arkansas Code § 17-92-101, concerning the definitions relating to pharmacists, pharmacies, and the practice of pharmacy, is amended to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a 	16	PRODUCT SU	JBSTITUTIONS.	
 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: SECTION 1. Arkansas Code § 17-92-101, concerning the definitions relating to pharmacists, pharmacies, and the practice of pharmacy, is amended to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a 	17			
 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions relating to pharmacists, pharmacies, and the practice of pharmacy, is amended to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a 				
 SECTION 1. Arkansas Code § 17-92-101, concerning the definitions relating to pharmacists, pharmacies, and the practice of pharmacy, is amended to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a 		BE IT ENACTED BY THE GENERA	L ASSEMBLY OF THE STATE OF	ARKANSAS:
 relating to pharmacists, pharmacies, and the practice of pharmacy, is amended to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a 				
 to add new subdivisions to read as follows: (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product or 				-
 (25) "Biological product" means a biological product as defined by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product or 			-	e of pharmacy, is amended
 by 42 U.S.C. 262(i)(1), as existing on January 1, 2019; and (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product or 				
 (26) "Interchangeable biological product" means a biological product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic drug product and biological product substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product or 		_		-
27 product that is interchangeable as defined by 42 U.S.C. 262(i)(3), as 28 existing on January 1, 2019. 29 30 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic drug product and biological product substitutions. 32 (a)(1)(A) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product <u>or</u>		-		
 existing on January 1, 2019. SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic <u>drug product and biological product</u> substitutions. (a)(1)(<u>A</u>) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product <u>or</u> 				-
29 30 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 31 17-92-503. Generic <u>drug product and biological product</u> substitutions. 32 (a)(1)(<u>A</u>) Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product <u>or</u>		-		<u>.C. 262(1)(3), as</u>
 SECTION 2. Arkansas Code § 17-92-503 is amended to read as follows: 17-92-503. Generic <u>drug product and biological product</u> substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product <u>or</u> 		existing on January 1, 2019	<u>•</u>	
 17-92-503. Generic <u>drug product and biological product</u> substitutions. (a)(1)(A) Except as provided in subsection (b) of this section, when a pharmacist receives a prescription for a brand or trade name drug product <u>or</u> 				
32 (a)(1)(<u>A)</u> Except as provided in subsection (b) of this section, when a 33 pharmacist receives a prescription for a brand or trade name drug product <u>or</u>			-	
33 pharmacist receives a prescription for a brand or trade name drug product <u>or</u>		_		-
		· · · · · · · · ·	-	
			-	
34 <u>biological product</u> , the pharmacist may dispense a lower cost generically				
 equivalent drug product <u>or interchangeable biological product only when there</u> will be a cost savings for the patient. 				product only when there

1	(B) The pharmacist shall disclose the amount of the cost		
2	savings at the request of the patient.		
3	(2) The total amount charged for the substituted generically		
4	equivalent drug product or interchangeable biological product or for		
5	dispensing the drug product or biological product shall not exceed the amount		
6	normally and regularly charged under comparable circumstances by the		
7	pharmacist for that drug product or biological product or for the dispensing		
8	of that drug product or biological product.		
9	(3) A pharmacist may not dispense a drug product <u>or</u>		
10	interchangeable biological product with a total charge that exceeds the total		
11	charge of the drug product or biological product originally prescribed unless		
12	agreed to by the purchaser.		
13	(b) The pharmacist shall not dispense a generically equivalent drug		
14	product or interchangeable biological product under subsection (a) of this		
15	section if:		
16	(1) The prescriber, in the case of a prescription in writing		
17	signed by the prescriber, indicates in his or her own handwriting by name or		
18	initial that no substitution shall be made;		
19	(2) The prescriber, in the case of a prescription other than one		
20	in writing signed by the prescriber, expressly indicates that the		
21	prescription is to be dispensed as communicated;		
22	(3) The person for whom the drug product or biological product		
23	is prescribed indicates that the prescription is to be dispensed as written		
24	or communicated; or		
25	(4) The Arkansas State Board of Pharmacy has determined that the		
26	drug product or biological product should not be substituted and has notified		
27	all pharmacists of that determination.		
28	(c)(l) The Arkansas State Board of Pharmacy shall determine which		
29	drugs are generically equivalent and which biological products are		
30	interchangeable biological products as defined in § 17-92-101, relying on		
31	standards scientifically supported and generally accepted in the field of		
32	pharmacy, and shall notify each licensed pharmacist and the Arkansas State		
33	Medical Board of this determination.		
34	(2) In making this determination, the Arkansas State Board of		
35	Pharmacy may use a nationally recognized reference source that meets the		
36	requirements of this act, notifying each licensed pharmacist and the Arkansas		

2

1	State Medical Board of the reference source to be used and any additions or		
2	deletions the Arkansas State Board of Pharmacy may make in its discretion.		
3	(d)(l) Within three (3) business days after dispensing an		
4	interchangeable biological product that has been substituted for a biological		
5	product, the dispensing pharmacist or his or her designee shall record the		
6	specific interchangeable biological product provided to the patient,		
7	including without limitation the name of the interchangeable biological		
8	product and the manufacturer of the interchangeable biological product.		
9	(2) The record shall be electronically accessible to the		
10	prescriber through:		
11	(A) An interoperable electronic medical records system;		
12	(B) An electronic prescribing technology;		
13	(C) A pharmacy benefit management system; or		
14	(D) A pharmacy record.		
15	(3) If requested by a prescriber, a pharmacist shall communicate		
16	to the prescriber using facsimile, telephone, electronic transmission, or		
17	other prevailing means that an interchangeable biological product has been		
18	dispensed.		
19	(4) A communication is not required when:		
20	(A) An interchangeable biological product does not exist		
21	for the prescribed biological product; or		
22	(B) A refill prescription for a biological product is not		
23	substituted with an interchangeable biological product on a subsequent		
24	filling of the prescription.		
25	(5) The pharmacist or pharmacy shall maintain a record of		
26	biological products dispensed for at least two (2) years.		
27			
28	SECTION 3. Arkansas Code § 17-92-505 is amended to read as follows:		
29	17-92-505. Labeling.		
30	(a)(l) The pharmacist filling a prescription for dispensing to an		
31	ultimate patient may affix to the container a label showing:		
32	(A) The pharmacy name, address, and telephone number;		
33	(B) The date of dispensing;		
34	(C) The serial number of the prescription;		
35	(D) The name of the patient;		
36	(E) The name of the prescribing practitioner;		

1 (F) Either: 2 (i) The trade name of the medication drug product, if any, or the generic name and identity of the manufacturer of the dispensed 3 4 medication drug product, if the medication drug product appears generically 5 listed on the drug formulary list as established by this subchapter; or 6 (ii) In the case of a biological product, the trade 7 name of the biological product, if any, or the proper name of the biological 8 product and identity of the manufacturer of the dispensed biological product; 9 (G) The strength per unit dose of the medication; 10 The quantity of the medication; and (H) (I) Directions for use. 11 12 (2) If a pharmacist dispenses a generically equivalent product 13 or interchangeable biological product, the person for whom the medication is 14 prescribed shall be informed prior to before dispensing or the label should 15 appropriately indicate the substitution. 16 (3) However, this subsection shall This subsection does not 17 apply to the dispensing of medication to inpatients in hospitals. 18 (4) Further, in an appropriate manner, In the case of dispensing 19 a drug product or biological product, the prescribing practitioner may 20 indicate that the name, manufacturer, and strength of the medication 21 dispensed shall be deleted from the label. 22 (b) Any authorized person filling a prescription An authorized person 23 who fills a prescription for dispensing to an ultimate patient shall affix to 24 the container a label showing: 25 (1) the The trade name of the medication or the generic name of 26 the medication unless directed to the contrary by the physician. Failure to 27 comply with this subsection shall be grounds for disciplinary action. 28 prescribing practitioner; or 29 (2) The trade name, if any, or the proper name of the biological 30 product unless directed to the contrary by the prescribing practitioner. 31 32 SECTION 4. Arkansas Code § 17-92-506 is amended to read as follows: 17-92-506. Price Available drug product and biological product lists. 33 (a)(1) A pharmacist may display, within the confines of the pharmacy, 34 lists of available drug products and biological products, other than 35 36 controlled substances, and current charges for the drug products or

4

I.S.P. 2017-135

1	biological products or for the dispensing of the drug products or biological
2	products in specified quantities.
3	(2) Upon request, a pharmacy may make such lists available to
4	its customers and other members of the public.
5	(b) The Arkansas State Board of Pharmacy shall maintain on the website
6	of the board a link to the lists of all biological products approved by the
7	United States Food and Drug Administration.
8	
9	
10	Referred by Representative Magie
11	Prepared by: JMB/JMB
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27 28	
28 29	
30	
31	
32	
33	
34	
35	
36	