

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

51

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 17-91-503 TO PROVIDE THAT PHARMACISTS SHALL NOT DISPENSE GENERICALLY EQUIVALENT DRUGS IF THE PRESCRIBER WRITES D.A.W. ON THE PRESCRIPTION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 17-91-503 is hereby amended to read as follows:

"17-91-503. Generic substitutions. (a) (1) When a pharmacist receives a prescription for a brand or trade name drug product, the pharmacist may dispense, except as provided in subsection (b) of this section, a lower cost generically equivalent drug product unless such drug product appears on the nonequivalent drug product list as provided in § 17-91-504.

(2) The total amount charged for the substituted generically equivalent drug product or for dispensing the drug product shall not exceed the amount normally and regularly charged under comparable circumstances by the pharmacist for that drug product or for the dispensing of that drug product.

(3) A pharmacist may not dispense a drug product with a total charge that exceeds the total charge of the drug product originally prescribed unless agreed to by the purchaser.

(b) The pharmacist shall not dispense a generically equivalent drug product under subsection (a) of this section if:

(1) The prescriber, in the case of a prescription in writing signed by the prescriber, initials the abbreviation D.A.W. or otherwise indicates in his own handwriting by name or initial that no substitution shall be made;

(2) The prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated; or

(3) The person for whom the drug product is prescribed indicates the prescription is to be dispensed as written or communicated."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.