

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2255

4
5 By: Representative Ferguson

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 17-95-102 CONCERNING
10 DISPENSING PHYSICIANS; AND FOR OTHER PURPOSES."

Subtitle

13 "AMEND ARKANSAS CODE 17-95-102
14 CONCERNING DISPENSING PHYSICIANS."

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

18 SECTION 1. Arkansas Code 17-95-102 is amended to read as follows:

19 "17-95-102. Legend drugs.

20 (a) A dispensing physician is a physician licensed under the Arkansas
21 Medical Practices Act, § 17-95-201 et seq., who purchases legend drugs
22 to be dispensed to his or her patients for the patients' personal use
23 and administration outside the physician's office.

24 (b) This section shall not apply to physicians who only dispense
25 drugs in injectable form unless they are controlled substances, in
26 which case the section shall fully apply.

27 (c) The dispensing physician shall:

28 (1) Personally dispense legend drugs and the dispensing of such
29 drugs may not be delegated;

30 (2) Keep records of all receipts and distributions of legend
31 drugs. The records shall be subject to inspection by the proper
32 enforcement authority and shall be readily accessible for inspection
33 and maintained in a central registry; and

34 (3) Label legend drugs with the following information: patient's
35 name and address; prescribing physician's address and narcotic
36 registry number issued by the Drug Enforcement Administration of the

1 United States Department of Justice; date of dispensing; directions
 2 and cautionary statements, if any, as required by law.

3 ~~(d) No physician licensed under the Arkansas Medical Practices
 4 Act, § 17-95201 et seq., shall dispense legend drugs without prior
 5 approval by the Arkansas State Medical Board after application to the
 6 board and on the showing of need. Licensed physicians who were
 7 dispensing in the ordinary course of their practice for the twelve
 8 (12) months immediately prior to July 4, 1983, shall be exempt from
 9 the requirements of this subsection.~~

10 ~~(e)(d)~~ The Arkansas State Medical Board shall enforce the provisions
 11 of this section and is authorized and directed to adopt regulations to
 12 carry out its purpose."

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

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18 SECTION 3. If any provision of this act or the application thereof to
 19 any person or circumstance is held invalid, such invalidity shall not affect
 20 other provisions or applications of the act which can be given effect without
 21 the invalid provision or application, and to this end the provisions of this
 22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are
 25 hereby repealed.

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