

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: H4/1/05
A Bill

HOUSE BILL 2970

4
5 *By: Representatives Norton, Dunn, Bolin*
6 *By: Senator Laverty*

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9 **For An Act To Be Entitled**

10 AN ACT TO REQUIRE DISCLOSURE OF CERTAIN
11 PHARMACEUTICAL MARKETING PRACTICES; TO EXEMPT
12 DISTRIBUTOR WAREHOUSES FROM ACT 256 OF 2005; AND
13 FOR OTHER PURPOSES.

14
15 **Subtitle**

16 TO REQUIRE DISCLOSURE OF CERTAIN
17 PHARMACEUTICAL MARKETING PRACTICES.

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

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22 *SECTION 1. Arkansas Code § 5-64-212, as added by Act 256 of 2005,*
23 *adding ephedrine products to Schedule V, is amended to read as follows:*

24 *(e)(1) Ephedrine combination products, pseudoephedrine, and*
25 *phenylpropanolamine, warehoused by a distributor located in this state that*
26 *is warehoused for export to a retailer or distributor out of this state is*
27 *exempt from this section.*

28 *(2) A distributor warehousing and exporting ephedrine*
29 *combination products, pseudoephedrine, and phenylpropanolamine shall:*

30 *(A) Register with the Arkansas Board of Pharmacy; and*

31 *(B) Comply with any rules adopted by the board regarding*
32 *the diversion from legitimate commerce of ephedrine combination products,*
33 *pseudoephedrine, and phenylpropanolamine, including, but not limited to,*
34 *disclosure of marketing practices.*

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36 *SECTION 2. Arkansas Code § 5-64-1101(a), as amended by Act 256 of*



1 2005, pertaining to possession limitations for ephedrine and pseudoephedrine,
2 is amended to read as follows:

3 (a) It shall be unlawful for any person to possess more than five (5)
4 grams of ephedrine or nine (9) grams of pseudoephedrine or
5 phenylpropanolamine, or their salts, optical isomers, and salts of optical
6 isomers, alone or in a mixture, except:

7 (1) Any pharmacist or other authorized person who sells or
8 furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,
9 optical isomers, and salts of optical isomers, upon the prescription of a
10 physician, dentist, podiatrist, ~~or~~ veterinarian, or other healthcare
11 professional with prescriptive authority, or as authorized pursuant to § 5-
12 64-1103; or

13 (2) Without a prescription, pursuant to the Federal Food, Drug,
14 and Cosmetic Act or regulations adopted under the act, products exempted
15 under § 5-64-1103(b)(1) and (2), provided that the person possesses a sales
16 and use tax permit issued by the Department of Finance and Administration; or

17 (3) Any physician, dentist, podiatrist, veterinarian, or other
18 healthcare professional with prescriptive authority who administers or
19 furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,
20 optical isomers, and salts of optical isomers to his or her patients; or

21 (4)(A) Any manufacturer, wholesaler, or distributor licensed by
22 the Arkansas State Board of Pharmacy who meets one (1) of the requirements in
23 subdivision (a)(4)(B) of this section and sells, transfers, or otherwise
24 furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,
25 optical isomers, and salts of optical isomers to a licensed pharmacy,
26 physician, dentist, podiatrist, veterinarian, or other healthcare
27 professional with prescriptive authority, or any person who possesses a sales
28 and use tax permit issued by the department.

29 (B)(i) The manufacturer, wholesaler, or distributor must
30 hold or store the substances in facilities that meet the packaging
31 requirements of § 5-64-1005(d)(1)-(3).

32 (ii) The manufacturer, wholesaler, or distributor
33 must sell, transfer, or otherwise furnish only to healthcare professionals
34 identified in subdivisions (a)(1) and (3) of this section; or

35 (5) Wholesalers or distributors as specified in 5-64-212(e).

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