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 As Engre	ossed: H4/1/05
2	85th General Assembly A	Bill
3	Regular Session, 2005	HOUSE BILL 2970
4		
5	By: Representatives Norton, Dunn, Bolin	
6	By: Senator Laverty	
7		
8		
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	Sı	ıbtitle
16	TO REQUIRE DISCLOSUE	E OF CERTAIN
17	PHARMACEUTICAL MARKE	TING PRACTICES.
18		
19		
20		
21		
22	SECTION 1. Arkansas Code § 5-6	4-212, 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 p	roducts, pseudoephedrine, and
25		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 wareho	using 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.	
35		
36	SECTION 2. Arkansas Code § 5-6	4-1101(a), as amended by Act 256 of

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1 2005, pertaining to possession limitations for ephedrine and pseudoephedrine, 2 is amended to read as follows: (a) It shall be unlawful for any person to possess more than five (5) 3 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 (2) Without a prescription, pursuant to the Federal Food, Drug, 13 14 and Cosmetic Act or regulations adopted under the act, products exempted 15 under \S 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 healthcare professional with prescriptive authority who administers or 18 19 furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers to his or her patients; or 20 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 requirements of $\S 5-64-1005(d)(1)-(3)$. 31 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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I	SECTION 3. Arkansas Code § 5-64-1103(a), as amended by Act 256 of	
2	2005, concerning sales limits on ephedrine combination products,	
3	pseudoephedrine, and phenylpropanolamine, is amended to read as follows:	
4	(a) It shall be unlawful for any person, other than a person or entit	
5	described in § 5-64-1101(a)(3) and $\frac{(a)(4)(a)(5)}{(a)(5)}$, to knowingly dispense, sell	
6	transfer, or otherwise furnish in a single transaction products containing	
7	ephedrine, pseudoephedrine, or phenylpropanolamine except in a licensed	
8	pharmacy by a licensed pharmacist or a registered pharmacy technician.	
9		
10	SECTION 4. Arkansas Code § 5-64-1103(f), as amended by Act 256 of	
11	2005, concerning sales limits on ephedrine combination products,	
12	pseudoephedrine, and phenylpropanolamine, is amended to read as follows:	
13	(f)(1) It shall be unlawful for any person, other than a person or	
14	entity described in $5-64-1101(a)(1)-\frac{(4)(5)}{5}$, to knowingly purchase, acquire	
15	or otherwise receive in a single transaction:	
16	(A) More than three (3) packages of one (1) or more	
17	products that the person knows to contain ephedrine, pseudoephedrine, or	
18	phenylpropanolamine, their salts, isomers, or salts of isomers; or	
19	(B) Any single package of any product that the person	
20	knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, which	
21	contains more than ninety-six (96) pills, tablets, gelcaps, capsules, or	
22	other individual units or more than three (3) grams of ephedrine,	
23	pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of	
24	isomers, or a combination of any of these substances, whichever is smaller.	
25	(2) It shall be unlawful for any person, other than a person or	
26	entity described in $5-64-1101(a)(1) - \frac{(4)(5)}{5}$, to knowingly purchase,	
27	acquire, or otherwise receive more than five (5) grams of ephedrine or nine	
28	(9) grams of pseudoephedrine or phenylpropanolamine within any thirty-day	
29	period.	
30	/s/ Norton, et al	
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