

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1184

4
5 By: Representative Wright
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For An Act To Be Entitled

8 AN ACT TO REQUIRE THE ARKANSAS STATE BOARD OF
9 PHARMACY TO DETERMINE AND PREPARE A LIST OF
10 PRESCRIPTION DRUGS THAT ARE CONSIDERED SPECIALTY
11 DRUGS BY A PHARMACY BENEFITS MANAGER; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO REQUIRE THE ARKANSAS STATE BOARD OF
16 PHARMACY TO DETERMINE AND PREPARE A LIST
17 OF PRESCRIPTION DRUGS THAT ARE CONSIDERED
18 SPECIALTY DRUGS BY A PHARMACY BENEFITS
19 MANAGER.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1 is amended
26 to add an additional section to read as follows:

27 17-92-115. Specialty drugs.

28 (a) As used in this section, "specialty drug" means a prescription
29 drug that requires special handling, special administration, unique inventory
30 management, a high level of patient monitoring, or more intense patient
31 support than conventional therapies.

32 (b) The Arkansas State Board of Pharmacy shall determine and prepare a
33 list of the prescription drugs that are considered specialty drugs by a
34 pharmacy benefits manager.

35 (c) Every six (6) months, the board shall publish its list of
36 specialty drugs as required under the Arkansas Administrative Procedure Act,



1 § 25-15-201 et seq.

2 (d) If a pharmacy benefits manager intends to designate certain
 3 prescription drugs as specialty drugs on a formulary, the pharmacy benefits
 4 manager shall designate on the formulary only prescription drugs that are on
 5 the list of specialty drugs published by the board.

6 (e) A pharmacy benefits manager shall allow any licensed pharmacy or
 7 licensed pharmacist in the state to fill a prescription for a specialty drug
 8 if the licensed pharmacy or licensed pharmacist:

9 (1) Has a contract with the pharmacy benefits manager;

10 (2) Has the specialty drug in inventory or has ready access to
 11 the specialty drug; and

12 (3) Is capable of complying with any special handling, special
 13 administration, inventory management, patient monitoring, or patient support
 14 requirements for the specialty drug.

15 (f) A pharmacy benefits manager shall not require a specialty drug to
 16 be dispensed by mail order.

17 (g) A specialty drug designated by a pharmacy benefits manager as a
 18 sponsor plan formulary designated specialty drug and dispensed by a retail
 19 pharmacy shall be reimbursed at the current contractual brand or generic tier
 20 reimbursement rate specified in the contract between the pharmacy benefits
 21 manager and the retail pharmacy.

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 23 SECTION 2. Arkansas Code § 17-92-205(a), concerning rules and
 24 enforcement of the Arkansas State Board of Pharmacy, is amended to add an
 25 additional subdivision to read as follows:

26 (3) The board shall by rule comply with § 17-92-115.