

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/14/13 S3/18/13

A Bill

SENATE BILL 386

5 *By: Senator Burnett*
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT THERAPEUTICALLY EQUIVALENT
9 DRUG SUBSTITUTIONS BE AUTHORIZED ON EACH
10 PRESCRIPTION; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO REQUIRE THAT THERAPEUTICALLY
15 EQUIVALENT DRUG SUBSTITUTIONS BE
16 AUTHORIZED ON EACH PRESCRIPTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 17-92-101(17), concerning the definition of
22 prescription for the pharmacy act, is amended to read as follows:

23 (17)(A) "Prescription" means an order for medicine or medicines
24 usually written as a formula by a physician, optometrist, dentist,
25 veterinarian, or other licensed medicinal practitioner. It contains the
26 names and quantities of the desired substance, with instructions to the
27 pharmacist for its preparation and to the patient for the use of the medicine
28 at a particular time and may authorize the pharmacist to substitute a
29 therapeutically equivalent drug that is at a lower cost to the patient and
30 communicate that authorization by any generally accepted means of
31 communication of a prescription from a prescriber to a pharmacist.
32 Authorization of a substitution of a therapeutically equivalent drug shall
33 occur only for an individual prescription in which the prescriber grants the
34 authorization.

35 (B)(i) Before dispensing, the pharmacist shall discuss
36 verbally any suggested substitution with the patient and inform the patient



1 that the patient has a right to refuse the substitution.

2 (ii) The discussion under subdivision (17)(B)(i) of
3 this section shall include without limitation:

4 (a) Notification to the patient that the
5 therapeutically equivalent drug does not contain the identical active
6 ingredient present in the prescribe drug; and

7 (b) All differences in dosage and frequency
8 between the prescribed drug and the therapeutically equivalent drug.

9 (C) The pharmacist shall send notice of the substitution
10 to the prescriber in writing or by electronic communication within twenty-
11 four (24) hours after the drug is dispensed to the patient;

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13 *SECTION 2. Uncodified Section 2 of Act 274 of 2013 is amended to read*
14 *as follows:*

15 *SECTION 2. Arkansas Code § 17-92-101, concerning the definitions for*
16 *the pharmacy act, is amended to add an additional subdivision to read as*
17 *follows:*

18 *(20)(A) "Therapeutic class" means a group of similar drug*
19 *products that have the same or similar mechanisms of action and are used to*
20 *treat a specific condition;*

21 *(B) "Therapeutic class" does not include medications used*
22 *to treat serious mental health conditions, including without limitation:*

23 *(1) Anti-anxiety medications;*

24 *(2) Antidepressants;*

25 *(3) Antipsychotic agents; and*

26 *(4) Mood stabilizing and anticonvulsant medications.*

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28 */s/Burnett*

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