

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023

# A Bill

HOUSE BILL 1007

4  
5 By: Representative Pilkington  
6

## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE PHARMACISTS TO DISPENSE HIV  
9 PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS; AND FOR  
10 OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AUTHORIZE PHARMACISTS TO DISPENSE HIV  
14 PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(g), concerning the  
21 definition of "practice of pharmacy", is amended to read as follows:

22 (g) Under a statewide protocol, a pharmacist  
23 may initiate therapy and administer or dispense, or both, drugs that include  
24 Naloxone, nicotine replacement therapy products, ~~and~~ oral contraceptives, HIV  
25 preexposure prophylaxis, and HIV postexposure prophylaxis;  
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27 SECTION 2. Arkansas Code § 17-92-101, concerning definitions regarding  
28 pharmacy and pharmacists, is amended to add an additional subdivision to read  
29 as follows:

30 (26) "HIV" means the human immunodeficiency virus or any other  
31 identified causative agent of acquired immunodeficiency syndrome (AIDS).  
32

33 SECTION 3. Arkansas Code § 17-92-115, concerning the requirements for  
34 administering and dispensing under a statewide protocol, is amended to add an  
35 additional subsection to read as follows:

36 (c)(1) In addition to the requirements under subsection (a) of this



1 section, when initiating therapy and administering or dispensing, or both,  
2 for HIV preexposure prophylaxis or HIV postexposure prophylaxis, or both,  
3 under a statewide protocol, a pharmacist shall:

4 (A) Within twelve (12) months of initiating therapy and  
5 administering or dispensing, or both, complete a training program approved by  
6 the board on the use of HIV preexposure prophylaxis and HIV postexposure  
7 prophylaxis, which shall include information about:

8 (i) Financial assistance programs for HIV  
9 preexposure prophylaxis and HIV postexposure prophylaxis; and

10 (ii) Relevant federal guidelines regarding HIV  
11 preexposure prophylaxis and HIV postexposure prophylaxis; and

12 (B) Not permit a patient to waive consultation for HIV  
13 preexposure prophylaxis or HIV postexposure prophylaxis.

14 (2) Under a statewide protocol, a pharmacist shall dispense at  
15 least a thirty-day supply and up to a sixty-day supply of HIV preexposure  
16 prophylaxis if:

17 (A)(i) The patient is HIV-negative as documented by a  
18 negative HIV test result obtained within the previous seven (7) days from:

19 (a) An HIV antigen/antibody test;

20 (b) An HIV antibody-only test; or

21 (c) A rapid, point-of-care fingerstick blood  
22 test approved by the United States Food and Drug Administration.

23 (ii) If the test results are not transmitted  
24 directly to the pharmacist, the pharmacist shall verify the test results.

25 (iii) If the patient tests positive for HIV  
26 infection, the pharmacist shall direct the patient to a primary care provider  
27 and provide a list of providers and clinics in the region.

28 (iv) If the patient does not provide evidence of a  
29 negative HIV test, the pharmacist shall test and administer an HIV test and  
30 interpret the test results;

31 (B) The patient does not report:

32 (i) Any signs or symptoms of acute HIV infection on  
33 a self-reported checklist of acute HIV infection signs and symptoms; and

34 (ii) Usage of any contraindicated medication;

35 (C) The pharmacist provides counseling to the patient on  
36 the ongoing use of HIV preexposure prophylaxis, which shall include education

1 about:

2 (i) Side effects;

3 (ii) Safety during pregnancy and breastfeeding;

4 (iii) Adherence to recommended dosing;

5 (iv) The importance of timely testing and treatment  
6 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted  
7 diseases, and pregnancy for individuals of childbearing capacity; and

8 (v) The requirement that subsequent prescriptions  
9 for HIV preexposure prophylaxis be issued by a primary care provider; and

10 (D) To the extent possible, the pharmacist documents the  
11 services provided by the pharmacist in the patient record system shared with  
12 the primary care provider.

13 (3) Under a statewide protocol, a pharmacist shall dispense a  
14 course of HIV postexposure prophylaxis if the pharmacist:

15 (A) Screens the patient and determines that the exposure  
16 to HIV occurred within the previous seventy-two (72) hours and that the  
17 patient otherwise meets the clinical criteria for HIV postexposure  
18 prophylaxis;

19 (B) Provides HIV testing or determines that the patient  
20 is:

21 (i) Willing to undergo HIV testing consistent with  
22 federal guidelines; or

23 (ii) Unwilling to undergo HIV testing but otherwise  
24 eligible for HIV postexposure prophylaxis;

25 (C) Provides counseling to the patient on the ongoing use  
26 of HIV postexposure prophylaxis, which shall include education about:

27 (i) Side effects;

28 (ii) Safety during pregnancy and breastfeeding;

29 (iii) Adherence to recommended dosing;

30 (iv) The importance of timely testing and treatment  
31 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted  
32 diseases, and pregnancy for individuals of childbearing capacity; and

33 (v) The availability of HIV preexposure prophylaxis  
34 for a person who is at a substantial risk of acquiring HIV; and

35 (D) To the extent possible, documents the services  
36 provided by the pharmacist in the patient record system shared with the

1 primary care provider.

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3 SECTION 4. Arkansas Code § 23-92-506(b)(6) and (7), concerning  
4 prohibited practices of a pharmacy benefits manager, are amended to read as  
5 follows:

6 (6) Make or permit any reduction of payment for pharmacist  
7 services by a pharmacy benefits manager or a healthcare payor directly or  
8 indirectly to a pharmacy under a reconciliation process to an effective rate  
9 of reimbursement, including without limitation generic effective rates, brand  
10 effective rates, direct and indirect remuneration fees, or any other  
11 reduction or aggregate reduction of payment; ~~or~~

12 (7)(A) Prohibit a pharmacist from dispensing HIV preexposure  
13 prophylaxis or HIV postexposure prophylaxis under a state protocol.

14 (B) As used in subdivision (b)(7)(A) of this section,  
15 "HIV" means the human immunodeficiency virus or any other identified  
16 causative agent of acquired immunodeficiency syndrome, commonly known as  
17 "AIDS"; or

18 ~~(7)(8)~~ Do any combination of the actions listed in subdivisions  
19 ~~(b)(1)-(6)~~(b)(1)-(7) of this section.  
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21 SECTION 5. Arkansas Code Title 23, Chapter 99, Subchapter 11, is  
22 amended to add an additional section to read as follows:

23 23-99-1120. HIV preexposure prophylaxis and HIV postexposure  
24 prophylaxis – Definitions.

25 (a) As used in this section:

26 (1) "AIDS" means acquired immunodeficiency syndrome; and

27 (2) "HIV" means the human immunodeficiency virus or any other  
28 identified causative agent of acquired immunodeficiency syndrome.

29 (b) Except as provided in subsection (c) of this section, a health  
30 benefit plan or healthcare insurer shall not require prior authorization or  
31 step therapy for antiretroviral drugs that are medically necessary for the  
32 prevention of HIV or AIDS, including HIV preexposure prophylaxis and HIV  
33 postexposure prophylaxis.

34 (c) If the United States Food and Drug Administration approves one (1)  
35 or more therapeutic equivalents of a drug, device, or product for the  
36 prevention of HIV or AIDS, a health benefit plan or healthcare insurer is not

required to cover all therapeutically equivalent versions without prior  
authorization or step therapy if at least one (1) therapeutically equivalent  
version is covered without prior authorization or step therapy.