

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H3/28/23

# A Bill

HOUSE BILL 1662

5 By: Representative Puryear  
6 By: Senator J. Payton  
7

## For An Act To Be Entitled

9 AN ACT TO EXEMPT THE SALE OF VETERINARY DRUGS AND  
10 MEDICINE IF BASED ON A PRESCRIPTION OF A LICENSED  
11 VETERINARIAN FROM THE LICENSURE REQUIREMENTS FOR A  
12 PHARMACIST AND A PHARMACY; TO DECLARE AN EMERGENCY;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO EXEMPT THE SALE OF VETERINARY DRUGS  
17 AND MEDICINE IF BASED ON A PRESCRIPTION  
18 OF A LICENSED VETERINARIAN FROM THE  
19 LICENSURE REQUIREMENTS FOR A PHARMACIST  
20 AND A PHARMACY; AND TO DECLARE AN  
21 EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 17-92-102(b), concerning the exemptions to  
28 licensure as a pharmacist or pharmacy, is amended to read as follows:

29 (b) The provisions of this section and § 17-92-101, § 17-92-103, § 17-  
30 92-105, § 17-92-205(b), § 17-92-206(b), § 17-92-303, § 17-92-402, § 17-92-  
31 404, § 17-92-405, § 17-92-409, § 17-92-410, and § 17-92-411(a) shall not  
32 apply:

33 (1) To the sale of drugs and medicines when intended for  
34 agricultural, technical, and industrial use, unless those drugs and medicines  
35 are legend drugs as defined in § 20-64-503;

36 (2) To the sales by wholesale druggists, wholesale or retail



1 grocers, or other wholesale or retail dealers or manufacturers of proprietary  
2 medicines in original packages; ~~or~~

3 (3) To the sales of those drugs commonly known as “grocers’  
4 drugs” in original packages when put up under the direction of a licensed  
5 pharmacist of this or some other state; or

6 (4) To the sale or shipping of antibiotics and microbials for  
7 veterinary medical use directly from a wholesaler, distributor, pharmacy, or  
8 farm store to a client if the veterinary drugs and medicine are dispensed  
9 based only on a prescription of a licensed veterinarian who has an existing  
10 veterinary-client-patient relationship with the client.

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12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly of the State of Arkansas that the United States Food and  
14 Drug Administration has issued guidance that as of June 2023 all medically  
15 important antibiotics that were previously available over the counter shall  
16 require a prescription from a veterinarian for legal use in animals; that it  
17 is possible that some of the antibiotics may include common antibiotics and  
18 microbials used in the production of livestock and feed, as authorized under  
19 the Veterinary Feed Directive issued by the United States Food and Drug  
20 Administration; that stores across this state that specialize in agricultural  
21 needs, including those that produce livestock for human consumption, may be  
22 prohibited from the sale of these antibiotics for animals if an exemption to  
23 the licensure of a pharmacist or pharmacy is not provided in state law; and  
24 that this act is immediately necessary to ensure this state maintains access  
25 to antibiotics that were previously available over the counter for animals to  
26 avoid any issues in food production in this state. Therefore, an emergency is  
27 declared to exist, and this act being immediately necessary for the  
28 preservation of the public peace, health, and safety shall become effective  
29 on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,  
32 the expiration of the period of time during which the Governor may veto the  
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is  
35 overridden, the date the last house overrides the veto.

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*/s/Puryear*