

State of Arkansas

As Engrossed: H2/11/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1150

By: Representatives J. Moore, Ennett, Wooten, Achor, Lundstrum, Gramlich, R. Scott Richardson, Joey Carr, Vaught, Rose, Hawk, Ladyman, Bentley, J. Mayberry

By: Senators K. Hammer, J. Petty, Caldwell, G. Leding, C. Tucker, M. Johnson, J. Scott

For An Act To Be Entitled

AN ACT TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM
OBTAINING CERTAIN PHARMACY PERMITS; AND FOR OTHER
PURPOSES.

Subtitle

TO PROHIBIT A PHARMACY BENEFITS MANAGER
FROM OBTAINING CERTAIN PHARMACY PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) It is beneficial to the State of Arkansas to support patient access to prescription drugs and pharmacy services at fair prices in a market that supports optimal patient care;

(2) The Federal Trade Commission and the United States House Committee on Oversight and Government Reform have found evidence of anticompetitive business tactics that have driven locally-operated pharmacies out of business, limiting patient choices and inflating drug prices at pharmacies owned by pharmacy benefits managers; and

(3) The State of Arkansas wishes to minimize conflicts of interest by stopping the pharmacy benefits managers acting as a "fox guarding the henhouse" by being both a price setter and price taker.

(b) It is the intent of the General Assembly that the State of Arkansas shall improve healthcare delivery in the pharmacy market for patients by eliminating certain anticompetitive business tactics as a basic



1 tenet of this act.

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3 SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 4, is
4 amended to add an additional section to read as follows:

17-92-416
17-92-414 and
17-92-415 used by
Acts 2025, No. 52,
§ 4

5 17-92-414. Prohibition on certain pharmacy permits for retail sale of
6 drugs or medicines – Definitions.

7 (a) As used in this section:

8 (1)(A) "Permit" means a permit issued under § 17-92-405.

9 (B) "Permit" includes a pharmacy permit for a mail-order pharmacy; and

10 (2)(A) "Pharmacy benefits manager" means the same as defined in
11 § 23-92-503.

12 (B) "Pharmacy benefits manager" includes an entity that:

13 (i) Is managed by a pharmacy benefits manager or is
14 a subsidiary of a pharmacy benefits manager; or

15 (ii) Has a direct or indirect ownership interest in
16 a pharmacy benefits manager.

17 (b) A pharmacy benefits manager shall not acquire direct or indirect
18 interest in, or otherwise hold, directly or indirectly, a permit under § 17-
19 92-405 for the retail sale of drugs or medicines in this state.

20 (c) On and after the effective date of this act, the Arkansas State
21 Board of Pharmacy shall either revoke or not renew a permit of an entity that
22 violates this section.

23 (d) The board may issue a limited use permit for certain rare, orphan,
24 or limited distribution drugs that are otherwise unavailable in the market to
25 a pharmacy that would otherwise be prohibited under this section.

26 (e) The board may extend the use of a retail permit or issue a renewal
27 of a retail permit for a pharmacy that offers same-day patient access for
28 pharmacist services, a prescription for a controlled substance, mental health
29 services, or other critical patient healthcare services for a period of time
30 as determined by the board if there is a pending sale of the pharmacy to an
31 eligible buyer.

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33 SECTION 3. DO NOT CODIFY. Effective date.

34 This act is effective on and after January 1, 2026.

35
36 /s/J. Moore