

State of Arkansas *As Engrossed: H2/11/25 H3/18/25*

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, *D. Sullivan*

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:

5 17-92-416. 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)(1) The board may issue a limited use permit for certain rare,
24 orphan, or limited distribution drugs that are otherwise unavailable in the
25 market to a patient or a pharmacy that would otherwise be prohibited under
26 this section.

27 (2)(A) The board may assess the need for rare, orphan, or
28 limited distribution drugs for a limited use permit for certain rare, orphan,
29 or limited distribution drugs under subdivision (d)(1) of this section before
30 revocation or renewal of an existing retail permit for a pharmacy.

31 (B) This subsection shall expire on September 1, 2027.

32 (e) The board may extend the use of a retail permit or issue a renewal
33 of a retail permit for a pharmacy that offers same-day patient access for
34 pharmacist services, a prescription for a controlled substance, mental health
35 services, or other critical patient healthcare services for a period of time
36 as determined by the board if there is a pending sale of the pharmacy to an

1 eligible buyer.

2 (f) This section does not apply to a pharmacy employer and a pharmacy
3 that:

4 (1) Has direct or indirect interest in a pharmacy benefits
5 manager;

6 (2) The pharmacy employer is the sole Arkansas client of the
7 pharmacy benefits manager that the pharmacy employer has a direct or indirect
8 interest in; and

9 (3) Exclusively services the employees and dependents of the
10 pharmacy employer while utilizing the affiliated pharmacy benefits manager in
11 this state.

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13 SECTION 3. DO NOT CODIFY. Effective date.

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

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16 /s/J. Moore
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