

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1331 of the Regular Session

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S4/9/13  
**A Bill**

SENATE BILL 1171

By: Senator Caldwell

### For An Act To Be Entitled

AN ACT TO CLARIFY THAT ELECTRONIC PRESCRIBING OF  
CONTROLLED SUBSTANCES IS PERMITTED; AND FOR OTHER  
PURPOSES.

### Subtitle

TO CLARIFY THAT ELECTRONIC PRESCRIBING OF  
CONTROLLED SUBSTANCES IS PERMITTED.

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

*SECTION 1. Arkansas Code § 5-64-308 is amended to read as follows:*

*5-64-308. ~~Written prescriptions~~ Prescriptions.*

*(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner or the oral, faxed, or electronic prescription of a practitioner, if issued in compliance with federal law and regulations.*

*(b)(1) ~~In an emergency situation, as defined by rule of the Director of the Division of Health of the Department of Health and Human Services, a Schedule II drug may be dispensed upon oral prescription of a practitioner, reduced promptly to writing, and filed by the pharmacy~~ Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or Schedule IV that is a prescription drug shall not be dispensed without a written or oral prescription of a practitioner or the faxed or electronic prescription of a practitioner, if issued in compliance with federal law and regulations.*

*(2) ~~The prescription shall be retained in conformity with the~~*



~~requirements of section 6 of this subchapter~~ The prescription shall not be filled or refilled more than six (6) months after the date of the prescription or be refilled more than five (5) times, unless renewed by the practitioner.

~~(3) No prescription for a Schedule II substance may be refilled,~~

~~(c)(1) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or Schedule IV that is a prescription drug shall not be dispensed without a written or oral prescription of a practitioner.~~

~~(2) The prescription shall not be filled or refilled more than six (6) months after the date of the prescription or be refilled more than five (5) times, unless renewed by the practitioner.~~

~~(d) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.~~

SECTION 2. Arkansas Code § 20-56-211(11)(C)(ii), concerning a misbranded drug or device, is repealed.

~~(ii) Upon the oral prescription of a physician, dentist, or veterinarian which is reduced promptly to writing by the pharmacist; or~~

SECTION 3. Arkansas Code § 20-56-211(11)(C)(iii), concerning a misbranded drug or device, is amended to read as follows:

~~(iii)(ii)(a) By refilling any a written or oral prescription if the refilling is authorized by the prescriber either in the original prescription or by oral order which is promptly reduced to writing by the pharmacist.~~

(b) However, any a drug dispensed by filling or refilling a written or oral prescription of a physician, dentist, or veterinarian shall be is exempt from the requirements of this section except subdivisions (1) and (9) of this section if the drug bears a label containing:

(1) the The name and address of the dispenser;

(2) the The serial number and date of the prescription or its filling;

(3) ~~the~~ The name of the prescriber ~~and,~~  
(4) ~~if~~ If stated in the prescription,  
the name of the patient~~,~~ and

(5) ~~the~~ The directions for use and  
cautionary statements, if any, contained in the prescription.

(c) This exemption ~~shall~~ does not apply to any  
a drug dispensed in the course of the conduct of a business of dispensing  
drugs pursuant to diagnosis by mail.

SECTION 4. Arkansas Code § 20-64-201(9), concerning the definition of "official written order" as used in the Uniform Narcotic Drug Act, is amended to read as follows:

(9)(A) "Official written order" means an order written on a form  
provided for that purpose by the United States Director of the Drug  
Enforcement Administration under ~~any~~ the laws of the United States making  
provision therefor, if ~~such~~ order forms are authorized and required by  
federal law and, if ~~no such~~ an order form is not provided, then on an  
official form provided for that purpose by the Director of the Department of  
Health.

(B) When permitted by federal law, an official written  
order may also be written and submitted electronically;

SECTION 5. Arkansas Code § 20-64-201, concerning the definitions used in the Uniform Narcotic Drug Act, is amended to add an additional subdivision to read as follows:

(16) "Written prescription" means a prescription that is  
presented to an apothecary in compliance with federal law and regulations,  
including a written, oral, faxed, or electronic prescription.

SECTION 6. Arkansas Code § 20-64-210(2), concerning labels used by a manufacturer or wholesaler for narcotic drugs, is amended to read as follows:

(2)(A) ~~Whenever~~ When an apothecary sells or dispenses any a narcotic  
drug on a prescription issued by a physician, dentist, or veterinarian, he or  
she shall affix to the container in which ~~such~~ the drug is sold or dispensed,  
a label showing:

(i) ~~his~~ His or her own name, address, and registry number,

or the name, address, and registry number of the apothecary for whom he or she is lawfully acting;

~~(ii) the~~ The name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal;

~~(iii) the~~ The name, address, and registry number of the physician, dentist, or veterinarian ~~by~~ from whom the prescription was ~~written~~ prescribed; and

~~(iv) such~~ The directions ~~as may be stated on~~ for the use of the prescription.

~~(B) No person shall~~ A person shall not alter, deface, or remove ~~any a~~ a label ~~so~~ affixed as required under this subdivision (2).

SECTION 7. Arkansas Code § 20-64-217(1)(b), concerning the use of fraud or deceit to obtain a narcotic drug, is amended to read as follows:

(b) by the forgery or alteration of a prescription or of any ~~written~~ order; or

SECTION 8. Arkansas Code § 20-64-217(5), concerning the use of fraud or deceit to obtain a narcotic drug, is amended to read as follows:

(5) ~~No person shall~~ A person shall not make or utter ~~any a~~ a false or forged prescription or false or forged ~~written~~ order.

SECTION 9. Arkansas Code § 20-64-314 is amended to read as follows:

20-64-314. Depressant and stimulant drugs – Limitations on filling of prescriptions.

~~(a)(1)(A) No~~ A prescription for ~~any a~~ a depressant or stimulant drug ~~may~~ be shall not be filled or refilled more than six (6) months after the date on which the prescription was issued, ~~and no~~.

~~(B) A~~ A prescription ~~which~~ that is authorized to be refilled ~~may be~~ shall not be refilled more than five (5) times.

~~(2) However, nothing in this subchapter shall be construed as preventing this subchapter does not prevent~~ a practitioner from issuing a new written prescription for the same drug ~~either in writing or orally. An oral prescription for the drug shall be promptly reduced to writing on a new prescription blank and filed by the pharmacist filling it.~~

*(b) If no indication of refill status is indicated on the prescription, it shall not be refilled.*

*/s/Caldwell*

**APPROVED: 04/18/2013**