

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/12/13 H2/15/13

A Bill

HOUSE BILL 1185

By: Representative Wright

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO MODIFY THE DEFINITION OF PRESCRIPTION UNDER
THE PHARMACY ACT; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE DEFINITION OF PRESCRIPTION
UNDER THE PHARMACY ACT.

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

SECTION 1. Arkansas Code § 17-92-101(17), concerning the definition of prescription for the pharmacy act, is amended to read as follows:

(17)(A) "Prescription" means an order for medicine or medicines usually written as a formula by a physician, optometrist, dentist, veterinarian, or other licensed medicinal practitioner. It contains the names and quantities of the desired substance, with instructions to the pharmacist for its preparation and to the patient for the use of the medicine at a particular time and may authorize the pharmacist to substitute a therapeutically equivalent drug that is at a lower cost to the patient and communicate that authorization by any generally accepted means of communication of a prescription from a prescriber to a pharmacist.

(B)(i) Before dispensing, the pharmacist shall discuss verbally any suggested substitution with the patient and inform the patient that the patient has a right to refuse the substitution.

(ii) The discussion under subdivision (17)(B)(i) of this section shall include without limitation:

(a) Notification to the patient that the



therapeutically equivalent drug does not contain the identical active ingredient present in the prescribe drug; and

(b) All differences in dosage and frequency between the prescribed drug and the therapeutically equivalent drug.

(C) The pharmacist shall send notice of the substitution to the prescriber in writing or by electronic communication within twenty-four (24) hours after the drug is dispensed to the patient;

SECTION 2. Arkansas Code § 17-92-101, concerning the definitions for the pharmacy act, is amended to add an additional subdivision to read as follows:

(20) "Therapeutic class" means a group of similar drug products that have the same or similar mechanisms of action and are used to treat a specific condition;

SECTION 3. Arkansas Code § 17-92-101(20), concerning the definition of therapeutically equivalent for the pharmacy act, is amended to read as follows:

~~(20)~~(21) "Therapeutically equivalent" means ~~pharmaceutically equivalent~~ drug products from the same therapeutic class that if administered in ~~the same~~ appropriate amounts will provide the same therapeutic effect, identical in duration and intensity;

/s/Wright

APPROVED: 03/01/2013