

Stricken language would be deleted from and underlined language would be added to present law.  
Act 536 of the Regular Session

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/13/13  
**A Bill**

SENATE BILL 965

By: Senator J. Dismang

### **For An Act To Be Entitled**

AN ACT TO AMEND UNCODIFIED SECTION 1 OF ACT 274 OF  
2013 TO EXCLUDE CERTAIN DRUGS FROM THE DEFINITION OF  
THERAPEUTIC CLASS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND UNCODIFIED SECTION 1 OF ACT 274  
OF 2013 TO EXCLUDE CERTAIN DRUGS FROM THE  
DEFINITION OF THERAPEUTIC CLASS.

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

SECTION 1. Uncodified Section 1 of Act 274 of 2013 is amended to read as follows:

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) A substitution of a therapeutically equivalent drug shall occur only after the prescriber grants such authorization for each prescription.



~~(B)(i)~~(C)(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)~~ (17)(C)(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~~ prescribed drug; and

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

~~(G)(D)~~ 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.

(E) Subdivision (17)(B) of this section does not apply to specific acts of drug therapy management or disease state management delegated to a pharmacist based upon a written protocol or patient care plan approved by a physician under § 17-92-101(16)(A)(ix);

*/s/J. Dismang*

**APPROVED: 03/28/2013**