

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1560

By: Representatives Gazaway, Boyd

By: Senator D. Sanders

For An Act To Be Entitled

AN ACT TO AMEND LAWS REGARDING THE PRACTICE OF
PHARMACY AND THE ARKANSAS STATE BOARD OF PHARMACY;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND LAWS REGARDING THE PRACTICE OF
PHARMACY AND THE ARKANSAS STATE BOARD OF
PHARMACY.

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

SECTION 1. Arkansas Code § 17-92-205(c) is amended to add an additional subdivision to read as follows:

(6) The board's inspectors and other designated agents may seize products for testing of sterility, potency, and pyrogenicity when inspecting permitted facilities.

SECTION 2. Arkansas Code § 17-92-311(a)(7), concerning the grounds for revocation, suspension, or nonrenewal of a pharmacist license, is amended to read as follows:

(7) The person has been guilty of ~~gross~~ unprofessional or dishonorable conduct;

SECTION 3. Arkansas Code § 17-92-315(b), concerning alternative penalties that may be imposed by the Arkansas State Board of Pharmacy, is amended to read as follows:



(b)(1)(A) ~~No~~ A monetary penalty imposed by the board ~~may~~ shall not exceed ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) per violation, ~~nor shall the~~.

(B) The board may impose a monetary penalty on a license, permit, certificate, credential, or registration holder if the license, permit, certificate, credential, or registration has been revoked by the board for such a violation.

(C) The board may collect out-of-pocket costs of an investigation incurred by the board to conduct a disciplinary hearing.

(2) Each instance when a federal or state law or board ~~regulation~~ rule is violated shall constitute a separate violation.

(3) The power and authority of the board to impose sanctions authorized in this section are not to be affected by any other civil or criminal proceeding concerning the same violation, nor shall the imposition of a penalty preclude the board from imposing other sanctions short of revocation.

SECTION 4. Arkansas Code § 17-92-315, concerning alternative penalties that may be imposed by the Arkansas State Board of Pharmacy, is amended to add an additional subsection to read as follows:

(e) The board may collect costs of inspections incurred by the board while inspecting a permitted facility that is out of state.

SECTION 5. Arkansas Code § 17-92-403(c), concerning exceptions to being a licensed pharmacist, is amended to read as follows:

(c) If the owner of any pharmacy or other facility dispensing prescriptions as identified in this section fails to have on duty a licensed pharmacist-in-charge forty (40) hours per week or as otherwise provided in this chapter due to illness, death, resignation, or for any other reason, the owner shall within ~~three (3) days~~ five (5) days notify the board of the fact and ~~must~~ shall within thirty (30) days or such additional time at the discretion of the board either secure the services of a licensed pharmacist-in-charge or remove all prescription legend drugs and drug signs from the pharmacy or facility as identified in this section and cease to operate as a pharmacy or facility as identified in this section.

SECTION 6. Arkansas Code § 17-92-403(d)(5), concerning the exceptions to being a licensed pharmacist, is amended to read as follows:

(5) If the owner of any specialty pharmacy fails to have on duty a licensed pharmacist-in-charge as provided in subdivision (d)(2) or ~~(3)~~ subdivision (d)(3) of this section due to illness, death, resignation, or for any other reason, the owner shall within ~~three (3) days~~ five (5) days notify the board of the fact and shall within thirty (30) days, or such additional time as the board in its discretion may allow, either secure the services of a licensed pharmacist-in-charge or remove all prescription legend drugs and drug signs from the pharmacy and cease to operate the pharmacy.

APPROVED: 03/14/2017