

Stricken language would be deleted from and underlined language would be added to present law.
Act 408 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/22/21
A Bill

HOUSE BILL 1069

By: Representatives Pilkington, McCollum

By: Senators B. Davis, T. Garner

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE PRACTICE OF PHARMACY; TO AUTHORIZE
PHARMACISTS TO PROVIDE ACCESS TO AND ADMINISTRATION
OF ORAL CONTRACEPTIVES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONS OF THE ARKANSAS
CODE CONCERNING THE PRACTICE OF PHARMACY;
AND TO AUTHORIZE PHARMACISTS TO PROVIDE
ACCESS TO AND ADMINISTRATION OF ORAL
CONTRACEPTIVES.

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

SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(h), concerning the definition of "practice of pharmacy" regarding pharmacists and pharmacies, is amended to read as follows:

(h) Under a statewide protocol, a pharmacist may initiate therapy and administer or dispense, or both, drugs that include Naloxone, ~~and~~ nicotine replacement therapy products, and oral contraceptives;

SECTION 2. Arkansas Code § 17-92-115 is amended to read as follows:
17-92-115. Requirements for administering and dispensing under statewide protocol.

(a) When initiating therapy and administering or dispensing, or both, under a statewide protocol, a pharmacist shall:



(1) Notify the primary care provider of the patient of any drug or device furnished to the patient or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider;

(2) Provide the patient with a written record of the drugs or devices furnished and advise the patient to consult a physician of the patient's choice, if the patient does not have a primary care provider; and

(3)(A) Make a standardized fact sheet available to the recipient of the drug or device.

(B) The standardized fact sheet shall include without limitation:

(i) The indications and contraindications for the use of the drug or device;

(ii) The appropriate method for the use of the drug or device;

(iii) The need for medical follow-up; and

(iv) Other appropriate information.

(b)(1) In addition to the requirements under subsection (a) of this section, when initiating therapy and administering or dispensing, or both, oral contraceptives under a statewide protocol, a pharmacist shall:

(A) Complete a training program related to oral contraceptives that has been approved by the Arkansas State Board of Pharmacy;

(B)(i) Screen a patient seeking oral contraceptives to assess whether the patient has been seen by a primary care provider or women's healthcare provider within the previous six (6) months.

(ii) If the patient has not been seen by a primary care provider or women's healthcare provider within the previous six (6) months, the pharmacist shall:

(a) Provide the patient with a referral to a local primary care provider or women's healthcare provider; and

(b) Not dispense more than a six-month supply of oral contraceptives or the equivalent number of refills to the patient until the patient has been seen by a primary care provider or women's healthcare provider.

(iii) A pharmacist shall not provide the patient

with a referral to a licensed abortion provider.

(iv) The board shall adopt screening assessment procedures and questionnaires to be used by pharmacists throughout the state;

(C)(i) Explain verbally to the patient the possible effects of an oral contraceptive, including without limitation the death of an unborn child and possible health complication or adverse reactions as printed by the United States Food and Drug Administration.

(ii) The patient and pharmacist shall sign an informed consent form that documents the explanation described in subdivision (b)(1)(C)(i) of this section and place the form in the patient's medical record;

(D) Report the following information to the Department of Health:

(i) The number of women who receive oral contraceptives without a prescription; and

(ii) The age of the women who receive oral contraceptives without a prescription;

(E) Provide a standardized information sheet about the oral contraceptive dispensed to the patient; and

(F) Write a summary of consultation to be maintained in the patient's medical record.

(2) A pharmacist shall only initiate therapy and administer or dispense, or both, oral contraceptives under a statewide protocol to an individual who is eighteen (18) years of age or older.

/s/Pilkington

APPROVED: 3/22/21