

Stricken language would be deleted from and underlined language would be added to present law.
Act 591 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/28/23
A Bill

HOUSE BILL 1662

By: Representative Puryear

By: Senator J. Payton

For An Act To Be Entitled

AN ACT TO EXEMPT THE SALE OF VETERINARY DRUGS AND
MEDICINE IF BASED ON A PRESCRIPTION OF A LICENSED
VETERINARIAN FROM THE LICENSURE REQUIREMENTS FOR A
PHARMACIST AND A PHARMACY; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT THE SALE OF VETERINARY DRUGS
AND MEDICINE IF BASED ON A PRESCRIPTION
OF A LICENSED VETERINARIAN FROM THE
LICENSURE REQUIREMENTS FOR A PHARMACIST
AND A PHARMACY; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 17-92-102(b), concerning the exemptions to
licensure as a pharmacist or pharmacy, is amended to read as follows:

(b) The provisions of this section and § 17-92-101, § 17-92-103, § 17-
92-105, § 17-92-205(b), § 17-92-206(b), § 17-92-303, § 17-92-402, § 17-92-
404, § 17-92-405, § 17-92-409, § 17-92-410, and § 17-92-411(a) shall not
apply:

(1) To the sale of drugs and medicines when intended for
agricultural, technical, and industrial use, unless those drugs and medicines
are legend drugs as defined in § 20-64-503;

(2) To the sales by wholesale druggists, wholesale or retail



grocers, or other wholesale or retail dealers or manufacturers of proprietary medicines in original packages; ~~or~~

(3) To the sales of those drugs commonly known as “grocers’ drugs” in original packages when put up under the direction of a licensed pharmacist of this or some other state; or

(4) To the sale or shipping of antibiotics and microbials for veterinary medical use directly from a wholesaler, distributor, pharmacy, or farm store to a client if the veterinary drugs and medicine are dispensed based only on a prescription of a licensed veterinarian who has an existing veterinary-client-patient relationship with the client.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the United States Food and Drug Administration has issued guidance that as of June 2023 all medically important antibiotics that were previously available over the counter shall require a prescription from a veterinarian for legal use in animals; that it is possible that some of the antibiotics may include common antibiotics and microbials used in the production of livestock and feed, as authorized under the Veterinary Feed Directive issued by the United States Food and Drug Administration; that stores across this state that specialize in agricultural needs, including those that produce livestock for human consumption, may be prohibited from the sale of these antibiotics for animals if an exemption to the licensure of a pharmacist or pharmacy is not provided in state law; and that this act is immediately necessary to ensure this state maintains access to antibiotics that were previously available over the counter for animals to avoid any issues in food production in this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Puryear

APPROVED: 4/11/23