

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1186

By: Representatives S. Malone, D. Altes, Branscum, J. Burris, Gillam, Lea, Leding, Slinkard, Vines,
Westerman, Wright

For An Act To Be Entitled

AN ACT TO CLARIFY THE ROLE OF PHARMACISTS WITH REGARD
TO EPHEDRINE, PSEUDOEPHEDRINE, OR
PHENYLPROPANOLAMINE; TO IMPROVE THE PROCESS FOR
IDENTIFYING PERSONS AUTHORIZED TO PURCHASE EPHEDRINE;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO CLARIFY THE ROLE OF PHARMACISTS
WITH REGARD TO AND TO IMPROVE THE PROCESS
FOR IDENTIFYING PURCHASERS OF EPHEDRINE,
PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE.

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

SECTION 1. Arkansas Code § 5-64-1103(b), concerning sales limits on ephedrine, pseudoephedrine, and phenylpropanolamine, is amended to read as follows:

(b) Unless the product has been rescheduled pursuant to § 5-64-212(c), this section does not apply to a retail distributor sale for personal use of a product; ~~(1) That~~ that the Department of Health, in collaboration with the Arkansas State Board of Pharmacy, upon application of a manufacturer and certification by the Department of Justice Drug Enforcement Administration, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; ~~or~~

~~(2) Containing ephedrine or pseudoephedrine in liquid, liquid~~



~~capsule, or liquid gel capsule form if the drug is dispensed, sold, transferred, or otherwise furnished in a single transaction limited to no more than three (3) packages, with any single package containing not more than ninety-six (96) liquid capsules or liquid gel capsules or not more than three grams (3g) of ephedrine or pseudoephedrine base.~~

SECTION 2. Arkansas Code § 5-64-1103(c)(1)(A), concerning sales limits on ephedrine, pseudoephedrine, and phenylpropanolamine, is amended to read as follows:

(c)(1)(A) Except under a valid prescription, before dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is not exempt under subdivision (b)(1) or (b)(2) of this section, a pharmacist ~~shall~~ may make a professional determination, ~~based on a pharmacist-patient relationship,~~ as to whether or not there is a legitimate medical and pharmaceutical need for the drug.

SECTION 3. Arkansas Code § 5-64-1105, concerning definitions of "Proof of age" and "proof of identity" for the electronic log book, is amended to read as follows:

(2) "Proof of age" and "proof of identity" mean:

- (A) ~~a~~ A current driver's license issued by any state; ~~or~~
- (B) Other state-issued identification issued by any state that contains a photograph of the person, the person's date of birth, and a functioning magnetic stripe or bar code;
- (C) An identification card issued by the Department of Finance and Administration; or
- (D) ~~an~~ An identification card issued by the United States Department of Defense to active-duty military personnel that contains a photograph of the person, the person's date of birth, and a functioning magnetic stripe or bar code;

SECTION 4. Arkansas Code § 5-64-1106, concerning the real-time electronic logbook for tracking prescriptions for ephedrine, pseudoephedrine, and phenylpropanolamine, is amended to read as follows:

(d) A real-time logbook or electronic tracking system used to track, record, and enforce state and federal purchase limits of ephedrine,

pseudoephedrine, and phenylpropanolamine shall be capable of interfacing and sharing data with another state logbook or electronic tracking system that is specifically designed to track, record, and enforce state and federal purchase limits of ephedrine, pseudoephedrine, and phenylpropanolamine.