

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

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/14/13 S3/18/13  
**A Bill**

SENATE BILL 386

By: Senator Burnett

### For An Act To Be Entitled

AN ACT TO REQUIRE THAT THERAPEUTICALLY EQUIVALENT  
DRUG SUBSTITUTIONS BE AUTHORIZED ON EACH  
PRESCRIPTION; AND FOR OTHER PURPOSES.

### Subtitle

TO REQUIRE THAT THERAPEUTICALLY  
EQUIVALENT DRUG SUBSTITUTIONS BE  
AUTHORIZED ON EACH PRESCRIPTION.

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

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. Authorization of a substitution of a therapeutically equivalent drug shall occur only for an individual prescription in which the prescriber grants the authorization.

(B)(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) 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 drug; and

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

(C) 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;

*SECTION 2. Uncodified Section 2 of Act 274 of 2013 is amended to read as follows:*

*SECTION 2. Arkansas Code § 17-92-101, concerning the definitions for the pharmacy act, is amended to add an additional subdivision to read as follows:*

*(20)(A) "Therapeutic class" means a group of similar drug products that have the same or similar mechanisms of action and are used to treat a specific condition;*

*(B) "Therapeutic class" does not include medications used to treat serious mental health conditions, including without limitation:*

*(1) Anti-anxiety medications;*

*(2) Antidepressants;*

*(3) Antipsychotic agents; and*

*(4) Mood stabilizing and anticonvulsant medications.*

*/s/Burnett*