

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1466

By: Representative Shepherd

For An Act To Be Entitled

AN ACT TO AMEND CERTAIN SALES LIMITATIONS OF
EPHEDRINE AND OTHER NONPRESCRIPTION DRUGS; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND CERTAIN SALES LIMITATIONS OF
EPHEDRINE AND OTHER NONPRESCRIPTION
DRUGS.

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

SECTION 1. Arkansas Code § 5-64-1103(c), concerning sales limits of ephedrine, pseudoephedrine, or 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 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 product containing ephedrine, pseudoephedrine, or phenylpropanolamine.

(B) The determination under subdivision (c)(1)(A) of this section may be based on factors, including without limitation:

- (i) Prior medication-filling history;
- (ii) Patient screening; and
- (iii) Other tools that provide professional reassurance to the pharmacist that a legitimate medical and pharmaceutical



need exists.

(2) The Arkansas State Board of Pharmacy may:

(A) Adopt rules regarding determinations made under subdivision (c)(1) of this section;

(B) Review determinations made under subdivision (c)(1) of this section; and

(C) Take appropriate disciplinary action as required.

(3) This subsection does not prohibit a pharmacist from dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine to a person who:

(A) Has not utilized the services of the pharmacist frequently; or

(B) Has not established a pharmacist-patient relationship with the pharmacist before the instance of dispensing.

SECTION 2. Arkansas Code § 5-64-1103(g) and (h), concerning the sales limits of ephedrine, pseudoephedrine, or phenylpropanolamine, are amended to read as follows:

(g) ~~{Repealed.}~~

~~(h) Nothing in this section prohibits~~ This section does not prohibit a person under eighteen (18) years of age from possessing and selling a product described in subsections (a) and (b) of this section as an agent of the minor's employer acting within the scope of the minor's employment.