

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S4/19/21 H4/26/21

# A Bill

SENATE BILL 617

By: Senators Rapert, Bledsoe, Caldwell, Elliott, K. Hammer, K. Ingram, *Irvin*  
By: Representatives *M. Gray, M. Davis, Evans, D. Ferguson, V. Flowers, M. Hodges, L. Johnson,*  
*Murdock*

## For An Act To Be Entitled

AN ACT TO REQUIRE WRITTEN CONSENT OF A PATIENT TO TRANSFER A PRESCRIPTION FROM A PHARMACY; TO REQUIRE DISCLOSURE BY A PHARMACY BENEFITS MANAGER, HEALTHCARE INSURER, PHARMACY, PHARMACIST, PHYSICIAN, OR HOSPITAL OF OWNERSHIP INTEREST OR POSSIBLE CONFLICTS OF INTEREST; TO PROHIBIT DATA MINING OF PATIENT INFORMATION BY PHARMACY BENEFITS MANAGERS, HEALTHCARE INSURERS, PHARMACIES, AND PHARMACISTS; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE WRITTEN CONSENT OF A PATIENT TO TRANSFER A PRESCRIPTION FROM A PHARMACY; TO REQUIRE CERTAIN DISCLOSURES OF OWNERSHIP INTEREST OR POSSIBLE CONFLICTS OF INTEREST; AND TO PROHIBIT DATA MINING OF PATIENT INFORMATION.

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

SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1, is amended to add an additional section to read as follows:

17-92-118. New prescription requests and new refill requests from prescriber.

(a) A pharmacy, pharmacist, employee of a pharmacy, or entity who owns



or controls, is owned or controlled by, or is under ownership or control with an insurance company, health clinic, rural health center, federally qualified health center, pharmacy benefits manager, pharmaceutical manufacturer, pharmaceutical wholesaler, or pharmacy benefits manager affiliate shall not request or solicit:

(1) Refill requests for prescription medications from a prescriber for a patient who has not previously filled prescriptions with the pharmacy without express written consent for each individual prescription requested; or

(2) New prescription medications from a prescriber for a patient who has not previously filled prescriptions with the pharmacy without express written consent for each individual prescription requested.

(b)(1) When a physician or other licensed prescriber authorizes or provides new prescriptions or refill medications to a pharmacy that is not physically located in this state or to a pharmacy that utilizes common carriers to deliver medications through the mail for a new patient who has not previously received pharmacist services or prescriptions filled through that pharmacy, that pharmacy shall:

(A) Establish a professional relationship between a pharmacist and the patient by telephone or telemedicine consult;

(B) Obtain express consent to provide pharmacist services before any prescription medication being processed, filled, mailed, or delivered to a patient; and

(C) Include communication to the patient about:

(i) The address and physical city and state of the pharmacy;

(ii) The name of the licensed pharmacist who will be providing services;

(iii) The telephone number and website for the pharmacy;

(iv) Expectations for time of delivery of prescription medications; and

(v) Disclosure of any conflicts of interest including common ownership of the pharmacy by a health care insurer, pharmacy benefit manager, medical clinic, federal qualified health center, rural health center, hospital, pharmaceutical wholesaler, or pharmaceutical

manufacturer.

(2) If the conditions within subdivision (b)(1) of this section are not met, then the pharmacy and pharmacist shall not fill, bill, dispense, or mail any prescription medications to the patient.

(c) This section does not prohibit:

(1) A physician licensed in this state or any other prescriber licensed in this state from issuing new prescriptions or prescription refills to any licensed pharmacy in this state or out of state that a patient wishes to use; or

(2) A pharmacy licensed in this state or out of this state from requesting prescription transfers from another licensed pharmacy as directed by a patient.

SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 4, is amended to add an additional section to read as follows:

17-92-413. Disclosure of ownership interest or possible conflicts of interest required – Prohibition on data mining.

A pharmacy, pharmacist, physician, employee, or entity who owns or controls, is owned or controlled by, or is under ownership or control with an insurance company, health clinic, hospital, rural health center, federally qualified health center, pharmacy benefits manager, pharmaceutical manufacturer, pharmaceutical wholesaler, or pharmacy benefits manager that provides a pharmacy benefits plan or program, including prescription drug coverage, or contracts with a third party for prescription drug services under a health benefit plan shall:

(1) Disclose to the consumer any ownership interest or possible conflicts of interest with a pharmacy benefits manager, healthcare insurer, or healthcare payor; and

(2) Not access and utilize patient information including either medical information in patient charts or billing claims information to market or contact patients in order to solicit the transfer of the patient to a particular pharmacy.

*/s/Rapert*