

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

State of Arkansas      *As Engrossed: H2/11/25 H3/18/25 H4/1/25*  
95th General Assembly      **A Bill**  
Regular Session, 2025

HOUSE BILL 1150

By: Representatives J. Moore, *Ennett, Wooten, Achor, Lundstrum, Gramlich, R. Scott Richardson, Joey Carr, Vaught, Rose, Hawk, Ladyman, Bentley, J. Mayberry, Duffield*

By: Senators K. Hammer, *J. Petty, Caldwell, G. Leding, C. Tucker, M. Johnson, J. Scott, D. Sullivan*

### **For An Act To Be Entitled**

*AN ACT TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM  
OBTAINING CERTAIN PHARMACY PERMITS; AND FOR OTHER  
PURPOSES.*

### **Subtitle**

*TO PROHIBIT A PHARMACY BENEFITS MANAGER  
FROM OBTAINING CERTAIN PHARMACY PERMITS.*

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) It is beneficial to the State of Arkansas to support patient access to prescription drugs and pharmacy services at fair prices in a market that supports optimal patient care;

(2) The Federal Trade Commission and the United States House Committee on Oversight and Government Reform have found evidence of anticompetitive business tactics that have driven locally-operated pharmacies out of business, limiting patient choices and inflating drug prices at pharmacies owned by pharmacy benefits managers; and

(3) The State of Arkansas wishes to minimize conflicts of interest by stopping the pharmacy benefits managers acting as a "fox guarding the henhouse" by being both a price setter and price taker.

(b) It is the intent of the General Assembly that the State of Arkansas shall improve healthcare delivery in the pharmacy market for patients by eliminating certain anticompetitive business tactics as a basic



tenet of this act.

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

17-92-416. Prohibition on certain pharmacy permits for retail sale of drugs or medicines – Definitions.

(a) As used in this section:

(1)(A) "Permit" means a permit issued under § 17-92-405.

(B) "Permit" includes a pharmacy permit for a mail-order pharmacy; and

(2)(A) "Pharmacy benefits manager" means the same as defined in § 23-92-503.

(B) "Pharmacy benefits manager" includes an entity that:

(i) Is managed by a pharmacy benefits manager or is a subsidiary of a pharmacy benefits manager; or

(ii) Has a direct or indirect ownership interest in a pharmacy benefits manager.

(b) A pharmacy benefits manager shall not acquire direct or indirect interest in, or otherwise hold, directly or indirectly, a permit under § 17-92-405 for the retail sale of drugs or medicines in this state.

(c) On and after the effective date of this act, the Arkansas State Board of Pharmacy shall either revoke or not renew a permit of an entity that violates this section.

(d)(1) The board may issue a limited use permit for certain rare, orphan, or limited distribution drugs that are otherwise unavailable in the market to a patient or a pharmacy that would otherwise be prohibited under this section.

(2)(A)(i) The board may assess the need for rare, orphan, or limited distribution drugs for a limited use permit for certain rare, orphan, or limited distribution drugs under subdivision (d)(1) of this section before revocation or renewal of an existing retail permit for a pharmacy.

(ii) If the assessment made by the board in subdivision (d)(2)(A)(i) of this section determines that a rare, orphan, or limited distribution drug is otherwise unavailable in the market to a patient or pharmacy that would otherwise be prohibited in this section, the board shall convert the retail permit for the prohibited pharmacy to a limited use permit for that pharmacy for a period of no less than ninety (90) days.

(B) This subsection shall expire on September 1, 2027.

(3)(A) Before the effective date of this section, the board shall adopt a written policy to implement subdivision (d)(1) of this section.

(B) The written policy under subdivision (d)(3)(A) of this section shall establish:

(i) The process in which a patient, pharmacy, or healthcare provider may notify the board of a rare, orphan, or limited distribution drug unavailable in the market;

(ii) The process in which a pharmacy may request a limited use permit under subdivision (d)(1) of this section;

(iii) The timeline in which the board must make a decision; and

(iv) The process for emergency determinations due to patient need.

(e) The board may extend the use of a retail permit or issue a renewal of a retail permit for a pharmacy that offers same-day patient access for pharmacist services, a prescription for a controlled substance, mental health services, or other critical patient healthcare services for a period of time as determined by the board if there is a pending sale of the pharmacy to an eligible buyer.

(f) This section does not apply to a pharmacy employer and a pharmacy that:

(1) Has direct or indirect interest in a pharmacy benefits manager;

(2) The pharmacy employer is the sole Arkansas client of the pharmacy benefits manager that the pharmacy employer has a direct or indirect interest in; and

(3) Exclusively services the employees and dependents of the pharmacy employer while utilizing the affiliated pharmacy benefits manager in this state.

17-92-417. Notice required.

(a)(1) The Arkansas State Board of Pharmacy shall conduct an initial assessment of each active retail pharmacy permit that was issued under § 17-92-405 as of July 1, 2025, and shall send written notice to each pharmacy permit holder that the board reasonably believes will violate § 17-92-416 at

least ninety (90) days before January 1, 2026.

(2) As used in subdivision (a)(1) of this section, "written notice" means actual notice to the pharmacy permit holder via mail or email.

(b) The written notice required under subdivision (a)(1) of this section shall include:

(1) A list of each pharmacy benefits manager that holds a direct or indirect interest in, or otherwise holds, directly or indirectly, a permit under § 17-92-405 for the retail sale of drugs or medicines in this state held by the pharmacy permit holder;

(2) A phone number and email address that is monitored by the board during regular business hours; and

(3)(A) A list of Arkansas pharmacies that hold an active retail pharmacy permit that are not reasonably expected to violate § 17-92-416 as of January 1, 2026.

(B) The list in subdivision (b)(3)(A) of this section shall include:

(i) The name of the pharmacy;

(ii) The phone number of the pharmacy;

(iii) The physical address of the pharmacy;

(iv) The website of the pharmacy, if known; and

(v) An email address for the pharmacy, if known.

(C) If the board has a searchable website that includes the information required in subdivision (b)(3)(B) of this section, the board may provide the website information in lieu of the list.

(c)(1)(A) A pharmacy permit holder with written notice from the board in subdivision (a)(1) of this section shall provide written notice at least sixty (60) days before January 1, 2026, to each patient and each patient's prescribing healthcare provider that has used the pharmacy within the previous twelve (12) months that the pharmacy can no longer dispense retail drugs to the patient on or after January 1, 2026.

(B) As used in subdivision (c)(1)(A) of this section, "written notice" means actual notice to the patient via mail, email, or through the pharmacy's patient portal.

(2) Written notice required in subdivision (c)(1)(A) of this section shall include the information under subdivisions (b)(2) and (b)(3) of this section provided by the board to the pharmacy permit holder.

*SECTION 3. DO NOT CODIFY. Effective date.*

*This act is effective on and after January 1, 2026.*

*/s/J. Moore*