

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/3/25

A Bill

SENATE BILL 583

By: Senator C. Tucker

By: Representative J. Moore

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MAXIMUM ALLOWABLE COST LISTS RELATING TO PHARMACY SERVICES; TO CLARIFY THAT A PHARMACY, PHARMACIST, OR BUSINESS PROVIDING PHARMACY SERVICES MAY PURSUE A PRIVATE RIGHT OF ACTION FOR VIOLATIONS RELATED TO THE LAWS CONCERNING MAXIMUM ALLOWABLE COST LISTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MAXIMUM ALLOWABLE COST LISTS RELATING TO PHARMACY SERVICES.

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

SECTION 1. Arkansas Code § 17-92-507, concerning Maximum Allowable Cost Lists relating to pharmacy services, is amended to add an additional subsection to read as follows:

(h)(1) A pharmacy, pharmacist, or business providing pharmacy services may pursue a private right of action for violations of this section and for provided remedies, including without limitation compensatory damages, actual financial losses, and punitive damages under:

(A) The Deceptive Trade Practices Act, § 4-88-101 et seq.;

(B) The Arkansas Pharmacy Benefits Manager Licensure Act, § 23-92-501 et seq.; and

(C) The Trade Practices Act, § 23-66-201 et seq.

(2) In any private cause of action as described in subdivision (h)(1) of this section, a prevailing pharmacy, pharmacist, or business



providing pharmacy services may recover attorney's fees and all costs incurred in pursuing the action.

(3) A pharmacy, pharmacist, or business providing pharmacy services pursuing a violation of this section under the Trade Practices Act, § 23-66-201 et seq., may recover statutory damages of ten thousand dollars (\$10,000) per violation.

(4) The private right of action created in this section does not permit an action against any government, governmental agency, or governmental official.

/s/C. Tucker