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2 89th General Assembly
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4

As Engrossed: S4/9/13

A Bill

SENATE BILL 1171

5 By: Senator Caldwell
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT ELECTRONIC PRESCRIBING OF
9 CONTROLLED SUBSTANCES IS PERMITTED; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO CLARIFY THAT ELECTRONIC PRESCRIBING OF
15 CONTROLLED SUBSTANCES IS PERMITTED.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 *SECTION 1. Arkansas Code § 5-64-308 is amended to read as follows:*

21 *5-64-308. ~~Written prescriptions~~ Prescriptions.*

22 *(a) Except when dispensed directly by a practitioner, other than a*
23 *pharmacy, to an ultimate user, no controlled substance in Schedule II may be*
24 *dispensed without the written prescription of a practitioner or the oral,*
25 *faxed, or electronic prescription of a practitioner, if issued in compliance*
26 *with federal law and regulations.*

27 *(b)(1) ~~In an emergency situation, as defined by rule of the Director~~*
28 *~~of the Division of Health of the Department of Health and Human Services, a~~*
29 *~~Schedule II drug may be dispensed upon oral prescription of a practitioner,~~*
30 *~~reduced promptly to writing, and filed by the pharmacy Except when dispensed~~*
31 *directly by a practitioner, other than a pharmacy, to an ultimate user, a*
32 *controlled substance included in Schedule III or Schedule IV that is a*
33 *prescription drug shall not be dispensed without a written or oral*
34 *prescription of a practitioner or the faxed or electronic prescription of a*
35 *practitioner, if issued in compliance with federal law and regulations.*

36 *(2) ~~The prescription shall be retained in conformity with the~~*



1 ~~requirements of section 6 of this subchapter~~ The prescription shall not be
 2 filled or refilled more than six (6) months after the date of the
 3 prescription or be refilled more than five (5) times, unless renewed by the
 4 practitioner.

5 ~~(3) No prescription for a Schedule II substance may be refilled,~~
 6 ~~(c)(1) Except when dispensed directly by a practitioner, other than a~~
 7 ~~pharmacy, to an ultimate user, a controlled substance included in Schedule~~
 8 ~~III or Schedule IV that is a prescription drug shall not be dispensed without~~
 9 ~~a written or oral prescription of a practitioner.~~

10 ~~(2) The prescription shall not be filled or refilled more than~~
 11 ~~six (6) months after the date of the prescription or be refilled more than~~
 12 ~~five (5) times, unless renewed by the practitioner.~~

13 ~~(d) A controlled substance included in Schedule V shall not be~~
 14 ~~distributed or dispensed other than for a medical purpose.~~

15
 16 SECTION 2. Arkansas Code § 20-56-211(11)(C)(ii), concerning a
 17 misbranded drug or device, is repealed.

18 ~~(ii) Upon the oral prescription of a physician,~~
 19 ~~dentist, or veterinarian which is reduced promptly to writing by the~~
 20 ~~pharmacist; or~~

21
 22 SECTION 3. Arkansas Code § 20-56-211(11)(C)(iii), concerning a
 23 misbranded drug or device, is amended to read as follows:

24 ~~(iii)(ii)(a)~~ By refilling any a written or oral
 25 prescription if the refilling is authorized by the prescriber either in the
 26 original prescription or by oral order which is promptly reduced to writing
 27 by the pharmacist.

28 (b) However, any a drug dispensed by filling
 29 or refilling a written or oral prescription of a physician, dentist, or
 30 veterinarian shall be is exempt from the requirements of this section except
 31 subdivisions (1) and (9) of this section if the drug bears a label
 32 containing:

33 (1) the The name and address of the
 34 dispenser;

35 (2) the The serial number and date of
 36 the prescription or its filling;

1 ~~(3) the~~ The name of the prescriber ~~and;~~
 2 ~~(4) if~~ If stated in the prescription,
 3 the name of the patient~~;~~ and
 4 ~~(5) the~~ The directions for use and
 5 cautionary statements, if any, contained in the prescription.

6 (c) This exemption ~~shall~~ does not apply to ~~any~~
 7 a drug dispensed in the course of the conduct of a business of dispensing
 8 drugs pursuant to diagnosis by mail.

9
 10 SECTION 4. Arkansas Code § 20-64-201(9), concerning the definition of
 11 "official written order" as used in the Uniform Narcotic Drug Act, is amended
 12 to read as follows:

13 (9)(A) "Official written order" means an order written on a form
 14 provided for that purpose by the United States Director of the Drug
 15 Enforcement Administration under ~~any~~ the laws of the United States making
 16 provision therefor, if ~~such~~ order forms are authorized and required by
 17 federal law and, if ~~no such~~ an order form is not provided, then on an
 18 official form provided for that purpose by the Director of the Department of
 19 Health.

20 (B) When permitted by federal law, an official written
 21 order may also be written and submitted electronically;

22
 23 SECTION 5. Arkansas Code § 20-64-201, concerning the definitions used
 24 in the Uniform Narcotic Drug Act, is amended to add an additional subdivision
 25 to read as follows:

26 (16) "Written prescription" means a prescription that is
 27 presented to an apothecary in compliance with federal law and regulations,
 28 including a written, oral, faxed, or electronic prescription.

29
 30 SECTION 6. Arkansas Code § 20-64-210(2), concerning labels used by a
 31 manufacturer or wholesaler for narcotic drugs, is amended to read as follows:

32 (2)(A) ~~Whenever~~ When an apothecary sells or dispenses ~~any~~ a narcotic
 33 drug on a prescription issued by a physician, dentist, or veterinarian, he or
 34 she shall affix to the container in which ~~such~~ the drug is sold or dispensed,
 35 a label showing:

36 (i) ~~his~~ His or her own name, address, and registry number,

1 or the name, address, and registry number of the apothecary for whom he or
 2 she is lawfully acting;

3 (ii) the The name and address of the patient or, if the
 4 patient is an animal, the name and address of the owner of the animal and the
 5 species of the animal;

6 (iii) the The name, address, and registry number of the
 7 physician, dentist, or veterinarian ~~by~~ from whom the prescription was ~~written~~
 8 prescribed; and

9 (iv) such The directions ~~as may be stated on~~ for the use
 10 of the prescription.

11 (B) No person shall A person shall not alter, deface, or remove
 12 ~~any~~ a label ~~so~~ affixed as required under this subdivision (2).

13
 14 SECTION 7. Arkansas Code § 20-64-217(1)(b), concerning the use of
 15 fraud or deceit to obtain a narcotic drug, is amended to read as follows:

16 (b) by the forgery or alteration of a prescription or of any
 17 ~~written~~ order; or

18
 19 SECTION 8. Arkansas Code § 20-64-217(5), concerning the use of fraud
 20 or deceit to obtain a narcotic drug, is amended to read as follows:

21 (5) ~~No person shall~~ A person shall not make or utter ~~any~~ a false or
 22 forged prescription or false or forged ~~written~~ order.

23
 24 SECTION 9. Arkansas Code § 20-64-314 is amended to read as follows:

25 20-64-314. Depressant and stimulant drugs – Limitations on filling of
 26 prescriptions.

27 (a)(1)(A) No A prescription for ~~any~~ a depressant or stimulant drug ~~may~~
 28 ~~be~~ shall not be filled or refilled more than six (6) months after the date on
 29 which the prescription was issued, ~~and no.~~

30 (B) A prescription ~~which~~ that is authorized to be refilled
 31 ~~may be~~ shall not be refilled more than five (5) times.

32 (2) However, nothing in this subchapter shall be construed as
 33 ~~preventing this subchapter does not prevent~~ a practitioner from issuing a new
 34 written prescription for the same drug ~~either in writing or orally. An oral~~
 35 ~~prescription for the drug shall be promptly reduced to writing on a new~~
 36 ~~prescription blank and filed by the pharmacist filling it.~~

