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

Act 1007 of the Regular Session

State of Arkansas
88th General Assembly
Regular Session, 2011

By: Senator J. Key

For An Act To Be Entitled

AN ACT TO PRESERVE THE PROFESSIONAL INDEPENDENCE OF A
PHARMACIST AND A PHARMACY; TO PROHIBIT INTERFERENCE
WITH THE PHARMACIST-PATIENT RELATIONSHIP OR THE
PRACTICE OF MEDICINE; AND FOR OTHER PURPOSES.

Subtitle

TO PRESERVE THE PROFESSIONAL INDEPENDENCE
OF A PHARMACIST AND A PHARMACY; TO
PROHIBIT INTERFERENCE WITH THE
PHARMACIST-PATIENT RELATIONSHIP OR THE
PRACTICE OF MEDICINE.

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:

17-92-113.  Preservation of professional responsibilities of pharmacist
— Prohibitions.

(a)  As used in this section:

   (1)  "Exercise of professional responsibilities" includes without
        limitation a pharmacist's or pharmacy's:

        (A)  Discussing any aspect of a patient's medical
             condition, treatment alternatives, or plan options with the patient;

        (B)  In good faith communicating with or advocating on
             behalf of a patient concerning the patient's needs; or

        (C)  Asserting rights under:

               (i)  The contract with the pharmacy benefits manager;
or

(ii) State or federal law; and

(2) “Pharmacy benefits manager” means a non-governmental entity that administers or manages a pharmacy benefits plan or program.

(b) A pharmacy benefits manager shall not interfere with the exercise of professional responsibilities to a patient by a pharmacist or a pharmacy.

/s/J. Key

APPROVED: 04/01/2011