

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1852

4
5 By: Representatives M. Gray, M. Davis, Evans, D. Ferguson, V. Flowers, M. Hodges, L. Johnson,
6 Murdock

7 By: Senators Rapert, Bledsoe, Caldwell, Elliott, K. Hammer, K. Ingram

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For An Act To Be Entitled

10 AN ACT TO SET STANDARDS FOR PRESCRIPTIONS DELIVERY;
11 AND FOR OTHER PURPOSES.

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Subtitle

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TO SET STANDARDS FOR PRESCRIPTIONS
16 DELIVERY.

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

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

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17-92-118. Prescription delivery standards.

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(a) As used in this section, "home delivery services" means providing
26 medications from a pharmacy licensed in this state to a patient through any
27 means other than the patient picking up the medication at the physical
28 pharmacy location, including shipping, mailing, or delivering in any manner a
dispensed legend drug.

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(b)(1) The Arkansas State Board of Pharmacy shall promulgate and
31 maintain rules defining the standard of care for pharmacies and pharmacists
that provide home delivery services in this state.

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(2) If a pharmacy or pharmacist owns or controls, is owned or
34 controlled by, or is under ownership or control with an insurance company,
35 pharmacy benefits manager, pharmaceutical manufacturer, pharmaceutical
36 wholesaler, or pharmacy benefits manager affiliate, then the pharmacy,
including any common ownership or controlling entities, or pharmacist, shall



1 not require that a patient receive his or her prescriptions through home
2 delivery services.

3 (c) A pharmacy or pharmacist is not prohibited from charging a nominal
4 fee for any home delivery service if the nominal fee is charged to the
5 patient with his or her express consent.

6 (d) The board may modify delivery standards to accommodate changes in
7 technology and for other reasons.

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10 **APPROVED: 4/26/21**
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