

**Hall of the House of Representatives**  
95th General Assembly - Regular Session, 2025  
**Amendment Form**

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**Subtitle of Senate Bill 104**

TO AMEND THE ARKANSAS PHARMACY BENEFITS MANAGER LICENSURE ACT; TO  
PROTECT PATIENTS' RIGHTS AND ACCESS TO MEDICATIONS; AND TO DECLARE AN  
EMERGENCY.

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**Amendment No. 2 to Senate Bill 104**

Amend Senate Bill 104 as engrossed H3/19/25 (version: 3/19/25 03:11:06 PM):

Page 3, line 28, delete "healthcare payor affiliate or"

AND

Page 3, line 35, delete "within the" and substitute "within a"

AND

Page 4, delete lines 9 and 10, and substitute the following:

"one (1) or more self-administered prescription drugs in one (1) or more  
pharmacy benefits manager networks for the underlying health benefit"

AND

Page 11, line 13, delete "Enforcement." and substitute "Enforcement –  
Exclusions."

AND

Page 11, line 14, delete "A prohibition" and substitute "(a) A prohibition"



AND

Page 11, delete line 23, and substitute the following:

"(5) Indirectly performs the prohibited activity.

(b)(1) This subchapter does not require a self-funded health benefit plan to:

(A) Alter existing covered benefits of the self-funded health benefit plan; or

(B) Modify underlying plan terms of the self-funded health benefit plan.

(2) However, to the extent not preempted by federal law, this section applies to the administration and business practices of pharmacy benefits within the state, including without limitation the conduct of pharmacy benefits managers and pharmacy benefits manager affiliates.

(c)(1) If a pharmacy benefits manager imposes or represents any requirement or limitation as health-benefit-plan-imposed, the actual terms of the underlying health benefit plan document shall control.

(2) The plan sponsor shall retain the authority to interpret and apply the health benefit plan sponsor's own health benefit plan's terms to the extent permitted by applicable federal and state law.

(d) If it is determined by the Insurance Commissioner that a pharmacy benefits manager or pharmacy benefits manager affiliate is operating outside the terms of the underlying health benefit plan, all dispute, enforcement, and penalties under this subchapter shall apply and may be enforced by the commissioner."

The Amendment was read \_\_\_\_\_

By: Representative Lundstrum  
ANS/ANS - 03-31-2025 03:51:33  
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Chief Clerk