

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

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1560

5 By: Representatives Gazaway, Boyd  
6 By: Senator D. Sanders  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND LAWS REGARDING THE PRACTICE OF  
10 PHARMACY AND THE ARKANSAS STATE BOARD OF PHARMACY;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 TO AMEND LAWS REGARDING THE PRACTICE OF  
15 PHARMACY AND THE ARKANSAS STATE BOARD OF  
16 PHARMACY.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 17-92-205(c) is amended to add an  
23 additional subdivision to read as follows:

24 (6) The board's inspectors and other designated agents may seize  
25 products for testing of sterility, potency, and pyrogenicity when inspecting  
26 permitted facilities.  
27

28 SECTION 2. Arkansas Code § 17-92-311(a)(7), concerning the grounds for  
29 revocation, suspension, or nonrenewal of a pharmacist license, is amended to  
30 read as follows:

31 (7) The person has been guilty of ~~gross~~ unprofessional or  
32 dishonorable conduct;  
33

34 SECTION 3. Arkansas Code § 17-92-315(b), concerning alternative  
35 penalties that may be imposed by the Arkansas State Board of Pharmacy, is  
36 amended to read as follows:



1 (b)(1)(A) ~~No~~ A monetary penalty imposed by the board ~~may~~ shall not  
 2 exceed ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) per  
 3 violation, ~~nor shall the.~~

4 (B) The board may impose a monetary penalty on a license,  
 5 permit, certificate, credential, or registration holder if the license,  
 6 permit, certificate, credential, or registration has been revoked by the  
 7 board for such a violation.

8 (C) The board may collect out-of-pocket costs of an  
 9 investigation incurred by the board to conduct a disciplinary hearing.

10 (2) Each instance when a federal or state law or board  
 11 ~~regulation~~ rule is violated shall constitute a separate violation.

12 (3) The power and authority of the board to impose sanctions  
 13 authorized in this section are not to be affected by any other civil or  
 14 criminal proceeding concerning the same violation, nor shall the imposition  
 15 of a penalty preclude the board from imposing other sanctions short of  
 16 revocation.

17  
 18 SECTION 4. Arkansas Code § 17-92-315, concerning alternative penalties  
 19 that may be imposed by the Arkansas State Board of Pharmacy, is amended to  
 20 add an additional subsection to read as follows:

21 (e) The board may collect costs of inspections incurred by the board  
 22 while inspecting a permitted facility that is out of state.

23  
 24 SECTION 5. Arkansas Code § 17-92-403(c), concerning exceptions to  
 25 being a licensed pharmacist, is amended to read as follows:

26 (c) If the owner of any pharmacy or other facility dispensing  
 27 prescriptions as identified in this section fails to have on duty a licensed  
 28 pharmacist-in-charge forty (40) hours per week or as otherwise provided in  
 29 this chapter due to illness, death, resignation, or for any other reason, the  
 30 owner shall within ~~three (3) days~~ five (5) days notify the board of the fact  
 31 and ~~must~~ shall within thirty (30) days or such additional time at the  
 32 discretion of the board either secure the services of a licensed pharmacist-  
 33 in-charge or remove all prescription legend drugs and drug signs from the  
 34 pharmacy or facility as identified in this section and cease to operate as a  
 35 pharmacy or facility as identified in this section.

1 SECTION 6. Arkansas Code § 17-92-403(d)(5), concerning the exceptions  
2 to being a licensed pharmacist, is amended to read as follows:

3 (5) If the owner of any specialty pharmacy fails to have on duty  
4 a licensed pharmacist-in-charge as provided in subdivision (d)(2) or ~~(3)~~  
5 subdivision (d)(3) of this section due to illness, death, resignation, or for  
6 any other reason, the owner shall within ~~three (3) days~~ five (5) days notify  
7 the board of the fact and shall within thirty (30) days, or such additional  
8 time as the board in its discretion may allow, either secure the services of  
9 a licensed pharmacist-in-charge or remove all prescription legend drugs and  
10 drug signs from the pharmacy and cease to operate the pharmacy.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36