



Michael Preston  
SECRETARY OF COMMERCE

Alan McClain  
COMMISSIONER,  
ARKANSAS INSURANCE  
DEPARTMENT

BULLETIN NO.: 12-2021

TO: PHARMACY BENEFIT MANAGERS, PHARMACY PROVIDERS, HEALTHCARE PROVIDERS AND  
OTHER INTERESTED PERSONS

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: AID ORDER 2021-37 regarding Act 1103 of 2021, "An Act To Establish the 340B Drug Pricing  
Nondiscrimination Act"

DATE: July 29, 2021

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On July 29, 2021, the Insurance Commissioner issued AID Order 2021-37, "In Re Act 1103." The Order has set for a Declaratory Ruling under AID Rule 121 a review of two provisions in Act 1103 of 2021 ("Act 1103") to determine if Ark. Code Ann. § 23-92-604(c)(1) and (c)(2) are preempted from enforcement under federal law. The Commissioner has temporarily suspended the enforcement of those provisions in Act 1103 for 90 days while the matter is under administrative review. The Commissioner intends to set this Declaratory proceeding for a public hearing, to be determined at a later date. Pursuant to Ark. Code Ann. § 23-61-305(c), persons affected by the Order may seek to intervene in the proceeding. Persons interested in intervening should request intervention in writing by contacting the legal division at the Department (501) 371-2820 no later than August 30, 2021.

Please direct any inquiries to the Legal Division of the Arkansas Insurance Department via phone at (501) 371-2820 or via email at [insurance.legal@arkansas.gov](mailto:insurance.legal@arkansas.gov).

ALAN McCLAIN  
ARKANSAS INSURANCE COMMISSIONER

DATE