# ARKANSAS STATE BOARD OF PHARMACY

**322 South Main St., Suite 600**
**Little Rock, AR 72201**

**Tuesday, July 28, 2026**

The Arkansas State Board of Pharmacy met for a called Board meeting on July 28, 2026. The meeting originated from the Arkansas State Board of Pharmacy office located at 322 South Main Street, Suite 600, Little Rock, Arkansas.

**Members present**:
* Lenora Newsome, P.D.
* Clint Boone, Pharm.D.
* Rodney Richmond, Pharm.D.
* Brian Jolly, Pharm.D.
* Harold Simpson
* Beth Ann Davenport, Pharm.D.

**Staff present:**
* John Kirtley, Pharm.D., Executive Director
* Brenda McCrady, P.D, Assistant Director
* Ashley Vailes, General Counsel

**Deborah Mack and W. Lyn Fruchey were not present for the meeting.**

Doralee Chandler and Joseph Nelson, both representatives from the Arkansas Attorney General's Office, addressed the Board regarding multiple lawsuits filed against Act 630 of 2025.

**BOARD ACTION:**

Dr. Jolly made the following motion:

I make a motion that this Board authorize the Arkansas Attorney General's Office to enter into a settlement agreement, on our behalf, with each entity who has sued or is threatening to sue the Board or its members to challenge Act 630 of 2025. I do so in light of the U.S. District Court for the Eastern District of Arkansas's recent opinion issued upon submission of parties' briefs and a contested evidentiary hearing regarding Plaintiff's motion for preliminary-injunction in the Novartis Pharmaceuticals Corp. v. Griffin, No. 4:25-cv-633 matter. That opinion determined that Act 630 is likely unconstitutional. It is the desire of this Board to abide by the United States Constitution, conserve resources and avoid unnecessary litigation. I therefore seek to approve the following settlement terms, and the Attorney General's Office's use of them in reaching settlements on our behalf:

1. Non-Enforcement
Upon the Effective Date and dismissal of any currently pending lawsuit challenging Act 630 brought by the settling entity, the Board agrees-on behalf of the Board and its members and their successors in their official capacities as members of the Board-that Act 630 will not be enforced against the settling entity or its subsidiaries, its officers, employees, agents, successors, or assigns. The

Board and its members and their successors will not seek to hold the settling entity liable in any judicial, administrative, or other proceeding for fines, penalties, or other sanctions based on the settling entity's failure to comply with Act 630's requirements, regardless of the date on which such noncompliance occurred.

2. No Challenges to Act 630
The settling entity shall not file any lawsuit against the Board or its members and their successors challenging Act 630, unless the Board attempts to enforce Act 630 against the settling entity in contravention of this settlement agreement (the "Agreement").
If the settling entity has already filed a lawsuit against the Board's members challenging Act 630, the entity shall promptly file a Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(l)(A)(i), dismissing all claims without prejudice. The settling entity shall not file any new lawsuit against the Board or its members and their successors challenging Act 630, unless the Board attempts to enforce Act 630 against the entity in contravention of the Agreement.

3. No Consent Decree or Judicial Determination, and No Waiver of Immunity
The Agreement shall be a private settlement agreement, and shall not be a consent decree, injunction, declaratory judgment, or judicial determination regarding the constitutionality of Act 630.
Nothing in the Agreement shall constitute a waiver of sovereign immunity, Eleventh Amendment immunity, or any other defense or immunity available to the Board, except as expressly set forth by the Agreement.

4. Attorney's Fees and Costs
Each Party shall bear its own attorney's fees and costs, including, but not limited to, any such fees and costs the settling entity may have accrued related to any lawsuit it has already filed challenging Act 630.

5. Entire Agreement
The Agreement shall constitute the entire agreement between the Board and the settlement entity concerning the matters it addresses. No oral representations or prior negotiations shall modify its terms. Any amendment must be in writing and signed by all Parties, or their representatives.

6. Effective Date
The Agreement shall become binding and effective upon ( 1) execution of the Agreement by the Attorney General's Office solely as the Board's authorized representative and on behalf of the Board and (2) execution of the Agreement by the settling entity. The date on which both conditions have occurred shall be the "Effective Date."

Dr. Richmond seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Jolly made the following motion:

I make a motion that we resolve that the Board will not take any action to enforce Act 630 of 2025 against any entity. I do so in light of the U.S. District Court for the Eastern District of Arkansas's recent opinion issued upon submission of the parties' briefs and a contested evidentiary hearing regarding Plaintiff's motion for a preliminary-injunction in the Novartis Pharmaceuticals Corp. v. Griffin, No. 4:25- cv-633 matter. That opinion determined that Act 630 is likely unconstitutional. It is the desire of this Board to abide by the United States Constitution, and conserve resources and avoid any unnecessary litigation. Therefore, this motion includes both entities that enter into any settlement agreement authorized by the Board, as well as entities that do not enter into any such settlement agreement.

Mr. Simpson seconded the motion. The vote for the motion was unanimous.

The Board conducted an emergency hearing in the matter of **Pharmaneek, OS03175.**

**BOARD ACTION**:

Dr. Boone made the motion to suspend the license of **Pharmaneek, OS03175,** pending a full hearing. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

The Board conducted an emergency hearing in the matter of **Yudith Reyes, PT89149.**

**BOARD ACTION**:

Dr. Jolly made the motion to suspend the pharmacy technician permit **Yudith Reyes, PT89149,** pending a full hearing. Dr. Richmond seconded the motion. The vote for the motion was unanimous.

Prepared by:

Lana Whitmore

Lana Whitmore

Approved for the Board:

Lenora Newsome, P.D., President