

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2388

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-1977, to read:

4 32-1977. Authority to define the chemical composition of
5 substances included in drug schedules; annual
6 report

7 A. THE BOARD MAY ADOPT RULES TO DEFINE THE CHEMICAL COMPOSITION OF
8 CONTROLLED SUBSTANCES PRESCRIBED IN SECTIONS 36-2512 THROUGH 36-2516 IN ORDER
9 TO INCLUDE CHEMICAL VARIATIONS OF THOSE SUBSTANCES AS NECESSARY.

10 B. BEFORE IT ADOPTS A RULE THAT DEFINES THE CHEMICAL COMPOSITION OF
11 SUBSTANCES PRESCRIBED IN SECTIONS 36-2512 THROUGH 36-2516, THE BOARD MUST:

12 1. CONSIDER THE FOLLOWING:

13 (a) THE SUBSTANCE'S ACTUAL OR RELATIVE POTENTIAL FOR ABUSE.

14 (b) SCIENTIFIC EVIDENCE OF THE SUBSTANCE'S PHARMACOLOGICAL EFFECT, IF
15 KNOWN.

16 (c) THE STATE OF CURRENT SCIENTIFIC KNOWLEDGE REGARDING THE SUBSTANCE.

17 (d) THE HISTORY AND CURRENT PATTERN OF ABUSE OF THE SUBSTANCE.

18 (e) THE SCOPE, DURATION AND SIGNIFICANCE OF ABUSE OF THE SUBSTANCE.

19 (f) THE RISK TO THE PUBLIC HEALTH.

20 (g) THE POTENTIAL OF THE SUBSTANCE TO PRODUCE PSYCHIC OR PHYSIOLOGICAL
21 DEPENDENCE LIABILITY.

22 2. MAKE A FORMAL FINDING THAT THE CHEMICAL COMPOSITION DEFINED BY THE
23 BOARD HAS A POTENTIAL FOR ABUSE.

24 3. SUBMIT THE FORMAL FINDING TO THE DEPARTMENT OF PUBLIC SAFETY AND
25 CONSULT WITH THE DEPARTMENT REGARDING THE BOARD'S FINDINGS AND PROPOSED RULE.

26 C. THE BOARD MAY NOT ADOPT RULES PURSUANT TO THIS SECTION RELATING TO
27 THE CONTROL OF DISTILLED SPIRITS, WINE, MALT BEVERAGES OR TOBACCO.

1 D. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT A
2 WRITTEN REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
3 THE PRESIDENT OF THE SENATE AND THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
4 SAFETY REGARDING CHEMICAL COMPOSITIONS OF CONTROLLED SUBSTANCES ADDED BY RULE
5 PURSUANT TO THIS SECTION DURING THE PREVIOUS CALENDAR YEAR.

6 Sec. 2. Exemption from rule making

7 The state board of pharmacy is exempt from the rule making requirements
8 of title 41, chapter 6, Arizona Revised Statutes, for the purpose of defining
9 the chemical composition of controlled substances prescribed in sections
10 36-2512 through 36-2516, Arizona Revised Statutes, in order to include
11 chemical variations of those substances as necessary.

12 Sec. 3. Emergency

13 This act is an emergency measure that is necessary to preserve the
14 public peace, health or safety and is operative immediately as provided by
15 law.”

16 Amend title to conform

DON SHOOTER

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