

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# SENATE BILL 1327

AN ACT

AMENDING SECTION 32-1901, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-416; RELATING TO HOSPITALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1901, Arizona Revised Statutes, is amended to  
3 read:

4 32-1901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means the direct application of a controlled  
7 substance, prescription-only drug, dangerous drug or narcotic drug, whether  
8 by injection, inhalation, ingestion or any other means, to the body of a  
9 patient or research subject by a practitioner or by the practitioner's  
10 authorized agent or the patient or research subject at the direction of the  
11 practitioner.

12 2. "Advertisement" means all representations disseminated in any  
13 manner or by any means, other than by labeling, for the purpose of inducing,  
14 or that are likely to induce, directly or indirectly, the purchase of drugs,  
15 devices, poisons or hazardous substances.

16 3. "Advisory letter" means a nondisciplinary letter to notify a  
17 licensee or permittee that either:

18 (a) While there is insufficient evidence to support disciplinary  
19 action, the board believes that continuation of the activities that led to  
20 the investigation may result in further board action against the licensee or  
21 permittee.

22 (b) The violation is a minor or technical violation that is not of  
23 sufficient merit to warrant disciplinary action.

24 (c) While the licensee or permittee has demonstrated substantial  
25 compliance through rehabilitation, remediation or reeducation that has  
26 mitigated the need for disciplinary action, the board believes that  
27 repetition of the activities that led to the investigation may result in  
28 further board action against the licensee or permittee.

29 4. "Antiseptic", if a drug is represented as such on its label, means  
30 a representation that it is a germicide, except in the case of a drug  
31 purporting to be, or represented as, an antiseptic for inhibitory use as a  
32 wet dressing, ointment or dusting powder or other use that involves prolonged  
33 contact with the body.

34 5. "Authorized officers of the law" means legally empowered peace  
35 officers, compliance officers of the ~~state~~ board of pharmacy and agents of  
36 the division of narcotics enforcement and criminal intelligence of the  
37 department of public safety.

38 6. "Board" or "board of pharmacy" means the Arizona state board of  
39 pharmacy.

40 7. "Color additive" means a material that either:

41 (a) Is any dye, pigment or other substance made by a process of  
42 synthesis or similar artifice, or extracted, isolated or otherwise derived,  
43 with or without intermediate or final change of identity, from any vegetable,  
44 animal, mineral or other source.

1 (b) If added or applied to a drug, or to the human body or any part of  
2 the human body, is capable of imparting color, except that color additive  
3 does not include any material that has been or may be exempted under the  
4 federal act. Color includes black, white and intermediate grays.

5 8. "Compounding" means the preparation, mixing, assembling, packaging  
6 or labeling of a drug by a pharmacist or an intern or pharmacy technician  
7 under the pharmacist's supervision, for the purpose of dispensing to a  
8 patient based on a valid prescription order. Compounding includes the  
9 preparation of drugs in anticipation of prescription orders prepared on  
10 routine, regularly observed prescribing patterns and the preparation of drugs  
11 as an incident to research, teaching or chemical analysis or for  
12 administration by a medical practitioner to the medical practitioner's  
13 patient and not for sale or dispensing. Compounding does not include the  
14 preparation of commercially available products from bulk compounds or the  
15 preparation of drugs for sale to pharmacies, practitioners or entities for  
16 the purpose of dispensing or distribution.

17 9. "Compressed medical gas distributor" means a person who holds a  
18 current permit issued by the board to distribute compressed medical gases  
19 pursuant to a compressed medical gas order to compressed medical gas  
20 suppliers and other entities that are registered, licensed or permitted to  
21 use, administer or distribute compressed medical gases.

22 10. "Compressed medical gas order" means an order for compressed  
23 medical gases that is issued by a medical practitioner.

24 11. "Compressed medical gas supplier" means a person who holds a  
25 current permit issued by the board to supply compressed medical gases  
26 pursuant to a compressed medical gas order and only to the consumer or the  
27 patient.

28 12. "Compressed medical gases" means gases and liquid oxygen that a  
29 compressed medical gas distributor or manufacturer has labeled in compliance  
30 with federal law.

31 13. "Controlled substance" means a drug, substance or immediate  
32 precursor THAT IS identified, defined or listed in title 36, chapter 27,  
33 article 2.

34 14. "Corrosive" means any substance that when it comes in contact with  
35 living tissue will cause destruction of tissue by chemical action.

36 15. "Counterfeit drug" means a drug that, or the container or labeling  
37 of which, without authorization, bears the trademark, trade name or other  
38 identifying mark, imprint, number or device, or any likeness of these, of a  
39 manufacturer, distributor or dispenser other than the person who in fact  
40 manufactured, distributed or dispensed that drug.

41 16. "Dangerous drug" has the same meaning prescribed in section  
42 13-3401.

43 17. "Decree of censure" means an official action that is taken by the  
44 board and that may include a requirement for restitution of fees to a patient  
45 or consumer.

1           18. "Deliver" or "delivery" means the actual, constructive or attempted  
2 transfer from one person to another whether or not there is an agency  
3 relationship.

4           19. "Deputy director" means a pharmacist who is employed by the board  
5 and selected by the executive director to perform duties as prescribed by the  
6 executive director.

7           20. "Device", except as used in paragraph 15 of this section, section  
8 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph 15 and  
9 subsection C, means instruments, apparatus and contrivances, including their  
10 components, parts and accessories, including all such items under the federal  
11 act, intended either:

12           (a) For use in the diagnosis, cure, mitigation, treatment or  
13 prevention of disease in the human body or other animals.

14           (b) To affect the structure or any function of the human body or other  
15 animals.

16           21. "Direct supervision of a pharmacist" means the pharmacist is  
17 present. If relating to the sale of certain items, direct supervision of a  
18 pharmacist means that a pharmacist determines the legitimacy or advisability  
19 of a proposed purchase of those items.

20           22. "Director" means the director of the division of narcotics  
21 enforcement and criminal investigation of the department of public safety.

22           23. "Dispense" means to deliver to an ultimate user or research subject  
23 by or pursuant to the lawful order of a practitioner, including the  
24 prescribing, administering, packaging, labeling or compounding necessary to  
25 prepare for that delivery.

26           24. "Dispenser" means a practitioner who dispenses.

27           25. "Distribute" means to deliver, other than by administering or  
28 dispensing.

29           26. "Distributor" means a person who distributes.

30           27. "Drug" means:

31           (a) Articles recognized, or for which standards or specifications are  
32 prescribed, in the official compendium.

33           (b) Articles intended for use in the diagnosis, cure, mitigation,  
34 treatment or prevention of disease in the human body or other animals.

35           (c) Articles other than food intended to affect the structure or any  
36 function of the human body or other animals.

37           (d) Articles intended for use as a component of any articles specified  
38 in subdivision (a), (b) or (c) of this paragraph but does not include devices  
39 or their components, parts or accessories.

40           28. "Drug enforcement administration" means the drug enforcement  
41 administration of the United States department of justice or its successor  
42 agency.

43           29. "Drug or device manufacturing" means the production, preparation,  
44 propagation or processing of a drug or device, either directly or indirectly,  
45 by extraction from substances of natural origin or independently by means of

1 chemical synthesis and includes any packaging or repackaging of substances or  
2 labeling or relabeling of its container and the promotion and marketing of  
3 the same. Drug or device manufacturing does not include compounding.

4 30. "Economic poison" means any substance that alone, in chemical  
5 combination or in formulation with one or more other substances is a  
6 pesticide within the meaning of the laws of this state or the federal  
7 insecticide, fungicide and rodenticide act and that is used in the  
8 production, storage or transportation of raw agricultural commodities.

9 31. "ENTERAL FEEDING" MEANS NOURISHMENT PROVIDED BY MEANS OF A TUBE  
10 INSERTED INTO THE STOMACH OR INTESTINE.

11 ~~31.~~ 32. "Established name", with respect to a drug or ingredient of a  
12 drug, means any of the following:

13 (a) The applicable official name.

14 (b) If there is no such name and the drug or ingredient is an article  
15 recognized in an official compendium, the official title in an official  
16 compendium.

17 (c) If neither subdivision (a) nor (b) of this paragraph applies, the  
18 common or usual name of such drug.

19 ~~32.~~ 33. "Executive director" means the executive director of the board  
20 of pharmacy.

21 ~~33.~~ 34. "Federal act" means the federal laws and regulations that  
22 pertain to drugs, devices, poisons and hazardous substances and that are  
23 official at the time any drug, device, poison or hazardous substance is  
24 affected by this chapter.

25 ~~34.~~ 35. "Full service wholesale permittee" means a permittee who may  
26 distribute prescription-only drugs and devices, controlled substances and  
27 over-the-counter drugs and devices to pharmacies or other legal outlets from  
28 a place devoted in whole or in part to wholesaling these items.

29 ~~35.~~ 36. "Graduate intern" means a person who has graduated from a  
30 college, school or program of pharmacy approved by the board and who meets  
31 the qualifications and experience for a pharmacy intern as provided in  
32 section 32-1923.

33 ~~36.~~ 37. "Highly toxic" means any substance that falls within any of  
34 the following categories:

35 (a) Produces death within fourteen days in half or more than half of a  
36 group of ten or more laboratory white rats each weighing between two hundred  
37 and three hundred grams, at a single dose of fifty milligrams or less per  
38 kilogram of body weight, when orally administered.

39 (b) Produces death within fourteen days in half or more than half of a  
40 group of ten or more laboratory white rats each weighing between two hundred  
41 and three hundred grams, if inhaled continuously for a period of one hour or  
42 less at an atmospheric concentration of two hundred parts per million by  
43 volume or less of gas or vapor or two milligrams per liter by volume or less  
44 of mist or dust, provided the concentration is likely to be encountered by  
45 humans if the substance is used in any reasonably foreseeable manner.

1 (c) Produces death within fourteen days in half or more than half of a  
2 group of ten or more rabbits tested in a dosage of two hundred milligrams or  
3 less per kilogram of body weight, if administered by continuous contact with  
4 the bare skin for twenty-four hours or less.

5 If the board finds that available data on human experience with any substance  
6 indicate results different from those obtained on animals in the dosages or  
7 concentrations prescribed in this paragraph, the human data shall take  
8 precedence.

9 ~~37.~~ 38. "Hospital" means any institution for the care and treatment of  
10 the sick and injured that is approved and licensed as a hospital by the  
11 department of health services.

12 ~~38.~~ 39. "Intern" means a pharmacy intern and a graduate intern.

13 ~~39.~~ 40. "Internship" means the practical, experiential, hands-on  
14 training of a pharmacy intern under the supervision of a preceptor.

15 ~~40.~~ 41. "Irritant" means any substance, other than a corrosive, that  
16 on immediate, prolonged or repeated contact with normal living tissue will  
17 induce a local inflammatory reaction.

18 ~~41.~~ 42. "Jurisprudence examination" means a ~~board-approved~~  
19 BOARD-APPROVED pharmacy law examination that is written and administered in  
20 cooperation with the national association of boards of pharmacy or another  
21 ~~board-approved~~ BOARD-APPROVED pharmacy law examination.

22 ~~42.~~ 43. "Label" means a display of written, printed or graphic matter  
23 on the immediate container of any article that, unless easily legible through  
24 the outside wrapper or container, also appears on the outside wrapper or  
25 container of the article's retail package. For the purposes of this  
26 paragraph, the immediate container does not include package liners.

27 ~~43.~~ 44. "Labeling" means all labels and other written, printed or  
28 graphic matter either:

29 (a) On any article or any of its containers or wrappers.

30 (b) Accompanying that article.

31 ~~44.~~ 45. "Letter of reprimand" means a disciplinary letter that is a  
32 public document issued by the board and that informs a licensee or permittee  
33 that the licensee's or permittee's conduct violates state or federal law and  
34 may require the board to monitor the licensee or permittee.

35 ~~45.~~ 46. "Limited service pharmacy" means a pharmacy that is approved  
36 by the board to practice a limited segment of pharmacy as indicated by the  
37 permit issued by the board.

38 ~~46.~~ 47. "Manufacture" or "manufacturer" means every person who  
39 prepares, derives, produces, compounds, processes, packages or repackages or  
40 labels any drug in a place, other than a pharmacy, devoted to manufacturing  
41 the drug.

42 ~~47.~~ 48. "Marijuana" has the same meaning prescribed in section  
43 13-3401.

44 ~~48.~~ 49. "Medical practitioner" means any medical doctor, doctor of  
45 osteopathy, dentist, podiatrist, veterinarian or other person WHO IS licensed

1 and authorized by law to use and prescribe drugs and devices for the  
2 treatment of sick and injured human beings or animals or for the diagnosis or  
3 prevention of sickness in human beings or animals in this state or any state,  
4 territory or district of the United States.

5 ~~49-~~ 50. "Medication order" means a written or verbal order from a  
6 medical practitioner or that person's authorized agent to administer a drug  
7 or device.

8 ~~50-~~ 51. "Narcotic drug" has the same meaning prescribed in section  
9 13-3401.

10 ~~51-~~ 52. "New drug" means either:

11 (a) Any drug the composition of which is such that the drug is not  
12 generally recognized among experts qualified by scientific training and  
13 experience to evaluate the safety and effectiveness of drugs as safe and  
14 effective for use under the conditions prescribed, recommended or suggested  
15 in the labeling.

16 (b) Any drug the composition of which is such that the drug, as a  
17 result of investigations to determine its safety and effectiveness for use  
18 under such conditions, has become so recognized, but that has not, other than  
19 in the investigations, been used to a material extent or for a material time  
20 under those conditions.

21 ~~52-~~ 53. "Nonprescription drug" or "over-the-counter drug" means any  
22 nonnarcotic medicine or drug that may be sold without a prescription and is  
23 prepackaged and labeled for use by the consumer in accordance with the  
24 requirements of the laws of this state and federal law. Nonprescription drug  
25 does not include:

26 (a) A drug that is primarily advertised and promoted professionally to  
27 medical practitioners and pharmacists by manufacturers or primary  
28 distributors.

29 (b) A controlled substance.

30 (c) A drug that is required to bear a label that states "Rx only". ~~---~~

31 (d) A drug THAT IS intended for human use by hypodermic injection.

32 ~~53-~~ 54. "Nonprescription drug wholesale permittee" means a permittee  
33 who may distribute only over-the-counter drugs and devices to pharmacies or  
34 other lawful outlets from a place devoted in whole or in part to wholesaling  
35 these items.

36 ~~54-~~ 55. "Notice" means personal service or the mailing of a copy of  
37 the notice by certified mail addressed either to the person at the person's  
38 latest address of record in the board office or to the person's attorney.

39 56. "NUTRITIONAL SUPPLEMENTATION" MEANS VITAMINS, MINERALS AND CALORIC  
40 SUPPLEMENTATION. NUTRITIONAL SUPPLEMENTATION DOES NOT INCLUDE MEDICATION OR  
41 DRUGS.

42 ~~55-~~ 57. "Official compendium" means the latest revision of the United  
43 States pharmacopeia and the national formulary or any current supplement.

1           ~~56.~~ 58. "Other jurisdiction" means one of the other forty-nine states,  
2 the District of Columbia, the Commonwealth of Puerto Rico or a territory of  
3 the United States of America.

4           ~~57.~~ 59. "Package" means a receptacle defined or described in the  
5 United States pharmacopeia and the national formulary as adopted by the  
6 board.

7           ~~58.~~ 60. "Packaging" means the act or process of placing a drug item or  
8 device in a container for the purpose or intent of dispensing or distributing  
9 the item or device to another.

10           61. "PARENTERAL NUTRITION" MEANS INTRAVENOUS FEEDING THAT PROVIDES A  
11 PERSON WITH FLUIDS AND ESSENTIAL NUTRIENTS THE PERSON NEEDS WHILE THE PERSON  
12 IS UNABLE TO RECEIVE ADEQUATE FLUIDS OR FEEDINGS BY MOUTH OR BY ENTERAL  
13 FEEDING.

14           ~~59.~~ 62. "Person" means an individual, partnership, corporation and  
15 association, and their duly authorized agents.

16           ~~60.~~ 63. "Pharmaceutical care" means the provision of drug therapy and  
17 other pharmaceutical patient care services.

18           ~~61.~~ 64. "Pharmacist" means an individual WHO IS currently licensed by  
19 the board to practice the profession of pharmacy in this state.

20           ~~62.~~ 65. "Pharmacist in charge" means the pharmacist who is responsible  
21 to the board for a licensed establishment's compliance with the laws and  
22 administrative rules of this state and of the federal government pertaining  
23 to the practice of pharmacy, the manufacturing of drugs and the distribution  
24 of drugs and devices.

25           ~~63.~~ 66. "Pharmacist licensure examination" means a ~~board-approved~~  
26 BOARD-APPROVED examination that is written and administered in cooperation  
27 with the national association of boards of pharmacy or any other ~~board~~  
28 ~~approved~~ BOARD-APPROVED pharmacist licensure examination.

29           ~~64.~~ 67. "Pharmacy" means any place:

30           (a) Where drugs, devices, poisons or related hazardous substances are  
31 offered for sale at retail.

32           (b) In which the profession of pharmacy is practiced or where  
33 prescription orders are compounded and dispensed.

34           (c) That has displayed on it or in it the words "pharmacist,"  
35 "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore,"  
36 "drugs" or "drug sundries" or any of these words or combinations of these  
37 words, or words of similar import either in English or any other language, or  
38 that is advertised by any sign containing any of these words.

39           (d) Where the characteristic symbols of pharmacy or the characteristic  
40 prescription sign "Rx" is exhibited.

41           (e) Or a portion of any building or structure that is leased, used or  
42 controlled by the permittee to conduct the business authorized by the board  
43 at the address for which the permit was issued and that is enclosed and  
44 secured when a pharmacist is not in attendance.

1           ~~65-~~ 68. "Pharmacy intern" means a person who has all of the  
2 qualifications and experience prescribed in section 32-1923.

3           ~~66-~~ 69. "Pharmacy technician" means a person who is licensed pursuant  
4 to this chapter.

5           ~~67-~~ 70. "Pharmacy technician trainee" means a person who is licensed  
6 pursuant to this chapter.

7           ~~68-~~ 71. "Poison" or "hazardous substance" includes, but is not limited  
8 to, any of the following if intended and suitable for household use or use by  
9 children:

10           (a) Any substance that, according to standard works on medicine,  
11 pharmacology, pharmacognosy or toxicology, if applied to, introduced into or  
12 developed within the body in relatively small quantities by its inherent  
13 action uniformly produces serious bodily injury, disease or death.

14           (b) A toxic substance.

15           (c) A highly toxic substance.

16           (d) A corrosive substance.

17           (e) An irritant.

18           (f) A strong sensitizer.

19           (g) A mixture of any of the substances described in this paragraph, if  
20 the substance or mixture of substances may cause substantial personal injury  
21 or substantial illness during or as a proximate result of any customary or  
22 reasonably foreseeable handling or use, including reasonably foreseeable  
23 ingestion by children.

24           (h) A substance **THAT IS** designated by the board to be a poison or  
25 hazardous substance. This subdivision does not apply to radioactive  
26 substances, economic poisons subject to the federal insecticide, fungicide  
27 and rodenticide act or the state pesticide act, foods, drugs and cosmetics  
28 subject to state laws or the federal act or substances intended for use as  
29 fuels when stored in containers and used in the heating, cooking or  
30 refrigeration system of a house. This subdivision applies to any substance  
31 or article that is not itself an economic poison within the meaning of the  
32 federal insecticide, fungicide and rodenticide act or the state pesticide  
33 act, but that is a poison or hazardous substance within the meaning of this  
34 paragraph by reason of bearing or containing an economic poison or hazardous  
35 substance.

36           ~~69-~~ 72. "Practice of pharmacy" means furnishing the following health  
37 care services as a medical professional:

38           (a) Interpreting, evaluating and dispensing prescription orders in the  
39 patient's best interests.

40           (b) Compounding drugs pursuant to or in anticipation of a prescription  
41 order.

42           (c) Labeling of drugs and devices in compliance with state and federal  
43 requirements.

1 (d) Participating in drug selection and drug utilization reviews, drug  
2 administration, drug or drug-related research and drug therapy monitoring or  
3 management.

4 (e) Providing patient counseling necessary to provide pharmaceutical  
5 care.

6 (f) Properly and safely storing drugs and devices in anticipation of  
7 dispensing.

8 (g) Maintaining required records of drugs and devices.

9 (h) Offering or performing of acts, services, operations or  
10 transactions necessary in the conduct, operation, management and control of a  
11 pharmacy.

12 (i) Implementing, monitoring and modifying drug therapy pursuant to a  
13 protocol-based drug therapy agreement with a provider as outlined in section  
14 32-1970.

15 (j) Initiating and administering immunizations or vaccines pursuant to  
16 section 32-1974.

17 ~~70-~~ 73. "Practitioner" means any physician, dentist, veterinarian,  
18 scientific investigator or other person who is licensed, registered or  
19 otherwise permitted to distribute, dispense, conduct research with respect to  
20 or administer a controlled substance in the course of professional practice  
21 or research in this state, or any pharmacy, hospital or other institution  
22 that is licensed, registered or otherwise permitted to distribute, dispense,  
23 conduct research with respect to or administer a controlled substance in the  
24 course of professional practice or research in this state.

25 ~~71-~~ 74. "Preceptor" means a pharmacist who is serving as the practical  
26 instructor of an intern and complies with section 32-1923.

27 ~~72-~~ 75. "Precursor chemical" means a substance that is:

28 (a) The principal compound that is commonly used or that is produced  
29 primarily for use and that is an immediate chemical intermediary used or  
30 likely to be used in the manufacture of a controlled substance, the control  
31 of which is necessary to prevent, curtail or limit manufacture.

32 (b) Listed in section 13-3401, paragraph 26 or 27.

33 ~~73-~~ 76. "Prescription" means either a prescription order or a  
34 prescription medication.

35 ~~74-~~ 77. "Prescription medication" means any drug, including label and  
36 container according to context, that is dispensed pursuant to a prescription  
37 order.

38 ~~75-~~ 78. "Prescription-only device" includes:

39 (a) Any device that is limited by the federal act to use under the  
40 supervision of a medical practitioner.

41 (b) Any device required by the federal act to bear on its label  
42 essentially the legend "Rx only".

43 ~~76-~~ 79. "Prescription-only drug" does not include a controlled  
44 substance but does include:

1 (a) Any drug that because of its toxicity or other potentiality for  
2 harmful effect, the method of its use, or the collateral measures necessary  
3 to its use is not generally recognized among experts, qualified by scientific  
4 training and experience to evaluate its safety and efficacy, as safe for use  
5 except by or under the supervision of a medical practitioner.

6 (b) Any drug that is limited by an approved new drug application under  
7 the federal act or section 32-1962 to use under the supervision of a medical  
8 practitioner.

9 (c) Every potentially harmful drug, the labeling of which does not  
10 bear or contain full and adequate directions for use by the consumer.

11 (d) Any drug, other than a controlled substance, required by the  
12 federal act to bear on its label the legend "Rx only".

13 ~~77.~~ 80. "Prescription order" means any of the following:

14 (a) An order to a pharmacist for drugs or devices issued and signed by  
15 a duly licensed medical practitioner in the authorized course of the  
16 practitioner's professional practice.

17 (b) An order transmitted to a pharmacist through word of mouth,  
18 telephone or other means of communication directed by that medical  
19 practitioner. Prescription orders received by word of mouth, telephone or  
20 other means of communication shall be maintained by the pharmacist pursuant  
21 to section 32-1964, and the record so made by the pharmacist constitutes the  
22 original prescription order to be dispensed by the pharmacist. This  
23 paragraph does not alter or affect laws of this state or any federal act  
24 requiring a written prescription order.

25 (c) An order initiated by a pharmacist pursuant to a protocol-based  
26 drug therapy agreement with a provider as outlined in section 32-1970, or  
27 immunizations or vaccines administered by a pharmacist pursuant to section  
28 32-1974.

29 (d) A DIET ORDER OR AN ORDER FOR ENTERAL FEEDING, NUTRITIONAL  
30 SUPPLEMENTATION OR PARENTERAL NUTRITION THAT IS INITIATED BY A REGISTERED  
31 DIETITIAN OR OTHER QUALIFIED NUTRITION PROFESSIONAL IN A HOSPITAL PURSUANT TO  
32 SECTION 36-416.

33 ~~78.~~ 81. "Professionally incompetent" means:

34 (a) Incompetence based on a variety of factors, including a lack of  
35 sufficient pharmaceutical knowledge or skills or experience to a degree  
36 likely to endanger the health of patients.

37 (b) When considered with other indications of professional  
38 incompetence, a pharmacist, pharmacy intern or graduate intern who fails to  
39 obtain a passing score on a ~~board-approved~~ BOARD-APPROVED pharmacist  
40 licensure examination or a pharmacy technician or pharmacy technician trainee  
41 who fails to obtain a passing score on a ~~board-approved~~ BOARD-APPROVED  
42 pharmacy technician licensure examination.

43 ~~79.~~ 82. "Radioactive substance" means a substance that emits ionizing  
44 radiation.

1       ~~80.~~ 83. "Safely engage in employment duties" means that a permittee or  
2 the permittee's employee is able to safely engage in employment duties  
3 related to the manufacture, sale, distribution or dispensing of drugs,  
4 devices, poisons, hazardous substances, controlled substances or precursor  
5 chemicals.

6       ~~81.~~ 84. "Symbol" means the characteristic symbols that have  
7 historically identified pharmacy, including ~~"show globes"~~, AND ~~"mortar and~~  
8 pestle, ~~"~~ and the sign "Rx".

9       ~~82.~~ 85. "Toxic substance" means a substance, other than a radioactive  
10 substance, that has the capacity to produce injury or illness in humans  
11 through ingestion, inhalation or absorption through any body surface.

12       ~~83.~~ 86. "Ultimate user" means a person who lawfully possesses a drug  
13 or controlled substance for that person's own use, for the use of a member of  
14 that person's household or for administering to an animal owned by that  
15 person or by a member of that person's household.

16       Sec. 2. Title 36, chapter 4, article 1, Arizona Revised Statutes, is  
17 amended by adding section 36-416, to read:

18       36-416. Registered dietitians; hospital orders; definition

19       A. A HOSPITAL THAT IS LICENSED PURSUANT TO SECTION 36-422 MAY ALLOW A  
20 REGISTERED DIETITIAN OR OTHER QUALIFIED NUTRITION PROFESSIONAL TO ORDER  
21 DIETS, ENTERAL FEEDING, NUTRITIONAL SUPPLEMENTATION OR PARENTERAL NUTRITION  
22 IF AUTHORIZED BY MEDICAL STAFF PURSUANT TO 42 CODE OF FEDERAL REGULATIONS  
23 SECTION 482.28(b) AND IF BOTH:

24       1. THE HOSPITAL'S WRITTEN POLICIES AND PROCEDURES ALLOW REGISTERED  
25 DIETITIANS OR OTHER QUALIFIED NUTRITION PROFESSIONALS TO ISSUE SUCH ORDERS.

26       2. THE HOSPITAL HAS WRITTEN POLICIES AND PROCEDURES THAT ADDRESS THE  
27 HOSPITAL'S RESPONSE TO ADVERSE EVENTS, IF ANY, THAT ARISE AS A RESULT OF  
28 ORDERS ISSUED BY A REGISTERED DIETITIAN OR OTHER QUALIFIED NUTRITION  
29 PROFESSIONAL.

30       B. FOR THE PURPOSES OF THIS SECTION:

31       1. "QUALIFIED NUTRITION PROFESSIONAL" MEANS A NUTRITION PROFESSIONAL  
32 WHO IS DEEMED QUALIFIED BY A HOSPITAL FOR WHICH THE PERSON WORKS.

33       2. "REGISTERED DIETITIAN" MEANS A PERSON WHO MEETS THE QUALIFICATIONS  
34 OF THE CREDENTIALING AGENCY FOR THE AMERICAN ACADEMY OF NUTRITION AND  
35 DIETETICS.