

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

SENATE BILL 1460

AN ACT

AMENDING SECTIONS 32-1901 AND 32-1904, ARIZONA REVISED STATUTES; RELATING TO
THE ARIZONA STATE BOARD OF PHARMACY.

(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. "CERTIFICATE OF COMPOSITION" MEANS A LIST OF A PRODUCT'S
41 INGREDIENTS.

42 8. "CERTIFICATE OF FREE SALE" MEANS A DOCUMENT THAT AUTHENTICATES A
43 PRODUCT THAT IS GENERALLY AND FREELY SOLD IN DOMESTIC OR INTERNATIONAL
44 CHANNELS OF TRADE.

- 1 ~~7.~~ 9. "Color additive" means a material that either:
2 (a) Is any dye, pigment or other substance made by a process of
3 synthesis or similar artifice, or extracted, isolated or otherwise derived,
4 with or without intermediate or final change of identity, from any vegetable,
5 animal, mineral or other source.
6 (b) If added or applied to a drug, or to the human body or any part of
7 the human body, is capable of imparting color, except that color additive
8 does not include any material that has been or may be exempted under the
9 federal act. Color includes black, white and intermediate grays.
- 10 ~~8.~~ 10. "Compounding" means the preparation, mixing, assembling,
11 packaging or labeling of a drug by a pharmacist or an intern or pharmacy
12 technician under the pharmacist's supervision, for the purpose of dispensing
13 to a patient based on a valid prescription order. Compounding includes the
14 preparation of drugs in anticipation of prescription orders prepared on
15 routine, regularly observed prescribing patterns and the preparation of drugs
16 as an incident to research, teaching or chemical analysis or for
17 administration by a medical practitioner to the medical practitioner's
18 patient and not for sale or dispensing. Compounding does not include the
19 preparation of commercially available products from bulk compounds or the
20 preparation of drugs for sale to pharmacies, practitioners or entities for
21 the purpose of dispensing or distribution.
- 22 ~~9.~~ 11. "Compressed medical gas distributor" means a person who holds
23 a current permit issued by the board to distribute compressed medical gases
24 pursuant to a compressed medical gas order to compressed medical gas
25 suppliers and other entities that are registered, licensed or permitted to
26 use, administer or distribute compressed medical gases.
- 27 ~~10.~~ 12. "Compressed medical gas order" means an order for compressed
28 medical gases that is issued by a medical practitioner.
- 29 ~~11.~~ 13. "Compressed medical gas supplier" means a person who holds a
30 current permit issued by the board to supply compressed medical gases
31 pursuant to a compressed medical gas order and only to the consumer or the
32 patient.
- 33 ~~12.~~ 14. "Compressed medical gases" means gases and liquid oxygen that
34 a compressed medical gas distributor or manufacturer has labeled in
35 compliance with federal law.
- 36 ~~13.~~ 15. "Controlled substance" means a drug, substance or immediate
37 precursor THAT IS identified, defined or listed in title 36, chapter 27,
38 article 2.
- 39 ~~14.~~ 16. "Corrosive" means any substance that when it comes in contact
40 with living tissue will cause destruction of tissue by chemical action.
- 41 ~~15.~~ 17. "Counterfeit drug" means a drug that, or the container or
42 labeling of which, without authorization, bears the trademark, trade name or
43 other identifying mark, imprint, number or device, or any likeness of these,
44 of a manufacturer, distributor or dispenser other than the person who in fact
45 manufactured, distributed or dispensed that drug.

1 ~~16.~~ 18. "Dangerous drug" has the same meaning prescribed in section
2 13-3401.

3 ~~17.~~ 19. "Decree of censure" means an official action that is taken by
4 the board and that may include a requirement for restitution of fees to a
5 patient or consumer.

6 ~~18.~~ 20. "Deliver" or "delivery" means the actual, constructive or
7 attempted transfer from one person to another whether or not there is an
8 agency relationship.

9 ~~19.~~ 21. "Deputy director" means a pharmacist who is employed by the
10 board and selected by the executive director to perform duties as prescribed
11 by the executive director.

12 ~~20.~~ 22. "Device", except as used in paragraph ~~15~~ 17 of this section,
13 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph 15
14 and subsection C, means instruments, apparatus and contrivances, including
15 their components, parts and accessories, including all such items under the
16 federal act, intended either:

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

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

21 ~~21.~~ 23. "Direct supervision of a pharmacist" means the pharmacist is
22 present. If relating to the sale of certain items, direct supervision of a
23 pharmacist means that a pharmacist determines the legitimacy or advisability
24 of a proposed purchase of those items.

25 ~~22.~~ 24. "Director" means the director of the division of narcotics
26 enforcement and criminal investigation of the department of public safety.

27 ~~23.~~ 25. "Dispense" means to deliver to an ultimate user or research
28 subject by or pursuant to the lawful order of a practitioner, including the
29 prescribing, administering, packaging, labeling or compounding necessary to
30 prepare for that delivery.

31 ~~24.~~ 26. "Dispenser" means a practitioner who dispenses.

32 ~~25.~~ 27. "Distribute" means to deliver, other than by administering or
33 dispensing.

34 ~~26.~~ 28. "Distributor" means a person who distributes.

35 ~~27.~~ 29. "Drug" means:

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

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

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

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

1 ~~28-~~ 30. "Drug enforcement administration" means the drug enforcement
2 administration of the United States department of justice or its successor
3 agency.

4 ~~29-~~ 31. "Drug or device manufacturing" means the production,
5 preparation, propagation or processing of a drug or device, either directly
6 or indirectly, by extraction from substances of natural origin or
7 independently by means of chemical synthesis and includes any packaging or
8 repackaging of substances or labeling or relabeling of its container and the
9 promotion and marketing of the same. Drug or device manufacturing does not
10 include compounding.

11 ~~30-~~ 32. "Economic poison" means any substance that alone, in chemical
12 combination or in formulation with one or more other substances is a
13 pesticide within the meaning of the laws of this state or the federal
14 insecticide, fungicide and rodenticide act and that is used in the
15 production, storage or transportation of raw agricultural commodities.

16 ~~31-~~ 33. "Established name", with respect to a drug or ingredient of a
17 drug, means any of the following:

18 (a) The applicable official name.

19 (b) If there is no such name and the drug or ingredient is an article
20 recognized in an official compendium, the official title in an official
21 compendium.

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

24 ~~32-~~ 34. "Executive director" means the executive director of the board
25 of pharmacy.

26 ~~33-~~ 35. "Federal act" means the federal laws and regulations that
27 pertain to drugs, devices, poisons and hazardous substances and that are
28 official at the time any drug, device, poison or hazardous substance is
29 affected by this chapter.

30 ~~34-~~ 36. "Full service wholesale permittee" means a permittee who may
31 distribute prescription-only drugs and devices, controlled substances and
32 over-the-counter drugs and devices to pharmacies or other legal outlets from
33 a place devoted in whole or in part to wholesaling these items.

34 37. "GOOD MANUFACTURING PRACTICE" MEANS A SYSTEM FOR ENSURING THAT
35 PRODUCTS ARE CONSISTENTLY PRODUCED AND CONTROLLED ACCORDING TO QUALITY
36 STANDARDS AND COVERING ALL ASPECTS OF DESIGN, MONITORING AND CONTROL OF
37 MANUFACTURING PROCESSES AND FACILITIES TO ENSURE THAT PRODUCTS DO NOT POSE
38 ANY RISK TO THE CONSUMER OR PUBLIC.

39 ~~35-~~ 38. "Graduate intern" means a person who has graduated from a
40 college, school or program of pharmacy approved by the board and who meets
41 the qualifications and experience for a pharmacy intern as provided in
42 section 32-1923.

43 ~~36-~~ 39. "Highly toxic" means any substance that falls within any of
44 the following categories:

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

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

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

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

20 ~~37.~~ 40. "Hospital" means any institution for the care and treatment of
21 the sick and injured that is approved and licensed as a hospital by the
22 department of health services.

23 ~~38.~~ 41. "Intern" means a pharmacy intern and a graduate intern.

24 ~~39.~~ 42. "Internship" means the practical, experiential, hands-on
25 training of a pharmacy intern under the supervision of a preceptor.

26 ~~40.~~ 43. "Irritant" means any substance, other than a corrosive, that
27 on immediate, prolonged or repeated contact with normal living tissue will
28 induce a local inflammatory reaction.

29 ~~41.~~ 44. "Jurisprudence examination" means a ~~board-approved~~
30 BOARD-APPROVED pharmacy law examination that is written and administered in
31 cooperation with the national association of boards of pharmacy or another
32 ~~board-approved~~ BOARD-APPROVED pharmacy law examination.

33 ~~42.~~ 45. "Label" means a display of written, printed or graphic matter
34 on the immediate container of any article that, unless easily legible through
35 the outside wrapper or container, also appears on the outside wrapper or
36 container of the article's retail package. For the purposes of this
37 paragraph, the immediate container does not include package liners.

38 ~~43.~~ 46. "Labeling" means all labels and other written, printed or
39 graphic matter either:

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

41 (b) Accompanying that article.

42 ~~44.~~ 47. "Letter of reprimand" means a disciplinary letter that is a
43 public document issued by the board and that informs a licensee or permittee
44 that the licensee's or permittee's conduct violates state or federal law and
45 may require the board to monitor the licensee or permittee.

1 ~~45.~~ 48. "Limited service pharmacy" means a pharmacy that is approved
2 by the board to practice a limited segment of pharmacy as indicated by the
3 permit issued by the board.

4 ~~46.~~ 49. "Manufacture" or "manufacturer" means every person who
5 prepares, derives, produces, compounds, processes, packages or repackages or
6 labels any drug in a place, other than a pharmacy, devoted to manufacturing
7 the drug.

8 ~~47.~~ 50. "Marijuana" has the same meaning prescribed in section
9 13-3401.

10 ~~48.~~ 51. "Medical practitioner" means any medical doctor, doctor of
11 osteopathy, dentist, podiatrist, veterinarian or other person WHO IS licensed
12 and authorized by law to use and prescribe drugs and devices for the
13 treatment of sick and injured human beings or animals or for the diagnosis or
14 prevention of sickness in human beings or animals in this state or any state,
15 territory or district of the United States.

16 ~~49.~~ 52. "Medication order" means a written or verbal order from a
17 medical practitioner or that person's authorized agent to administer a drug
18 or device.

19 ~~50.~~ 53. "Narcotic drug" has the same meaning prescribed in section
20 13-3401.

21 ~~51.~~ 54. "New drug" means either:

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

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

32 ~~52.~~ 55. "Nonprescription drug" or "over-the-counter drug" means any
33 nonnarcotic medicine or drug that may be sold without a prescription and is
34 prepackaged and labeled for use by the consumer in accordance with the
35 requirements of the laws of this state and federal law. Nonprescription drug
36 does not include:

37 (a) A drug that is primarily advertised and promoted professionally to
38 medical practitioners and pharmacists by manufacturers or primary
39 distributors.

40 (b) A controlled substance.

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

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

43 ~~53.~~ 56. "Nonprescription drug wholesaler permittee" means a permittee
44 who may distribute only over-the-counter drugs and devices to pharmacies or

1 other lawful outlets from a place devoted in whole or in part to wholesaling
2 these items.

3 ~~54.~~ 57. "Notice" means personal service or the mailing of a copy of
4 the notice by certified mail addressed either to the person at the person's
5 latest address of record in the board office or to the person's attorney.

6 ~~55.~~ 58. "Official compendium" means the latest revision of the United
7 States pharmacopeia and the national formulary or any current supplement.

8 ~~56.~~ 59. "Other jurisdiction" means one of the other forty-nine states,
9 the District of Columbia, the Commonwealth of Puerto Rico or a territory of
10 the United States of America.

11 ~~57.~~ 60. "Package" means a receptacle defined or described in the
12 United States pharmacopeia and the national formulary as adopted by the
13 board.

14 ~~58.~~ 61. "Packaging" means the act or process of placing a drug item or
15 device in a container for the purpose or intent of dispensing or distributing
16 the item or device to another.

17 ~~59.~~ 62. "Person" means an individual, partnership, corporation and
18 association, and their duly authorized agents.

19 ~~60.~~ 63. "Pharmaceutical care" means the provision of drug therapy and
20 other pharmaceutical patient care services.

21 ~~61.~~ 64. "Pharmacist" means an individual WHO IS currently licensed by
22 the board to practice the profession of pharmacy in this state.

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

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

32 ~~64.~~ 67. "Pharmacy" means any place:

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

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

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

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

44 (e) Or a portion of any building or structure that is leased, used or
45 controlled by the permittee to conduct the business authorized by the board

1 at the address for which the permit was issued and that is enclosed and
2 secured when a pharmacist is not in attendance.

3 ~~65-~~ 68. "Pharmacy intern" means a person who has all of the
4 qualifications and experience prescribed in section 32-1923.

5 ~~66-~~ 69. "Pharmacy technician" means a person who is licensed pursuant
6 to this chapter.

7 ~~67-~~ 70. "Pharmacy technician trainee" means a person who is licensed
8 pursuant to this chapter.

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

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

16 (b) A toxic substance.

17 (c) A highly toxic substance.

18 (d) A corrosive substance.

19 (e) An irritant.

20 (f) A strong sensitizer.

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

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

38 ~~69-~~ 72. "Practice of pharmacy" means furnishing the following health
39 care services as a medical professional:

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

42 (b) Compounding drugs pursuant to or in anticipation of a prescription
43 order.

44 (c) Labeling of drugs and devices in compliance with state and federal
45 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 ~~78.~~ 81. "Professionally incompetent" means:

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

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

39 ~~79.~~ 82. "Radioactive substance" means a substance that emits ionizing
40 radiation.

41 ~~80.~~ 83. "Safely engage in employment duties" means that a permittee or
42 the permittee's employee is able to safely engage in employment duties
43 related to the manufacture, sale, distribution or dispensing of drugs,
44 devices, poisons, hazardous substances, controlled substances or precursor
45 chemicals.

1 ~~81.~~ 84. "Symbol" means the characteristic symbols that have
2 historically identified pharmacy, including ~~"show globes"~~, AND ~~"mortar and~~
3 ~~pestle,"~~ and the sign "Rx".

4 ~~82.~~ 85. "Toxic substance" means a substance, other than a radioactive
5 substance, that has the capacity to produce injury or illness in humans
6 through ingestion, inhalation or absorption through any body surface.

7 ~~83.~~ 86. "Ultimate user" means a person who lawfully possesses a drug
8 or controlled substance for that person's own use, for the use of a member of
9 that person's household or for administering to an animal owned by that
10 person or by a member of that person's household.

11 Sec. 2. Section 32-1904, Arizona Revised Statutes, is amended to read:

12 ~~32-1904.~~ Powers and duties of board; immunity

13 A. The board shall:

14 1. Make bylaws and adopt rules that are necessary for the protection
15 of the public and that pertain to the practice of pharmacy, the
16 manufacturing, wholesaling or supplying of drugs, devices, poisons or
17 hazardous substances, the use of pharmacy technicians and support personnel
18 and the lawful performance of its duties.

19 2. Fix standards and requirements for the registration and
20 reregistration of pharmacies, except as otherwise specified.

21 3. Investigate compliance as to the quality, label and labeling of all
22 drugs, devices, poisons or hazardous substances and take action necessary to
23 prevent the sale of these if they do not conform to the standards prescribed
24 in this chapter, the official compendium or the federal act.

25 4. Enforce its rules. In so doing, the board or its agents have free
26 access at all reasonable hours to any pharmacy, manufacturer, wholesaler,
27 nonprescription drug permittee or other establishment in which drugs,
28 devices, poisons or hazardous substances are manufactured, processed, packed
29 or held, or to enter any vehicle being used to transport or hold such drugs,
30 devices, poisons or hazardous substances for the purpose of:

31 (a) Inspecting the establishment or vehicle to determine if any
32 provisions of this chapter or the federal act are being violated.

33 (b) Securing samples or specimens of any drug, device, poison or
34 hazardous substance after paying or offering to pay for such sample.

35 (c) Detaining or embargoing a drug, device, poison or hazardous
36 substance in accordance with section 32-1994.

37 5. Examine and license as pharmacists and pharmacy interns all
38 qualified applicants as provided by this chapter.

39 6. Require each applicant for an initial license to submit to the
40 board a full set of fingerprints for the purpose of obtaining a state and
41 federal criminal records check pursuant to section 41-1750 and Public Law
42 92-544. The department of public safety may exchange this fingerprint data
43 with the federal bureau of investigation.

44 7. Issue duplicates of lost or destroyed permits on the payment of a
45 fee as prescribed by the board.

1 8. Adopt rules for the rehabilitation of pharmacists and pharmacy
2 interns as provided by this chapter.

3 9. At least once every three months, notify pharmacies regulated
4 pursuant to this chapter of any modifications on prescription writing
5 privileges of podiatrists, dentists, doctors of medicine, registered nurse
6 practitioners, osteopathic physicians, veterinarians, physician assistants,
7 optometrists and homeopathic physicians of which it receives notification
8 from the board of podiatry examiners, board of dental examiners, Arizona
9 medical board, board of nursing, board of osteopathic examiners in medicine
10 and surgery, veterinary medical examining board, Arizona regulatory board of
11 physician assistants, board of optometry or board of homeopathic and
12 integrated medicine examiners.

13 B. The board may:

14 1. Employ chemists, compliance officers, clerical help and other
15 employees subject to title 41, chapter 4, article 4 and provide laboratory
16 facilities for the proper conduct of its business.

17 2. Provide, by education of and information to the licensees and to
18 the public, assistance in the curtailment of abuse in the use of drugs,
19 devices, poisons and hazardous substances.

20 3. Approve or reject the manner of storage and security of drugs,
21 devices, poisons and hazardous substances.

22 4. Accept monies and services to assist in the enforcement of this
23 chapter from other than licensees:

24 (a) For performing inspections and other board functions.

25 (b) For the cost of copies of the pharmacy and controlled substances
26 laws, the annual report of the board and other information from the board.

27 5. Adopt rules for professional conduct appropriate to the
28 establishment and maintenance of a high standard of integrity and dignity in
29 the profession of pharmacy.

30 6. Grant permission to deviate from a state requirement for
31 experimentation and technological advances.

32 7. Adopt rules for the training and practice of pharmacy interns,
33 pharmacy technicians and support personnel.

34 8. Investigate alleged violations of this chapter, conduct hearings in
35 respect to violations, subpoena witnesses and take such action as it deems
36 necessary to revoke or suspend a license or a permit, place a licensee or
37 permittee on probation or warn a licensee or permittee under this chapter or
38 to bring notice of violations to the county attorney of the county in which a
39 violation took place or to the attorney general.

40 9. By rule, approve colleges or schools of pharmacy.

41 10. By rule, approve programs of practical experience, clinical
42 programs, internship training programs, programs of remedial academic work
43 and preliminary equivalency examinations as provided by this chapter.

44 11. Assist in the continuing education of pharmacists and pharmacy
45 interns.

1 12. Issue inactive status licenses as provided by this chapter.

2 13. Accept monies and services from the federal government or others
3 for educational, research or other purposes pertaining to the enforcement of
4 this chapter.

5 14. By rule, except from the application of all or any part of this
6 chapter any material, compound, mixture or preparation containing any
7 stimulant or depressant substance included in section 13-3401, paragraph 6,
8 subdivision (c) or (d) from the definition of dangerous drug if the material,
9 compound, mixture or preparation contains one or more active medicinal
10 ingredients not having a stimulant or depressant effect on the central
11 nervous system, provided that such admixtures are included in such
12 combinations, quantity, proportion or concentration as to vitiate the
13 potential for abuse of the substances that do have a stimulant or depressant
14 effect on the central nervous system.

15 15. Adopt rules for the revocation, suspension or reinstatement of
16 licenses or permits or the probation of licensees or permittees as provided
17 by this chapter.

18 16. ISSUE A CERTIFICATE OF FREE SALE TO ANY PERSON THAT IS LICENSED BY
19 THE BOARD AS A MANUFACTURER FOR THE PURPOSE OF MANUFACTURING OR DISTRIBUTING
20 FOOD SUPPLEMENTS OR DIETARY SUPPLEMENTS AS DEFINED IN RULE BY THE BOARD AND
21 THAT WANTS TO SELL FOOD SUPPLEMENTS OR DIETARY SUPPLEMENTS DOMESTICALLY OR
22 INTERNATIONALLY. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOWING:

23 (a) THE APPLICANT'S NAME, ADDRESS, E-MAIL ADDRESS, TELEPHONE AND FAX
24 NUMBER.

25 (b) THE PRODUCT'S FULL, COMMON OR USUAL NAME.

26 (c) A COPY OF THE LABEL FOR EACH PRODUCT LISTED. IF THE PRODUCT IS TO
27 BE EXPORTED IN BULK AND A LABEL IS NOT AVAILABLE, THE APPLICANT SHALL INCLUDE
28 A CERTIFICATE OF COMPOSITION.

29 (d) THE COUNTRY OF EXPORT, IF APPLICABLE.

30 (e) THE NUMBER OF CERTIFICATES OF FREE SALE REQUESTED.

31 17. ESTABLISH AN INSPECTION PROCESS FOR THE ISSUANCE OF CERTIFICATES OF
32 FREE SALE OR GOOD MANUFACTURING PRACTICE CERTIFICATIONS. THE BOARD SHALL
33 ESTABLISH IN RULE:

34 (a) A FEE FOR THE ISSUANCE OF CERTIFICATES OF FREE SALE.

35 (b) A FEE FOR THE ISSUANCE OF GOOD MANUFACTURING PRACTICE
36 CERTIFICATIONS.

37 (c) AN ANNUAL INSPECTION FEE.

38 C. The executive director and other personnel or agents of the board
39 are not subject to civil liability for any act done or proceeding undertaken
40 or performed in good faith and in furtherance of the purposes of this
41 chapter.

42 Sec. 3. Rulemaking; exemption

43 For the purposes of this act, the Arizona state board of pharmacy is
44 exempt from the rulemaking requirements of title 41, chapter 6, Arizona
45 Revised Statutes, for one year after the effective date of this act.