

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 234
HOUSE BILL 2493

AN ACT

AMENDING SECTIONS 32-1968 AND 32-1979, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; AMENDING SECTION 36-2266, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 1, ARTICLE 6, ARIZONA REVISED STATUTES; RELATING TO DRUG OVERDOSE DEATHS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1968, Arizona Revised Statutes, is amended to
3 read:
4 32-1968. Dispensing prescription-only drug; prescription
5 orders; refills; labels; misbranding; dispensing
6 soft contact lenses; opioid antagonists
7 A. A prescription-only drug shall be dispensed only under one of
8 the following conditions:
9 1. By a medical practitioner in conformance with section 32-1921.
10 2. On a written prescription order bearing the prescribing medical
11 practitioner's manual signature.
12 3. On an electronically transmitted prescription order containing
13 the prescribing medical practitioner's electronic or digital signature
14 that is reduced promptly to writing and filed by the pharmacist.
15 4. On a written prescription order generated from electronic media
16 containing the prescribing medical practitioner's electronic or manual
17 signature. A prescription order that contains only an electronic
18 signature must be applied to paper that uses security features that will
19 ensure the prescription order is not subject to any form of copying or
20 alteration.
21 5. On an oral prescription order that is reduced promptly to
22 writing and filed by the pharmacist.
23 6. By refilling any written, electronically transmitted or oral
24 prescription order if a refill is authorized by the prescriber either in
25 the original prescription order, by an electronically transmitted refill
26 order that is documented promptly and filed by the pharmacist or by an
27 oral refill order that is documented promptly and filed by the pharmacist.
28 7. On a prescription order that the prescribing medical
29 practitioner or the prescribing medical practitioner's agent transmits by
30 fax or ~~electronic mail~~ E-MAIL.
31 8. On a prescription order that the patient transmits by fax or by
32 e-mail if the patient presents a written prescription order bearing the
33 prescribing medical practitioner's manual signature when the
34 prescription-only drug is picked up at the pharmacy.
35 B. A prescription order shall not be refilled if it is either:
36 1. Ordered by the prescriber not to be refilled.
37 2. More than one year since it was originally ordered.
38 C. A prescription order shall contain the date it was issued, the
39 name and address of the person for whom or owner of the animal for which
40 the drug is ordered, refills authorized, if any, the legibly printed name,
41 address and telephone number of the prescribing medical practitioner, the
42 name, strength, dosage form and quantity of the drug ordered and
43 directions for its use.

1 D. Any drug dispensed in accordance with subsection A of this
2 section is exempt from the requirements of section 32-1967, except SECTION
3 32-1967, subsection A, paragraphs 1, 10 and 11 and the packaging
4 requirements of SECTION 32-1967, subsection A, paragraphs 7 and 8, if the
5 drug container bears a label containing the name and address of the
6 dispenser, THE serial number, THE date of dispensing, THE name of the
7 prescriber, THE name of the patient, or, if an animal, the name of the
8 owner of the animal and the species of the animal, directions for use and
9 cautionary statements, if any, contained in the order. This exemption
10 does not apply to any drug dispensed in the course of the conduct of a
11 business of dispensing drugs pursuant to diagnosis by mail or the internet
12 or to a drug dispensed in violation of subsection A of this section.

13 E. The board by rule also may require additional information on the
14 label of prescription medication that the board believes to be necessary
15 for the best interest of the public's health and welfare.

16 F. A prescription-only drug or a controlled substance that requires
17 a prescription order is deemed to be misbranded if, at any time before
18 dispensing, its label fails to bear the statement "Rx only". A drug to
19 which subsection A of this section does not apply is deemed to be
20 misbranded if, at any time before dispensing, its label bears the caution
21 statement quoted in this subsection.

22 G. A pharmacist may fill a prescription order for soft contact
23 lenses only as provided in this chapter.

24 H. A PHARMACIST MAY DISPENSE NALOXONE HYDROCHLORIDE OR ANY OTHER
25 OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
26 ADMINISTRATION ON THE RECEIPT OF A STANDING ORDER AND ACCORDING TO
27 PROTOCOLS ADOPTED BY THE BOARD PURSUANT TO SECTION 32-1979. FOR THE
28 PURPOSES OF THIS SUBSECTION, "STANDING ORDER" MEANS A SIGNED PRESCRIPTION
29 ORDER THAT AUTHORIZES THE PHARMACIST TO DISPENSE NALOXONE HYDROCHLORIDE OR
30 ANY OTHER OPIOID ANTAGONIST FOR EMERGENCY PURPOSES AND THAT IS ISSUED BY A
31 MEDICAL PRACTITIONER LICENSED IN THIS STATE OR A STATE OR COUNTY HEALTH
32 OFFICER WHO IS A MEDICAL PRACTITIONER LICENSED IN THIS STATE.

33 Sec. 2. Section 32-1979, Arizona Revised Statutes, is amended to
34 read:

35 32-1979. Pharmacists; dispensing opioid antagonists; board
36 protocols; immunity

37 A. A pharmacist may dispense ~~without a prescription~~, PURSUANT TO A
38 STANDING ORDER ISSUED PURSUANT TO SECTION 36-2266 AND according to
39 protocols adopted by the board, naloxone hydrochloride or any other opioid
40 antagonist that is approved by the United States food and drug
41 administration for use according to the protocols specified by board rule
42 to a person who is at risk of experiencing an opioid-related overdose or
43 to a family member or community member who is in a position to assist that
44 person.

1 B. A pharmacist who dispenses naloxone hydrochloride or any other
2 opioid antagonist pursuant to subsection A of this section shall:

- 3 1. Document the dispensing consistent with board rules.
4 2. Instruct the individual to whom the opioid antagonist is
5 dispensed to summon emergency services as soon as practicable ~~either~~
6 ~~before or~~ after administering the opioid antagonist.

7 C. This section does not affect the authority of a pharmacist to
8 fill or refill a prescription for naloxone hydrochloride or any other
9 opioid antagonist that is approved by the United States food and drug
10 administration.

11 D. A pharmacist who dispenses an opioid antagonist pursuant to this
12 section is immune from professional liability and criminal prosecution for
13 any decision made, act or omission or injury that results from that act if
14 the pharmacist acts with reasonable care and in good faith, except in
15 cases of wanton or wilful neglect.

16 Sec. 3. Title 36, chapter 1, Arizona Revised Statutes, is amended
17 by adding article 6, to read:

18 ARTICLE 6. DRUG OVERDOSE FATALITIES

19 36-198. Drug overdose fatality review team; members; duties

20 A. THE DRUG OVERDOSE FATALITY REVIEW TEAM IS ESTABLISHED IN THE
21 DEPARTMENT OF HEALTH SERVICES. THE HEAD OF EACH OF THE FOLLOWING ENTITIES
22 OR THAT PERSON'S DESIGNEE SHALL SERVE ON THE REVIEW TEAM:

- 23 1. THE ATTORNEY GENERAL.
24 2. THE DEPARTMENT OF HEALTH SERVICES.
25 3. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.
26 4. THE DEPARTMENT OF ECONOMIC SECURITY.
27 5. THE GOVERNOR'S OFFICE OF YOUTH, FAITH AND FAMILY.
28 6. THE ADMINISTRATIVE OFFICE OF THE COURTS.
29 7. THE STATE DEPARTMENT OF CORRECTIONS.
30 8. THE ARIZONA COUNCIL OF HUMAN SERVICES PROVIDERS.
31 9. THE DEPARTMENT OF PUBLIC SAFETY.

32 B. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL APPOINT
33 THE FOLLOWING MEMBERS TO SERVE ON THE REVIEW TEAM:

- 34 1. A MEDICAL EXAMINER WHO IS A RURAL FORENSIC PATHOLOGIST.
35 2. A MEDICAL EXAMINER WHO IS A METROPOLITAN FORENSIC PATHOLOGIST.
36 3. A REPRESENTATIVE OF A TRIBAL GOVERNMENT.
37 4. A PUBLIC MEMBER.
38 5. A REPRESENTATIVE OF A PROFESSIONAL EMERGENCY MANAGEMENT SYSTEM
39 ASSOCIATION.
40 6. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION
41 REPRESENTING NURSES.
42 7. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION
43 REPRESENTING PHYSICIANS.
44 8. A REPRESENTATIVE OF AN ASSOCIATION OF COUNTY HEALTH OFFICERS.
45 9. A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING HOSPITALS.

1 10. A HEALTH CARE PROFESSIONAL WHO SPECIALIZES IN THE PREVENTION,
2 DIAGNOSIS AND TREATMENT OF SUBSTANCE USE DISORDERS.

3 11. A COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A
4 COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND A
5 COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A COUNTY WITH A
6 POPULATION OF MORE THAN FIVE THOUSAND PERSONS.

7 C. THE REVIEW TEAM SHALL:

8 1. DEVELOP A DRUG OVERDOSE FATALITIES DATA COLLECTION SYSTEM.

9 2. CONDUCT AN ANNUAL ANALYSIS ON THE INCIDENCE AND CAUSES OF DRUG
10 OVERDOSE FATALITIES IN THIS STATE DURING THE PRECEDING FISCAL YEAR.

11 3. ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF LOCAL DRUG OVERDOSE
12 FATALITY REVIEW TEAMS.

13 4. DEVELOP STANDARDS AND PROTOCOLS FOR LOCAL DRUG OVERDOSE FATALITY
14 REVIEW TEAMS AND PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THESE TEAMS.

15 5. DEVELOP PROTOCOLS FOR DRUG OVERDOSE INVESTIGATIONS, INCLUDING
16 PROTOCOLS FOR LAW ENFORCEMENT AGENCIES, PROSECUTORS, MEDICAL EXAMINERS,
17 HEALTH CARE FACILITIES AND SOCIAL SERVICE AGENCIES.

18 6. STUDY THE ADEQUACY OF STATUTES, ORDINANCES, RULES, TRAINING AND
19 SERVICES TO DETERMINE WHAT CHANGES ARE NEEDED TO DECREASE THE INCIDENCE OF
20 PREVENTABLE DRUG OVERDOSE FATALITIES AND, AS APPROPRIATE, TAKE STEPS TO
21 IMPLEMENT THESE CHANGES.

22 7. EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF DRUG
23 OVERDOSE FATALITIES AS WELL AS THE PUBLIC'S ROLE IN PREVENTING THESE
24 DEATHS.

25 8. DESIGNATE A MEMBER OF THE REVIEW TEAM TO SERVE AS CHAIRPERSON.

26 D. TEAM MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT
27 MEMBERS APPOINTED PURSUANT TO SUBSECTION B OF THIS SECTION ARE ELIGIBLE
28 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

29 E. THE DEPARTMENT OF HEALTH SERVICES SHALL PROVIDE PROFESSIONAL AND
30 ADMINISTRATIVE SUPPORT TO THE TEAM.

31 36-198.01. Access to information; confidentiality; violation;
32 classification

33 A. ON REQUEST OF THE CHAIRPERSON OF THE DRUG OVERDOSE FATALITY
34 REVIEW TEAM OR A LOCAL TEAM AND AS NECESSARY TO CARRY OUT THE TEAM'S
35 DUTIES, THE CHAIRPERSON SHALL BE PROVIDED, WITHIN FIVE DAYS EXCLUDING
36 WEEKENDS AND HOLIDAYS, WITH ACCESS TO INFORMATION AND RECORDS REGARDING A
37 DRUG OVERDOSE FATALITY THAT IS BEING REVIEWED BY THE TEAM OR REGARDING THE
38 PERSON WHO OVERDOSED ON DRUGS. THE TEAM MAY REQUEST THE INFORMATION AND
39 RECORDS FROM ANY OF THE FOLLOWING:

40 1. A PROVIDER OF MEDICAL, DENTAL OR MENTAL HEALTH CARE.

41 2. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT MIGHT
42 ASSIST THE TEAM IN REVIEWING THE FATALITY.

43 B. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING
44 ATTORNEY, MAY WITHHOLD FROM A REVIEW TEAM INVESTIGATIVE RECORDS THAT MIGHT
45 INTERFERE WITH A PENDING CRIMINAL INVESTIGATION OR PROSECUTION.

1 C. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE
2 DIRECTOR'S DESIGNEE MAY APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS
3 NECESSARY TO COMPEL THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER
4 EVIDENCE RELATED TO THE PERSON WHO OVERDOSED ON DRUGS. SUBPOENAS ISSUED
5 UNDER THIS SUBSECTION SHALL BE SERVED AND, ON APPLICATION TO THE COURT BY
6 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED
7 BY LAW FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT
8 AGENCY IS NOT REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE
9 SUBPOENA IF THE SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL
10 INVESTIGATION OR PROSECUTION. ALL RECORDS SHALL BE RETURNED TO THE AGENCY
11 OR ORGANIZATION ON COMPLETION OF THE REVIEW. THE REVIEW TEAM MAY NOT KEEP
12 WRITTEN REPORTS OR RECORDS CONTAINING IDENTIFYING INFORMATION.

13 D. ALL INFORMATION AND RECORDS ACQUIRED BY THE DRUG OVERDOSE
14 FATALITY REVIEW TEAM OR ANY LOCAL TEAM ARE CONFIDENTIAL AND ARE NOT
15 SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL
16 OR CRIMINAL PROCEEDING, EXCEPT THAT INFORMATION, DOCUMENTS AND RECORDS
17 THAT ARE OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM
18 SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES
19 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A TEAM PURSUANT TO
20 THIS ARTICLE.

21 E. MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING AND PERSONS
22 WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR
23 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED
24 AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT PREVENT A PERSON FROM
25 TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE TEAM OR
26 THAT IS PUBLIC INFORMATION.

27 F. A MEMBER OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
28 TEAM MAY CONTACT, INTERVIEW OR OBTAIN INFORMATION BY REQUEST OR SUBPOENA
29 FROM A FAMILY MEMBER OF A DECEASED PERSON WHO OVERDOSED ON DRUGS.

30 G. MEETINGS OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
31 TEAM ARE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,
32 ARTICLE 3.1 IF THE TEAM IS REVIEWING INFORMATION ON AN INDIVIDUAL WHO
33 OVERDOSED ON DRUGS. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.

34 H. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS
35 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

36 Sec. 4. Section 36-2266, Arizona Revised Statutes, is amended to
37 read:

38 36-2266. Prescribing and dispensing; immunity; definition

39 A. A physician who is licensed pursuant to title 32, chapter 13 or
40 17, a nurse practitioner licensed pursuant to title 32, chapter 15 and
41 authorized by law to prescribe drugs or any other health professional who
42 has prescribing authority and who is acting within the health
43 professional's scope of practice may prescribe or dispense, directly or by
44 a standing order, naloxone hydrochloride or any other opioid antagonist
45 that is approved by the United States food and drug administration for use

1 according to the protocol specified by the physician, nurse practitioner
2 or other health professional to a person who is at risk of experiencing an
3 opioid-related overdose, to a family member of that person, to a community
4 organization that provides services to persons who are at risk of an
5 opioid-related overdose or to any other person who is in a position to
6 assist a person who is at risk of experiencing an opioid-related overdose.

7 B. A physician, nurse practitioner or other health professional who
8 prescribes or dispenses naloxone hydrochloride or any other opioid
9 antagonist pursuant to subsection A of this section shall instruct the
10 individual to whom the opioid antagonist is dispensed to summon emergency
11 services as soon as practicable, either before or after administering the
12 opioid antagonist.

13 C. Except in cases of gross negligence, wilful misconduct or
14 intentional wrongdoing, a physician, nurse practitioner or other health
15 professional who in good faith prescribes or dispenses an opioid
16 antagonist pursuant to subsection A of this section is immune from
17 professional liability and criminal prosecution for any decision made, act
18 or omission or injury that results from that act if the physician, nurse
19 practitioner or other health professional acts with reasonable care and in
20 good faith.

21 ~~D. Before prescribing an opioid antagonist pursuant to subsection A~~
22 ~~of this section, a physician, nurse practitioner or other health~~
23 ~~professional may require the person receiving the prescription, as an~~
24 ~~indicator of good faith, to provide in writing a factual basis for a~~
25 ~~reasonable conclusion that the person or entity meets the description in~~
26 ~~subsection A of this section of a person or entity who is able to receive~~
27 ~~an opioid antagonist under this section.~~

28 ~~E.~~ D. For the purposes of this section, "person" includes an
29 employee of a school district or charter school who is acting in the
30 person's official capacity.

31 Sec. 5. Delayed repeal

32 Title 36, chapter 1, article 6, Arizona Revised Statutes, as added
33 by this act, is repealed from and after December 31, 2022.

APPROVED BY THE GOVERNOR MAY 1, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.