

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2040

AN ACT

AMENDING SECTIONS 32-1901, 32-1901.01, 32-1930, 32-1931 AND 36-2608,
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,
8 whether by injection, inhalation, ingestion or any other means, to the
9 body of a patient or research subject by a practitioner or by the
10 practitioner's authorized agent or the patient or research subject at the
11 direction of the practitioner.

12 2. "Advertisement" means all representations disseminated in any
13 manner or by any means, other than by labeling, for the purpose of
14 inducing, or that are likely to induce, directly or indirectly, the
15 purchase of drugs, 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
21 or 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,
30 means a representation that it is a germicide, except in the case of a
31 drug purporting to be, or represented as, an antiseptic for inhibitory use
32 as a wet dressing, ointment or dusting powder or other use that involves
33 prolonged contact with the body.

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

38 6. "AUTOMATED PRESCRIPTION-DISPENSING KIOSK" MEANS A MECHANICAL
39 SYSTEM THAT IS OPERATED AS AN EXTENSION OF A PHARMACY, THAT MAINTAINS ALL
40 TRANSACTION INFORMATION WITHIN THE PHARMACY OPERATING SYSTEM, THAT IS
41 SEPARATELY PERMITTED FROM THE PHARMACY AND THAT PERFORMS OPERATIONS THAT
42 EITHER:

43 (a) ACCEPT A PRESCRIPTION OR REFILL ORDER, STORE PREPACKAGED OR
44 REPACKAGED MEDICATIONS, LABEL AND DISPENSE PATIENT-SPECIFIC PRESCRIPTIONS
45 AND PROVIDE COUNSELING ON NEW OR REFILLED PRESCRIPTIONS.

1 (b) DISPENSE OR DELIVER A PRESCRIPTION OR REFILL THAT HAS BEEN
2 PREPARED BY OR ON BEHALF OF THE PHARMACY THAT OVERSEES THE AUTOMATED
3 PRESCRIPTION-DISPENSING KIOSK.

4 ~~6-~~ 7. "Board" or "board of pharmacy" means the Arizona state board
5 of pharmacy.

6 ~~7-~~ 8. "Certificate of composition" means a list of a product's
7 ingredients.

8 ~~8-~~ 9. "Certificate of free sale" means a document that
9 authenticates a product that is generally and freely sold in domestic or
10 international channels of trade.

11 ~~9-~~ 10. "Color additive" means a material that either:

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

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

21 ~~10-~~ 11. "Compounding" means the preparation, mixing, assembling,
22 packaging or labeling of a drug by a pharmacist or an intern or pharmacy
23 technician under the pharmacist's supervision, for the purpose of
24 dispensing to a patient based on a valid prescription order. Compounding
25 includes the preparation of drugs in anticipation of prescription orders
26 prepared on routine, regularly observed prescribing patterns and the
27 preparation of drugs as an incident to research, teaching or chemical
28 analysis or for administration by a medical practitioner to the medical
29 practitioner's patient and not for sale or dispensing. Compounding does
30 not include the preparation of commercially available products from bulk
31 compounds or the preparation of drugs for sale to pharmacies,
32 practitioners or entities for the purpose of dispensing or distribution.

33 ~~11-~~ 12. "Compressed medical gas distributor" means a person who
34 holds a current permit issued by the board to distribute compressed
35 medical gases pursuant to a compressed medical gas order to compressed
36 medical gas suppliers and other entities that are registered, licensed or
37 permitted to use, administer or distribute compressed medical gases.

38 ~~12-~~ 13. "Compressed medical gases" means gases and liquid oxygen
39 that a compressed medical gas distributor or manufacturer has labeled in
40 compliance with federal law.

41 ~~13-~~ 14. "Compressed medical gas order" means an order for
42 compressed medical gases that is issued by a medical practitioner.

1 ~~14.~~ 15. "Compressed medical gas supplier" means a person who holds
2 a current permit issued by the board to supply compressed medical gases
3 pursuant to a compressed medical gas order and only to the consumer or the
4 patient.

5 ~~15.~~ 16. "Controlled substance" means a drug, substance or
6 immediate precursor that is identified, defined or listed in title 36,
7 chapter 27, article 2.

8 ~~16.~~ 17. "Corrosive" means any substance that when it comes in
9 contact with living tissue will cause destruction of tissue by chemical
10 action.

11 ~~17.~~ 18. "Counterfeit drug" means a drug that, or the container or
12 labeling of which, without authorization, bears the trademark, trade name
13 or other identifying mark, imprint, number or device, or any likeness of
14 these, of a manufacturer, distributor or dispenser other than the person
15 who in fact manufactured, distributed or dispensed that drug.

16 ~~18.~~ 19. "Dangerous drug" has the same meaning prescribed in
17 section 13-3401.

18 20. "DAY" MEANS A BUSINESS DAY.

19 ~~19.~~ 21. "Decree of censure" means an official action that is taken
20 by the board and that may include a requirement for restitution of fees to
21 a patient or consumer.

22 ~~20.~~ 22. "Deliver" or "delivery" means the actual, constructive or
23 attempted transfer from one person to another whether or not there is an
24 agency relationship.

25 ~~21.~~ 23. "Deputy director" means a pharmacist who is employed by
26 the board and selected by the executive director to perform duties as
27 prescribed by the executive director.

28 ~~22.~~ 24. "Device", except as used in paragraph ~~17~~ 18 of this
29 section, section 32-1965, paragraph 4 and section 32-1967, subsection A,
30 paragraph 15 and subsection C, means instruments, ~~apparatus~~ APPARATUSES
31 and contrivances, including their components, parts and accessories,
32 including all such items under the federal act, intended either:

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

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

37 ~~23.~~ 25. "Director" means the director of the division of narcotics
38 enforcement and criminal investigation of the department of public safety.

39 ~~24.~~ 26. "Direct supervision of a pharmacist" means the pharmacist
40 is present. If relating to the sale of certain items, direct supervision
41 of a pharmacist means that a pharmacist determines the legitimacy or
42 advisability of a proposed purchase of those items.

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

~~26.~~ 28. "Dispenser" means a practitioner who dispenses.

~~27.~~ 29. "Distribute" means to deliver, other than by administering or dispensing.

~~28.~~ 30. "Distributor" means a person who distributes.

~~29.~~ 31. "Drug" means:

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

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

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

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

~~30.~~ 32. "Drug enforcement administration" means the drug enforcement administration of the United States department of justice or its successor agency.

~~31.~~ 33. "Drug or device manufacturing" means the production, preparation, propagation or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis and includes any packaging or repackaging of substances or labeling or relabeling of its container and the promotion and marketing of the same. Drug or device manufacturing does not include compounding.

~~32.~~ 34. "Economic poison" means any substance that alone, in chemical combination ~~WITH~~ or in formulation with one or more other substances is a pesticide within the meaning of the laws of this state or the federal insecticide, fungicide and rodenticide act and that is used in the production, storage or transportation of raw agricultural commodities.

~~33.~~ 35. "Enteral feeding" means nourishment provided by means of a tube inserted into the stomach or intestine.

~~34.~~ 36. "Established name", with respect to a drug or ingredient of a drug, means any of the following:

(a) The applicable official name.

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

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

~~35.~~ 37. "Executive director" means the executive director of the board of pharmacy.

1 ~~36.~~ 38. "Federal act" means the federal laws and regulations that
2 pertain to drugs, devices, poisons and hazardous substances and that are
3 official at the time any drug, device, poison or hazardous substance is
4 affected by this chapter.

5 ~~37.~~ 39. "Full service wholesale permittee":

6 (a) Means a permittee who may distribute prescription-only drugs
7 and devices, controlled substances and over-the-counter drugs and devices
8 to pharmacies or other legal outlets from a place devoted in whole or in
9 part to wholesaling these items.

10 (b) Includes a virtual wholesaler as defined in rule by the board.

11 ~~38.~~ 40. "Good manufacturing practice" means a system for ensuring
12 that products are consistently produced and controlled according to
13 quality standards and covering all aspects of design, monitoring and
14 control of manufacturing processes and facilities to ensure that products
15 do not pose any risk to the consumer or public.

16 ~~39.~~ 41. "Graduate intern" means a person who has graduated from a
17 college, school or program of pharmacy approved by the board and who meets
18 the qualifications and experience for a pharmacy intern as provided in
19 section 32-1923.

20 ~~40.~~ 42. "Highly toxic" means any substance that falls within any
21 of the following categories:

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

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

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

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

42 ~~41.~~ 43. "Hospital" means any institution for the care and
43 treatment of the sick and injured that is approved and licensed as a
44 hospital by the department of health services.

1 ~~42.~~ 44. "Intern" means a pharmacy intern and a graduate intern.

2 ~~43.~~ 45. "Internship" means the practical, experiential, hands-on
3 training of a pharmacy intern under the supervision of a preceptor.

4 ~~44.~~ 46. "Irritant" means any substance, other than a corrosive,
5 that on immediate, prolonged or repeated contact with normal living tissue
6 will induce a local inflammatory reaction.

7 ~~45.~~ 47. "Jurisprudence examination" means a board-approved
8 pharmacy law examination that is written and administered in cooperation
9 with the national association of boards of pharmacy or another
10 board-approved pharmacy law examination.

11 ~~46.~~ 48. "Label" means a display of written, printed or graphic
12 matter on the immediate container of any article that, unless easily
13 legible through the outside wrapper or container, also appears on the
14 outside wrapper or container of the article's retail package. For the
15 purposes of this paragraph, the immediate container does not include
16 package liners.

17 ~~47.~~ 49. "Labeling" means all labels and other written, printed or
18 graphic matter either:

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

20 (b) Accompanying that article.

21 ~~48.~~ 50. "Letter of reprimand" means a disciplinary letter that is
22 a public document issued by the board and that informs a licensee or
23 permittee that the licensee's or permittee's conduct violates state or
24 federal law and may require the board to monitor the licensee or
25 permittee.

26 ~~49.~~ 51. "Limited service pharmacy" means a pharmacy that is
27 approved by the board to practice a limited segment of pharmacy as
28 indicated by the permit issued by the board.

29 ~~50.~~ 52. "Manufacture" or "manufacturer":

30 (a) Means every person who prepares, derives, produces, compounds,
31 processes, packages or repackages or labels any drug in a place, other
32 than a pharmacy, ~~THAT IS~~ devoted to manufacturing the drug.

33 (b) Includes a virtual manufacturer as defined in rule by the
34 board.

35 ~~51.~~ 53. "Marijuana" has the same meaning prescribed in section
36 13-3401.

37 ~~52.~~ 54. "Medical practitioner" means any medical doctor, doctor of
38 ~~osteopathy~~ OSTEOPATHIC MEDICINE, dentist, podiatrist, veterinarian or
39 other person who is licensed and authorized by law to use and prescribe
40 drugs and devices for the treatment of sick and injured human beings or
41 animals or for the diagnosis or prevention of sickness in human beings or
42 animals in this state or any state, territory or district of the United
43 States.

1 ~~53.~~ 55. "Medication order" means a written or verbal order from a
2 medical practitioner or that person's authorized agent to administer a
3 drug or device.

4 ~~54.~~ 56. "Narcotic drug" has the same meaning prescribed in section
5 13-3401.

6 ~~55.~~ 57. "New drug" means either:

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

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

17 ~~56.~~ 58. "Nonprescription drug" or "over-the-counter drug" means
18 any nonnarcotic medicine or drug that may be sold without a prescription
19 and THAT is prepackaged and labeled for use by the consumer in accordance
20 with the requirements of the laws of this state and federal law.
21 Nonprescription drug does not include:

22 (a) A drug that is primarily advertised and promoted professionally
23 to medical practitioners and pharmacists by manufacturers or primary
24 distributors.

25 (b) A controlled substance.

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

27 (d) A drug that is intended for human use by hypodermic injection.

28 ~~57.~~ 59. "Nonprescription drug wholesale permittee":

29 (a) Means a permittee who may distribute only over-the-counter
30 drugs and devices to pharmacies or other lawful outlets from a place
31 devoted in whole or in part to wholesaling these items.

32 (b) Includes a virtual wholesaler as defined in rule by the board.

33 ~~58.~~ 60. "Notice" means personal service or the mailing of a copy
34 of the notice by certified mail addressed either to the person at the
35 person's latest address of record in the board office or to the person's
36 attorney.

37 ~~59.~~ 61. "Nutritional supplementation" means vitamins, minerals and
38 caloric supplementation. Nutritional supplementation does not include
39 medication or drugs.

40 ~~60.~~ 62. "Official compendium" means the latest revision of the
41 United States pharmacopeia and the national formulary or any current
42 supplement.

43 ~~61.~~ 63. "Other jurisdiction" means one of the other forty-nine
44 states, the District of Columbia, the Commonwealth of Puerto Rico or a
45 territory of the United States of America.

1 ~~62.~~ 64. "Package" means a receptacle defined or described in the
2 United States pharmacopeia and the national formulary as adopted by the
3 board.

4 ~~63.~~ 65. "Packaging" means the act or process of placing a drug
5 item or device in a container for the purpose or intent of dispensing or
6 distributing the item or device to another.

7 ~~64.~~ 66. "Parenteral nutrition" means intravenous feeding that
8 provides a person with fluids and essential nutrients the person needs
9 while the person is unable to receive adequate fluids or feedings by mouth
10 or by enteral feeding.

11 ~~65.~~ 67. "Person" means an individual, partnership, corporation and
12 association, and their duly authorized agents.

13 ~~66.~~ 68. "Pharmaceutical care" means the provision of drug therapy
14 and other pharmaceutical patient care services.

15 ~~67.~~ 69. "Pharmacist" means an individual who is currently licensed
16 by the board to practice the profession of pharmacy in this state.

17 ~~68.~~ 70. "Pharmacist in charge" means the pharmacist who is
18 responsible to the board for a licensed establishment's compliance with
19 the laws and administrative rules of this state and of the federal
20 government pertaining to the practice of pharmacy, the manufacturing of
21 drugs and the distribution of drugs and devices.

22 ~~69.~~ 71. "Pharmacist licensure examination" means a board-approved
23 examination that is written and administered in cooperation with the
24 national association of boards of pharmacy or any other board-approved
25 pharmacist licensure examination.

26 ~~70.~~ 72. "Pharmacy":

27 (a) Means any place:

28 ~~(a)~~ (i) Where drugs, devices, poisons or related hazardous
29 substances are offered for sale at retail.

30 ~~(b)~~ (ii) In which the profession of pharmacy is practiced or where
31 prescription orders are compounded and dispensed.

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

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

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

44 (b) INCLUDES A SATELLITE PHARMACY.

~~71.~~ 73. "Pharmacy intern" means a person who has all of the qualifications and experience prescribed in section 32-1923.

~~72.~~ 74. "Pharmacy technician" means a person who is licensed pursuant to this chapter.

~~73.~~ 75. "Pharmacy technician trainee" means a person who is licensed pursuant to this chapter.

~~74.~~ 76. "Poison" or "hazardous substance" includes, but is not limited to, any of the following if intended and suitable for household use or use by children:

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

(b) A toxic substance.

(c) A highly toxic substance.

(d) A corrosive substance.

(e) An irritant.

(f) A strong sensitizer.

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

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

~~75.~~ 77. "Practice of pharmacy":

(a) Means furnishing the following health care services as a medical professional:

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

(ii) Compounding drugs pursuant to or in anticipation of a prescription order.

(iii) Labeling ~~of~~ drugs and devices in compliance with state and federal requirements.

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

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

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

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

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

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

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

17 (b) Does not include initiating a prescription order for any
18 medication, drug or other substance used to induce or cause a medication
19 abortion as defined in section 36-2151.

20 ~~76.~~ 78. "Practitioner" means any physician, dentist, veterinarian,
21 scientific investigator or other person who is licensed, registered or
22 otherwise permitted to distribute, dispense, conduct research with respect
23 to or administer a controlled substance in the course of professional
24 practice or research in this state, or any pharmacy, hospital or other
25 institution that is licensed, registered or otherwise permitted to
26 distribute, dispense, conduct research with respect to or administer a
27 controlled substance in the course of professional practice or research in
28 this state.

29 ~~77.~~ 79. "Preceptor" means a pharmacist who is serving as the
30 practical instructor of an intern and complies with section 32-1923.

31 ~~78.~~ 80. "Precursor chemical" means a substance that is:

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

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

38 ~~79.~~ 81. "Prescription" means either a prescription order or a
39 prescription medication.

40 ~~80.~~ 82. "Prescription medication" means any drug, including label
41 and container according to context, that is dispensed pursuant to a
42 prescription order.

43 ~~81.~~ 83. "Prescription-only device" includes:

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

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

3 ~~82-~~ 84. "Prescription-only drug" does not include a controlled
4 substance but does include:

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

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

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

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

18 ~~83-~~ 85. "Prescription order" means any of the following:

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

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

30 (c) An order initiated by a pharmacist pursuant to a protocol-based
31 drug therapy agreement with a provider as outlined in section 32-1970, or
32 immunizations or vaccines administered by a pharmacist pursuant to section
33 32-1974.

34 (d) A diet order or an order for enteral feeding, nutritional
35 supplementation or parenteral nutrition that is initiated by a registered
36 dietitian or other qualified nutrition professional in a hospital pursuant
37 to section 36-416.

38 ~~84-~~ 86. "Professionally incompetent" means:

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

42 (b) When considered with other indications of professional
43 incompetence, a pharmacist, pharmacy intern or graduate intern who fails
44 to obtain a passing score on a board-approved pharmacist licensure
45 examination or a pharmacy technician or pharmacy technician trainee who

1 fails to obtain a passing score on a board-approved pharmacy technician
2 licensure examination.

3 ~~85.~~ 87. "Radioactive substance" means a substance that emits
4 ionizing radiation.

5 88. "REVOCATION" OR "REVOKE" MEANS THE OFFICIAL CANCELLATION OF A
6 LICENSE, PERMIT, REGISTRATION OR OTHER APPROVAL AUTHORIZED BY THE BOARD
7 FOR A PERIOD OF TWO YEARS UNLESS OTHERWISE SPECIFIED BY THE BOARD. A
8 REQUEST OR NEW APPLICATION FOR REINSTATEMENT MAY BE PRESENTED TO THE BOARD
9 FOR REVIEW BEFORE THE CONCLUSION OF THE SPECIFIED REVOCATION PERIOD UPON
10 REVIEW OF THE EXECUTIVE DIRECTOR.

11 ~~86.~~ 89. "Safely engage in employment duties" means that a
12 permittee or the permittee's employee is able to safely engage in
13 employment duties related to the manufacture, sale, distribution or
14 dispensing of drugs, devices, poisons, hazardous substances, controlled
15 substances or precursor chemicals.

16 90. "SATELLITE PHARMACY" MEANS A WORK AREA LOCATED WITHIN A
17 HOSPITAL OR ON A HOSPITAL CAMPUS THAT IS NOT SEPARATED BY OTHER COMMERCIAL
18 PROPERTY OR RESIDENTIAL PROPERTY, THAT IS UNDER THE DIRECTION OF A
19 PHARMACIST, THAT IS A REMOTE EXTENSION OF A CENTRALLY LICENSED HOSPITAL
20 PHARMACY AND THAT IS OWNED BY AND DEPENDENT ON THE CENTRALLY LICENSED
21 HOSPITAL PHARMACY FOR ADMINISTRATIVE CONTROL, STAFFING AND DRUG
22 PROCUREMENT AND THAT IS NOT REQUIRED TO BE SEPARATELY PERMITTED.

23 ~~87.~~ 91. "Symbol" means the characteristic symbols that have
24 historically identified pharmacy, including show globes and mortar and
25 pestle, and the sign "Rx".

26 ~~88.~~ 92. "Third-party logistics provider" means an entity that
27 provides or coordinates warehousing or other logistics services for a
28 prescription or over-the-counter dangerous drug or dangerous device in
29 intrastate or interstate commerce on behalf of a manufacturer, wholesaler
30 or dispenser of the prescription or over-the-counter dangerous drug or
31 dangerous device but that does not take ownership of the prescription or
32 over-the-counter dangerous drug or dangerous device or have responsibility
33 to direct its sale or disposition.

34 ~~89.~~ 93. "Toxic substance" means a substance, other than a
35 radioactive substance, that has the capacity to produce injury or illness
36 in humans through ingestion, inhalation or absorption through any body
37 surface.

38 ~~90.~~ 94. "Ultimate user" means a person who lawfully possesses a
39 drug or controlled substance for that person's own use, for the use of a
40 member of that person's household or for administering to an animal owned
41 by that person or by a member of that person's household.

1 Sec. 2. Section 32-1901.01, Arizona Revised Statutes, is amended to
2 read:

3 32-1901.01. Definition of unethical and unprofessional
4 conduct; permittees; licensees

5 A. In this chapter, unless the context otherwise requires, for the
6 purposes of disciplining a permittee, "unethical conduct" means the
7 following, whether occurring in this state or elsewhere:

8 1. Committing a felony, whether or not involving moral turpitude,
9 or a misdemeanor involving moral turpitude or any drug-related offense.
10 In either case, conviction by a court of competent jurisdiction or a plea
11 of no contest is conclusive evidence of the commission.

12 2. Committing an act that is substantially related to the
13 qualifications, functions or duties of a permittee and that demonstrates
14 either a lack of good moral character or an actual or potential unfitness
15 to hold a permit in light of the public's safety.

16 3. Working under the influence of alcohol or other drugs.

17 4. ~~Addiction~~ BEING ADDICTED to the use of alcohol or other drugs to
18 such a degree as to render the permittee unfit to perform the permittee's
19 employment duties.

20 5. Violating a federal or state law or administrative rule relating
21 to the manufacture, sale or distribution of drugs, devices, poisons,
22 hazardous substances or precursor chemicals.

23 6. Violating a federal or state law or administrative rule relating
24 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
25 controlled substances or precursor chemicals.

26 7. Violating state or federal reporting or recordkeeping
27 requirements on transactions relating to precursor chemicals.

28 8. Failing to report in writing to the board any evidence that a
29 pharmacist, pharmacy intern or graduate intern is or may be professionally
30 incompetent, is or may be guilty of unprofessional conduct or is or may be
31 mentally or physically unable safely to engage in the practice of
32 pharmacy.

33 9. Failing to report in writing to the board any evidence that a
34 pharmacy technician or pharmacy technician trainee is or may be
35 professionally incompetent, is or may be guilty of unprofessional conduct
36 or is or may be mentally or physically unable safely to engage in the
37 permissible activities of a pharmacy technician or pharmacy technician
38 trainee.

39 10. Failing to report in writing to the board any evidence that
40 appears to show that a permittee or permittee's employee is or may be
41 guilty of unethical conduct, is or may be mentally or physically unable
42 safely to engage in employment duties related to manufacturing, selling,
43 distributing or dispensing of drugs, devices, poisons, hazardous
44 substances, controlled substances or precursor chemicals or is or may be
45 in violation of this chapter or a rule adopted under this chapter.

1 11. Intending to sell, transfer or distribute, or to offer for
2 sale, transfer or distribution, or selling, transferring, distributing or
3 dispensing or offering for sale, transfer or distribution an imitation
4 controlled substance, imitation over-the-counter drug or imitation
5 prescription-only drug as defined in section 13-3451.

6 12. ~~Denial or discipline of a~~ **HAVING THE** permittee's permit to
7 manufacture, sell, distribute or dispense drugs, devices, poisons,
8 hazardous substances or precursor chemicals **DENIED OR DISCIPLINED** in
9 another jurisdiction ~~and the permit was not reinstated.~~

10 13. Committing an offense in another jurisdiction that if committed
11 in this state would be grounds for discipline.

12 14. Obtaining or attempting to obtain a permit or a permit renewal
13 by fraud, by misrepresentation or by knowingly taking advantage of the
14 mistake of another person or an agency.

15 15. Wilfully making a false report or record required by this
16 chapter, required by federal or state laws pertaining to drugs, devices,
17 poisons, hazardous substances or precursor chemicals or required for the
18 payment for drugs, devices, poisons or hazardous substances or precursor
19 chemicals or for services pertaining to such drugs or substances.

20 16. Knowingly filing with the board any application, renewal or
21 other document that contains false or misleading information.

22 17. Providing false or misleading information or omitting material
23 information in any communication to the board or the board's employees or
24 agents.

25 18. Violating or attempting to violate, directly or indirectly, or
26 assisting in or abetting the violation of, or conspiring to violate, this
27 chapter.

28 19. Violating a formal order, terms of probation, a consent
29 agreement or a stipulation issued or entered into by the board or its
30 executive director pursuant to this chapter.

31 20. Failing to comply with a board subpoena or failing to comply in
32 a timely manner with a board subpoena without providing any explanation to
33 the board for not complying with the subpoena.

34 21. Failing to provide the board or its employees or agents or an
35 authorized federal or state official conducting a site investigation,
36 inspection or audit with access to any place for which a permit has been
37 issued or for which an application for a permit has been submitted.

38 22. Failing to notify the board of a change of ownership,
39 management or pharmacist in charge.

40 23. Failing to promptly produce on the request of the official
41 conducting a site investigation, inspection or audit any book, record or
42 document.

43 24. Overruling or attempting to overrule a pharmacist in matters of
44 pharmacy ethics or interpreting laws pertaining to the practice of
45 pharmacy or the distribution of drugs or devices.

1 25. Distributing premiums or rebates of any kind in connection with
2 the sale of prescription medication, other than to the prescription
3 medication recipient.

4 26. Failing to maintain effective controls against the diversion of
5 ~~CONTROLLED SUBSTANCES OR~~ precursor chemicals to unauthorized persons or
6 entities.

7 27. Fraudulently claiming to have performed a service.

8 28. Fraudulently charging a fee for a service.

9 29. Advertising drugs or devices, or services pertaining to drugs
10 or devices, in a manner that is untrue or misleading in any particular,
11 and that is known, or that by the exercise of reasonable care should be
12 known, to be untrue or misleading.

13 B. In this chapter, unless the context otherwise requires, for the
14 purposes of disciplining a pharmacist, pharmacy intern or graduate intern,
15 "unprofessional conduct" means the following, whether occurring in this
16 state or elsewhere:

17 1. ~~Addiction~~ ~~BEING ADDICTED~~ to the use of alcohol or other drugs to
18 such a degree as to render the licensee unfit to practice the profession
19 of pharmacy.

20 2. Violating any federal or state law, rule or regulation relating
21 to the manufacture or distribution of drugs and devices or the practice of
22 pharmacy.

23 3. Dispensing a different drug or brand of drug in place of the
24 drug or brand of drug ordered or prescribed without the express permission
25 in each case of the orderer, or in the case of a prescription order, the
26 medical practitioner. The conduct prohibited by this paragraph does not
27 apply to substitutions authorized pursuant to section 32-1963.01.

28 4. Obtaining or attempting to obtain a license to practice pharmacy
29 or a license renewal by fraud, by misrepresentation or by knowingly taking
30 advantage of the mistake of another person or an agency.

31 5. ~~Denial or discipline of a~~ ~~HAVING THE~~ licensee's license to
32 practice pharmacy ~~DENIED OR DISCIPLINED~~ in another jurisdiction ~~and the~~
33 ~~license was not reinstated.~~

34 6. Claiming professional superiority in compounding or dispensing
35 prescription orders.

36 7. Failing to comply with the mandatory continuing professional
37 pharmacy education requirements of sections 32-1936 and 32-1937 and rules
38 adopted by the board.

39 8. Committing a felony, whether or not involving moral turpitude,
40 or a misdemeanor involving moral turpitude or any drug-related offense.
41 In either case, conviction by a court of competent jurisdiction or a plea
42 of no contest is conclusive evidence of the commission.

43 9. Working under the influence of alcohol or other drugs.

44 10. Violating a federal or state law or administrative rule
45 relating to marijuana, prescription-only drugs, narcotics, dangerous

1 drugs, controlled substances or precursor chemicals when determined by the
2 board or by conviction in a federal or state court.

3 11. Knowingly dispensing a drug without a valid prescription order
4 as required pursuant to section 32-1968, subsection A.

5 12. Knowingly dispensing a drug on a prescription order that was
6 issued in the course of the conduct of business of dispensing drugs
7 pursuant to diagnosis by mail or the internet, unless the order was any of
8 the following:

9 (a) Made by a physician who provides temporary patient supervision
10 on behalf of the patient's regular treating licensed health care
11 professional or provides a consultation requested by the patient's regular
12 treating licensed health care professional.

13 (b) Made in an emergency medical situation as defined in section
14 41-1831.

15 (c) Written to prepare a patient for a medical examination.

16 (d) Written or the prescription medications were issued for use by
17 a county or tribal public health department for immunization programs or
18 emergency treatment or in response to an infectious disease investigation,
19 a public health emergency, an infectious disease outbreak or an act of
20 bioterrorism. For the purposes of this subdivision, "bioterrorism" has
21 the same meaning prescribed in section 36-781.

22 (e) Written or antimicrobials were dispensed by the prescribing or
23 dispensing physician to a contact as defined in section 36-661 who is
24 believed to have had significant exposure risk as defined in section
25 36-661 with another person who has been diagnosed with a communicable
26 disease as defined in section 36-661.

27 (f) Written or the prescription medications were issued for
28 administration of immunizations or vaccines listed in the United States
29 centers for disease control and prevention's recommended immunization
30 schedule to a household member of a patient.

31 (g) For epinephrine auto-injectors that are written or dispensed
32 for a school district or charter school and that are to be stocked for
33 emergency use pursuant to section 15-157 or for an authorized entity to be
34 stocked pursuant to section 36-2226.01.

35 (h) Written by a licensee through a telemedicine program that is
36 covered by the policies and procedures adopted by the administrator of a
37 hospital or outpatient treatment center.

38 (i) Written pursuant to a physical or mental health status
39 examination that was conducted during a real-time telemedicine encounter
40 with audio and video capability.

41 (j) For naloxone hydrochloride or any other opioid antagonist
42 approved by the United States food and drug administration and written or
43 dispensed for use pursuant to section 36-2228 or 36-2266.

44 13. Failing to report in writing to the board any evidence that a
45 pharmacist, pharmacy intern or graduate intern is or may be professionally

1 incompetent, is or may be guilty of unprofessional conduct or is or may be
2 mentally or physically unable to safely engage in the practice of
3 pharmacy.

4 14. Failing to report in writing to the board any evidence that a
5 pharmacy technician or pharmacy technician trainee is or may be
6 professionally incompetent, is or may be guilty of unprofessional conduct
7 or is or may be mentally or physically unable to safely engage in the
8 permissible activities of a pharmacy technician or pharmacy technician
9 trainee.

10 15. Failing to report in writing to the board any evidence that a
11 permittee or a permittee's employee is or may be guilty of unethical
12 conduct or is or may be in violation of this chapter or a rule adopted
13 under this chapter.

14 16. Committing an offense in another jurisdiction that if committed
15 in this state would be grounds for discipline.

16 17. Knowingly filing with the board any application, renewal or
17 other document that contains false or misleading information.

18 18. Providing false or misleading information or omitting material
19 information in any communication to the board or the board's employees or
20 agents.

21 19. Violating or attempting to violate, directly or indirectly, or
22 assisting in or abetting in the violation of, or conspiring to violate,
23 this chapter.

24 20. Violating a formal order, terms of probation, a consent
25 agreement or a stipulation issued or entered into by the board or its
26 executive director pursuant to this chapter.

27 21. Failing to comply with a board subpoena or failing to comply in
28 a timely manner with a board subpoena without providing any explanation to
29 the board for not complying with the subpoena.

30 22. Refusing without just cause to allow authorized agents of the
31 board to examine documents that are required to be kept pursuant to this
32 chapter or title 36.

33 23. Participating in an arrangement or agreement to allow a
34 prescription order or a prescription medication to be left at, picked up
35 from, accepted by or delivered to a place that is not licensed as a
36 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy from
37 using an employee or a common carrier to pick up prescription orders at or
38 deliver prescription medications to the office or home of a medical
39 practitioner, the residence of a patient or a patient's hospital.

40 24. Paying rebates or entering into an agreement for the payment of
41 rebates to a medical practitioner or any other person in the health care
42 field.

43 25. Providing or causing to be provided to a medical practitioner
44 prescription order blanks or forms bearing the pharmacist's or pharmacy's
45 name, address or other means of identification.

- 1 26. Fraudulently claiming to have performed a professional service.
- 2 27. Fraudulently charging a fee for a professional service.
- 3 28. Failing to report a change of the licensee's home address,
- 4 contact information, employer or employer's address as required by section
- 5 32-1926.
- 6 29. Failing to report a change in the licensee's residency status
- 7 as required by section 32-1926.01.
- 8 30. ~~FAILING TO MAINTAIN EFFECTIVE CONTROLS AGAINST THE DIVERSION OF~~
- 9 ~~CONTROLLED SUBSTANCES OR PRECURSOR CHEMICALS TO UNAUTHORIZED PERSONS OR~~
- 10 ~~ENTITIES.~~
- 11 C. In this chapter, unless the context otherwise requires, for the
- 12 purposes of disciplining a pharmacy technician or pharmacy technician
- 13 trainee, "unprofessional conduct" means the following, whether occurring
- 14 in this state or elsewhere:
- 15 1. ~~Addiction~~ **BEING ADDICTED** to the use of alcohol or other drugs to
- 16 such a degree as to render the licensee unfit to perform the licensee's
- 17 employment duties.
- 18 2. Violating a federal or state law or administrative rule relating
- 19 to the manufacture or distribution of drugs or devices.
- 20 3. Obtaining or attempting to obtain a pharmacy technician or
- 21 pharmacy technician trainee license or a pharmacy technician license
- 22 renewal by fraud, by misrepresentation or by knowingly taking advantage of
- 23 the mistake of another person or an agency.
- 24 4. ~~Denial or discipline of a~~ **HAVING THE** licensee's license to
- 25 practice as a pharmacy technician **DENIED OR DISCIPLINED** in another
- 26 jurisdiction ~~and the license was not reinstated.~~
- 27 5. Failing to comply with the mandatory continuing professional
- 28 education requirements of section 32-1925, subsection H and rules adopted
- 29 by the board.
- 30 6. Committing a felony, whether or not involving moral turpitude,
- 31 or a misdemeanor involving moral turpitude or any drug-related offense.
- 32 In either case, conviction by a court of competent jurisdiction or a plea
- 33 of no contest is conclusive evidence of the commission.
- 34 7. Working under the influence of alcohol or other drugs.
- 35 8. Violating a federal or state law or administrative rule relating
- 36 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
- 37 controlled substances or precursor chemicals when determined by the board
- 38 or by conviction in a federal or state court.
- 39 9. Failing to report in writing to the board any evidence that a
- 40 pharmacist, pharmacy intern or graduate intern is or may be professionally
- 41 incompetent, is or may be guilty of unprofessional conduct or is or may be
- 42 mentally or physically unable to safely engage in the practice of
- 43 pharmacy.

1 10. Failing to report in writing to the board any evidence that a
2 pharmacy technician or pharmacy technician trainee is or may be
3 professionally incompetent, is or may be guilty of unprofessional conduct
4 or is or may be mentally or physically unable to safely engage in the
5 permissible activities of a pharmacy technician or pharmacy technician
6 trainee.

7 11. Failing to report in writing to the board any evidence that a
8 permittee or a permittee's employee is or may be guilty of unethical
9 conduct or is or may be in violation of this chapter or a rule adopted
10 under this chapter.

11 12. Committing an offense in another jurisdiction that if committed
12 in this state would be grounds for discipline.

13 13. Knowingly filing with the board any application, renewal or
14 other document that contains false or misleading information.

15 14. Providing false or misleading information or omitting material
16 information in any communication to the board or the board's employees or
17 agents.

18 15. Violating or attempting to violate, directly or indirectly, or
19 assisting in or abetting in the violation of, or conspiring to violate,
20 this chapter.

21 16. Violating a formal order, terms of probation, a consent
22 agreement or a stipulation issued or entered into by the board or its
23 executive director pursuant to this chapter.

24 17. Failing to comply with a board subpoena or failing to comply in
25 a timely manner with a board subpoena without providing any explanation to
26 the board for not complying with the subpoena.

27 18. Failing to report a change of the licensee's home address,
28 contact information, employer or employer's address as required by section
29 32-1926.

30 19. Failing to report a change in the licensee's residency status
31 as required by section 32-1926.01.

32 Sec. 3. Section 32-1930, Arizona Revised Statutes, is amended to
33 read:

34 32-1930. Types of permits; restrictions on permits;
35 discontinuance of pharmacy permit

36 A. On application, the board may issue the following classes or
37 kinds of permits:

38 1. A nonprescription drug permit to sell, retail, stock, expose or
39 offer for sale at retail nonprescription drugs in the original package. A
40 permittee is not required to conduct business in any fixed place.

41 2. If approved by the board, a pharmacy, limited service pharmacy,
42 AUTOMATED PRESCRIPTION-DISPENSING KIOSK, full service wholesale drug,
43 third-party logistics provider, nonprescription drug wholesale and drug
44 manufacturer's permit.

1 3. Drug packager or drug prepacker permit to an individual or
2 establishment that is currently listed by the United States federal food
3 and drug administration and has met the requirements of that agency to
4 purchase, repackage, relabel or otherwise alter the manufacturer's
5 original package of an approved drug product with the intent of reselling
6 these items to persons or businesses authorized to possess or resell the
7 repackaged, prepackaged or relabeled drug.

8 4. A compressed medical gas distributor permit and a durable
9 medical equipment and compressed medical gas supplier permit.

10 B. The board shall deny or revoke a pharmacy permit if a medical
11 practitioner receives compensation, either directly or indirectly, from a
12 pharmacy as a result of the practitioner's prescription orders. This does
13 not include compensation to a medical practitioner who is the owner of a
14 building where space is leased to a pharmacy at the prevailing rate, not
15 resulting in a rebate to the medical practitioner.

16 C. If a pharmacy permanently discontinues operation, the permittee
17 shall immediately surrender the permit to the executive director. The
18 permittee shall remove all drug signs and symbols, either within or
19 without the premises, and shall remove or destroy all drugs, devices,
20 poisons and hazardous substances.

21 D. AN AUTOMATED PRESCRIPTION-DISPENSING KIOSK MAY NOT CONTAIN OR
22 DISPENSE A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 36-2501 AND THE
23 CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21 UNITED STATES
24 CODE SECTION 802).

25 Sec. 4. Section 32-1931, Arizona Revised Statutes, is amended to
26 read:

27 32-1931. Permit fees; issuance; expiration; renewals; online
28 profiles

29 A. The board shall assign the permit of all persons or firms issued
30 under this chapter to one of two permit renewal groups. Except as
31 provided in section 32-4301, a holder of a permit ending in an even number
32 shall renew it biennially on or before November 1 of the even-numbered
33 year, two years from the last renewal date. Except as provided in section
34 32-4301, a holder of a permit ending in an odd number shall renew it
35 biennially on or before November 1 of the odd-numbered year, two years
36 from the last renewal date. Failure to renew and pay all required fees on
37 or before November 1 of the year in which the renewal is due suspends the
38 permit. The board shall vacate a suspension when the permittee pays
39 penalties of not to exceed three hundred fifty dollars and all past due
40 fees. The board may waive collection of a fee or penalty due after
41 suspension under conditions established by a majority of the board.

42 B. Permit fees that are designated to be not more than a maximum
43 amount shall be set by the board for the following two fiscal years
44 beginning November 1. The board shall establish the fees approximately
45 proportionate to the maximum fee allowed to cover the board's anticipated

1 expenditures for the following two fiscal years. Variation in a fee is
2 not effective except at the expiration date of the permit.

3 C. Applications for permits shall be accompanied by the following
4 biennial fees as determined by subsection B of this section:

5 1. A nonprescription drug permit, not more than two hundred
6 dollars. Permittees stocking thirty different nonprescription drug
7 products or less shall be classified as category I retailers. Permittees
8 stocking more than thirty different nonprescription drug products shall be
9 classified as category II retailers. Both categories are subject to
10 biennial permit fees established by the board pursuant to this chapter.

11 2. A drug manufacturer's permit, not more than one thousand
12 dollars.

13 3. A pharmacy permit, not more than five hundred dollars.

14 4. A limited service pharmacy permit OR AN AUTOMATED
15 PRESCRIPTION-DISPENSING KIOSK PERMIT, not more than five hundred dollars.

16 5. A full service wholesale drug permit or a third-party logistics
17 provider permit, not more than one thousand dollars.

18 6. A nonprescription drug wholesale permit, not more than five
19 hundred dollars.

20 7. A drug repackager's permit, not more than one thousand dollars.

21 8. A compressed medical gas distributor permit, not more than two
22 hundred dollars.

23 9. A durable medical equipment and compressed medical gas supplier
24 permit, not more than one hundred dollars.

25 D. If an applicant is found to be satisfactory to the board, the
26 executive director shall issue to the applicant a permit for each
27 pharmacy, manufacturer, wholesaler or other place of business in which
28 drugs are sold, manufactured, compounded, dispensed, stocked, exposed or
29 offered for sale, for which application is made.

30 E. Permits issued under this section are not transferable.

31 F. If a permittee does not apply for renewal, the permit expires
32 pursuant to subsection A of this section. A person may activate and renew
33 an expired permit by filing the required application and fee. Renewal
34 thirty days after the expiration date of a permit may be made only on
35 payment of the required biennial renewal fee, all past due fees and a
36 penalty of one-half of the amount of the applicable biennial renewal fee.
37 The board may waive the collection of a fee or penalty due after
38 suspension pursuant to conditions prescribed by the board.

39 G. A permittee shall create an online profile using the board's
40 licensing software.

41 Sec. 5. Section 36-2608, Arizona Revised Statutes, is amended to
42 read:

43 36-2608. Reporting requirements; waiver; exceptions

44 A. If a medical practitioner dispenses a controlled substance
45 listed in section 36-2513, 36-2514, 36-2515 or 36-2516, or if a

1 prescription for a controlled substance listed in any of those sections is
2 dispensed by a pharmacy in this state, a health care facility in this
3 state for outpatient use or a board-permitted nonresident pharmacy for
4 delivery to a person residing in this state, the medical practitioner,
5 health care facility or pharmacy must report the following information as
6 applicable and as prescribed by the board by rule:

7 1. The name, address, telephone number, prescription number and
8 United States drug enforcement administration controlled substance
9 registration number of the dispenser.

10 2. The name, address and date of birth of the person for whom the
11 prescription is written.

12 3. The name, address, telephone number and United States drug
13 enforcement administration controlled substance registration number of the
14 prescribing medical practitioner.

15 4. The name, strength, quantity, dosage and national drug code
16 number of the schedule II, III, IV or V controlled substance dispensed.

17 5. The date the prescription was dispensed.

18 6. The number of refills, if any, authorized by the medical
19 practitioner.

20 B. Except as provided in subsection D of this section, a dispenser
21 must use the September 28, 2011 version 4, release 2 standard
22 implementation guide for prescription monitoring programs published by the
23 American society for automation in pharmacy or any subsequent version or
24 release of that guide to report the required information.

25 C. The board shall allow the reporter to transmit the required
26 information by electronic data transfer if feasible or, if not feasible,
27 on reporting forms as prescribed by the board. The ~~board shall not~~
28 ~~require the~~ reporter ~~to~~ **SHALL** submit the required information ~~more~~
29 ~~frequently than~~ once each day.

30 D. A dispenser who does not have an automated recordkeeping system
31 capable of producing an electronic report in the established format may
32 request a waiver from electronic reporting by submitting a written request
33 to the board. The board shall grant the request if the dispenser agrees
34 in writing to report the data by submitting a completed universal claim
35 form as prescribed by the board by rule.

36 E. The board by rule may prescribe the prescription form to be used
37 in prescribing a schedule II, III, IV or V controlled substance if the
38 board determines that this would facilitate the reporting requirements of
39 this section.

40 F. The reporting requirements of this section do not apply to the
41 following:

42 1. A controlled substance administered directly to a patient.

1 2. A controlled substance dispensed by a medical practitioner at a
2 health care facility licensed by this state if the quantity dispensed is
3 limited to an amount adequate to treat the patient for a maximum of
4 seventy-two hours with not more than two seventy-two-hour cycles within
5 any fifteen-day period.

6 3. A controlled substance sample.

7 4. The wholesale distribution of a schedule II, III, IV or V
8 controlled substance. For the purposes of this paragraph, "wholesale
9 distribution" has the same meaning prescribed in section 32-1981.

10 5. A facility that is registered by the United States drug
11 enforcement administration as a narcotic treatment program and that is
12 subject to the recordkeeping provisions of 21 Code of Federal Regulations
13 section 1304.24.