State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2075

Introduced by
Representatives Cobb: Bowers

AN ACT
AMENDING SECTION 36-2525, ARIZONA REVISED STATUTES; RELATING TO
PRESCRIPTION ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-2525, Arizona Revised Statutes, is amended to read:

36-2525. Prescription orders; labels; packaging; definition

A. In addition to the requirements of section 32-1968 pertaining to prescription orders for prescription-only drugs, the prescription order for a controlled substance shall bear the name, address and federal registration number of the prescriber. A prescription order for a schedule II controlled substance drug other than a hospital drug order for a hospital inpatient shall contain only one drug order per prescription blank. If authorized verbally by the prescriber, the pharmacist may make changes to correct errors or omissions made by the prescriber on the following parts of a written or electronic schedule II controlled substance prescription order:

1. The date issued.
2. The strength, dosage form or quantity of drug.
3. The directions for its use.

B. The pharmacist must document on the original prescription order the changes that were made pursuant to the verbal authorization and record the time and date the authorization was granted.

C. A person who is registered to dispense controlled substances under this chapter must keep and maintain prescription orders for controlled substances as follows:

1. Prescription orders for controlled substances listed in schedules I and II must be maintained in a separate prescription file for controlled substances listed in schedules I and II only.
2. Prescription orders for controlled substances listed in schedules III, IV and V must be maintained either in a separate prescription file for controlled substances listed in schedules III, IV and V only or in a form that allows them to be readily retrievable from the other prescription records of the registrant. For the purposes of this paragraph, "readily retrievable" means that, when the prescription is initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" in a font that is not less than one inch high and that the prescription is filed in the usual consecutively numbered prescription file for noncontrolled substance prescriptions. The requirement to stamp the hard copy prescription with a red "C" is waived if a registrant employs an electronic data processing system or other electronic recordkeeping system for prescriptions that permits identification by prescription number and retrieval of original documents by the prescriber's name, patient's name, drug dispensed and date filled.

D. Except in emergency situations in conformity with subsection E of this section, under the conditions specified in subsections F and G of this section or when dispensed directly by a medical practitioner to an ultimate user, a controlled substance in schedule II shall not be
dispensed without either the written prescription order in ink or
indelible pencil or typewritten and manually signed by the medical
practitioner or an electronic prescription order as prescribed by federal
law or regulation. Beginning January 1, 2019, a schedule II
controlled substance that is an opioid may be dispensed in a county with a
population of one hundred fifty thousand persons or more only with an
electronic prescription order as prescribed by federal law or regulation.
Beginning July 1, 2019 January 1, 2020, a schedule II controlled substance
that is an opioid may be dispensed in a county with a population of less
than one hundred fifty thousand persons only with an electronic
prescription order as prescribed by federal law or regulation. A
prescription order for a schedule II controlled substance shall not be
dispensed more than ninety days after the date on which the prescription
order was issued. Notwithstanding any other provision of this section, a
pharmacy may sell and dispense a schedule II controlled substance
prescribed by a medical practitioner who is located in another county in
this state or in another state if the prescription was issued to the
patient according to and in compliance with the applicable laws of the
state of the prescribing medical practitioner and federal law. A
prescription order for a schedule II controlled substance shall not be
refilled. A PHARMACIST IS NOT IN VIOLATION OF THIS SUBSECTION AND MAY
DISPENSE A PRESCRIPTION ORDER IN THE FOLLOWING CIRCUMSTANCES:

1. DURING ANY TIME PERIOD IN WHICH AN ESTABLISHED ELECTRONIC
PRESCRIBING SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER. IF
THE ELECTRONIC PRESCRIBING SYSTEM IS NOT OPERATIONAL OR AVAILABLE, THE
PHARMACIST MAY DISPENSE A PRESCRIPTION ORDER THAT IS WRITTEN OR RECEIVED
PURSUANT TO SUBSECTION E OF THIS SECTION FOR A SCHEDULE II CONTROLLED
SUBSTANCE THAT IS AN OPIOID. THE PHARMACIST MUST MAINTAIN A RECORD, FOR A
PERIOD OF TIME PRESCRIBED BY THE BOARD, OF WHEN THE ELECTRONIC PRESCRIBING
SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER.

2. THE PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE
THAT IS AN OPIOID IS IN WRITING AND INDICATES THAT THE MEDICAL
PRACTITIONER WHO ISSUED THE PRESCRIPTION ORDER PROVIDED CARE FOR THE
PATIENT IN A VETERANS ADMINISTRATION FACILITY, A HEALTH FACILITY ON A
MILITARY BASE, AN INDIAN HEALTH SERVICES HOSPITAL OR OTHER INDIAN HEALTH
SERVICE FACILITY, OR A TRIBAL-OWNED CLINIC.

E. In emergency situations, emergency quantities of schedule II
controlled substances may be dispensed on an oral prescription order of a
medical practitioner. Such an emergency prescription order shall be
immediately reduced to writing by the pharmacist and shall contain all the
information required for schedule II controlled substances except for the
manual signing of the order by the medical practitioner. Within seven
days after authorizing an emergency oral prescription order, the
prescribing medical practitioner shall cause a written prescription order
manually signed for the emergency quantity prescribed to be delivered to
the dispensing pharmacist or an electronic prescription order to be transmitted to the dispensing pharmacist. In addition to conforming to other requirements for prescription orders for schedule II controlled substances, the prescription order shall indicate electronically or have written on its face "authorization for emergency dispensing" and the date of the oral order. If the prescribing medical practitioner fails to deliver such an emergency prescription order within seven days in conformance with board rules, the pharmacist shall notify the board. Failure of the pharmacist to notify the board voids the authority conferred by this subsection to dispense without a prescription order of a medical practitioner that is electronic or that is written and manually signed.

F. NOTWITHSTANDING SUBSECTIONS D AND N OF THIS SECTION, the following may be transmitted to a pharmacy by fax by a patient's medical practitioner or the medical practitioner's agent MAY TRANSMIT TO A PHARMACY BY FAX A PRESCRIPTION ORDER WRITTEN FOR A SCHEDULE II CONTROLLED SUBSTANCE, INCLUDING OPIOIDS, IF THE PRESCRIPTION ORDER IS ANY OF THE FOLLOWING:

1. A prescription order written for a schedule II controlled substance To be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion.

2. A prescription order written for any schedule II controlled substance For a resident of a long-term care facility.

3. A prescription order written for a schedule II controlled substance For a patient who is enrolled in a hospice care program that is certified or paid for by medicare under title XVIII or a hospice program that is licensed by this state. The medical practitioner or the medical practitioner's agent must note on the prescription that the patient is a hospice patient.

4. For a patient at the time of discharge from a hospital to another licensed health care institution.

G. A fax transmitted pursuant to subsection F of this section is the original written prescription order for purposes of this section and must be maintained as required by subsection C of this section.

H. Except when dispensed directly by a medical practitioner to an ultimate user, a controlled substance included in schedule III or IV that requires a prescription order as determined under state or federal laws shall not be dispensed without a written or oral prescription order of a medical practitioner or an electronic prescription order as prescribed by federal law or regulation. The prescription order shall not be filled or refilled more than six months after the date on which the prescription order was issued. A prescription order authorized to be refilled shall not be refilled more than five times. Additional quantities may only be authorized by the prescribing medical practitioner through issuance of a
new prescription order that shall be treated by the pharmacist as a new
and separate prescription order.

I. Except when dispensed directly by a medical practitioner to an
ultimate user, a controlled substance that is included in schedule V and
that requires a prescription order as determined under state or federal
laws shall not be dispensed without a written or oral prescription order
of a medical practitioner. The prescription order may be refilled as
authorized by the prescribing medical practitioner but shall not be filled
or refilled more than one year after the date of issuance.

J. A controlled substance that is listed in schedule III, IV or V
and that does not require a prescription order as determined under state
or federal laws may be dispensed at retail by a pharmacist or a pharmacy
intern under the pharmacist’s supervision without a prescription order to
a purchaser who is at least eighteen years of age if all of the following
are true:

1. It is for a legitimate medical purpose.

2. Not more than two hundred forty cubic centimeters (eight ounces)
of any such controlled substance containing opium, nor more than one
hundred twenty cubic centimeters (four ounces) of any other such
controlled substance, nor more than forty-eight dosage units of any such
controlled substance containing opium, nor more than twenty-four dosage
units of any other controlled substance may be dispensed at retail to the
same purchaser in any given forty-eight-hour period.

3. No more than one hundred dosage units of any single active
ingredient ephedrine preparation may be sold, offered for sale, bartered
or given away to any one person in any one thirty-day period.

4. The pharmacist or pharmacy intern requires every purchaser of a
controlled substance under this subsection who is not known to that person
to furnish suitable identification, including proof of age if appropriate.

5. A bound record book for dispensing controlled substances under
this subsection is maintained by the pharmacist and contains the name and
address of the purchaser, the name and quantity of the controlled
substance purchased, the date of each purchase and the name or initials of
the pharmacist or pharmacy intern who dispensed the substance to the
purchaser. The book shall be maintained in conformity with the
recordkeeping requirements of section 36-2523.

K. In the absence of a law requiring a prescription for a schedule
V controlled substance, the board, by rules, may require, or remove the
requirement of, a prescription order for a schedule V controlled
substance.

L. The label on a container of a controlled substance that is
directly dispensed by a medical practitioner or pharmacist and that is not
for the immediate administration to the ultimate user, such as a bed
patient in a hospital, shall bear the name and address of the dispensing
medical practitioner or pharmacist, the serial number, the date of
dispensing, the name of the prescriber, the name of the patient or, if an
animal, the name of the owner of the animal and the species of the animal,
the directions for use and cautionary statements, if any, contained in the
prescription order or required by law. If the controlled substance is
included in schedule II, III or IV, the label shall bear a transfer
warning to the effect: “Caution: federal law prohibits the transfer of
this drug to any person other than the patient for whom it was
prescribed”. The container of a schedule II controlled substance that is
an opioid that is directly dispensed by a pharmacist and that is not for
the immediate administration to the ultimate user shall have a red cap and
a warning label prescribed by the board about potential addiction. The
board or the executive director, if delegated by the board, may waive the
red cap requirement if implementing the requirement is not feasible
because of the specific dosage form or packaging type.

M. Controlled substances in schedules II, III, IV and V may be
dispensed as electronically transmitted prescriptions if the prescribing
medical practitioner is all of the following:
1. Properly registered by the United States drug enforcement
administration.
2. Licensed in good standing in the United States jurisdiction in
which the medical practitioner practices.
3. Authorized to issue such prescriptions in the jurisdiction in
which the medical practitioner is licensed.

N. Notwithstanding any other provision of this section, beginning
January 1, 2019, each prescription order, EXCEPT A PRESCRIPTION ORDER
UNDER SUBSECTION F OF THIS SECTION, that is issued by a medical
practitioner in a county with a population of one hundred fifty thousand
persons or more for a schedule II controlled substance that is an opioid
shall be transmitted electronically to the dispensing pharmacy.
Notwithstanding any other provision of this section, beginning January 1,
2019, each prescription order, EXCEPT A PRESCRIPTION ORDER
UNDER SUBSECTION F OF THIS SECTION, that is issued by a medical
practitioner in a county with a population of less than one hundred fifty
thousand persons for a schedule II controlled substance that is an opioid
shall be transmitted electronically to the dispensing pharmacy. A MEDICAL
PRACTITIONER IS NOT IN VIOLATION OF THIS SUBSECTION:
1. DURING ANY TIME IN WHICH AN ESTABLISHED ELECTRONIC PRESCRIBING
SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER. IF THE
ELECTRONIC PRESCRIBING SYSTEM IS NOT OPERATIONAL OR AVAILABLE, THE MEDICAL
PRACTITIONER MAY WRITE OR ISSUE PURSUANT TO SUBSECTION E OF THIS SECTION A
PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN
OPIOID. THE MEDICAL PRACTITIONER SHALL INDICATE ON THE WRITTEN
PRESCRIPTION ORDER THAT THE ELECTRONIC PRESCRIBING SYSTEM IS NOT
OPERATIONAL OR AVAILABLE. THE MEDICAL PRACTITIONER MUST MAINTAIN A
RECORD, FOR A PERIOD OF TIME PRESCRIBED BY THE BOARD, OF WHEN THE
ELECTRONIC PRESCRIBING SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER.

2. IF THE MEDICAL PRACTITIONER WRITES OR ISSUES PURSUANT TO SUBSECTION E OF THIS SECTION A PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN OPIOID THAT WILL BE DISPENSED FOR THE PATIENT FROM A VETERANS ADMINISTRATION FACILITY, A HEALTH FACILITY ON A MILITARY BASE, AN INDIAN HEALTH SERVICES HOSPITAL OR OTHER INDIAN HEALTH SERVICE FACILITY, OR A TRIBAL-OWNED CLINIC.

O. The requirement in subsections D and N of this section for an electronic prescription order does not apply to a prescription order for a schedule II controlled substance that is an opioid that is issued for medication-assisted treatment for a substance use disorder.

P. The board, by rule, may provide additional requirements for prescribing and dispensing controlled substances.

Q. The board shall establish a process to grant a waiver for the requirement in subsections D and N of this section for electronic prescription orders to a medical practitioner who lacks adequate access to broadband or faces other hardships that prevent the medical practitioner from implementing electronic prescription orders. A pharmacist is not required to verify with a medical practitioner or the board whether the medical practitioner has received a waiver pursuant to this subsection.

Q. THE BOARD MAY PRESCRIBE BY RULE ADDITIONAL EXCEPTIONS TO THE ELECTRONIC PRESCRIBING REQUIREMENTS SPECIFIED IN THIS SECTION FOR BOTH PHARMACISTS AND MEDICAL PRACTITIONERS.

R. For the purposes of this section, "medication-assisted treatment" has the same meaning prescribed in section 32-3201.01.

Sec. 2. Retroactivity
Section 36-2525, Arizona Revised Statutes, as amended by this act, applies retroactively to from and after December 31, 2018.

Sec. 3. Emergency
This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.