

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1137

AN ACT

AMENDING SECTIONS 32-1901, 32-1901.01, 32-1924, 32-1930, 32-1931, 32-1941, 32-1982 AND 36-2604, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 2; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 49; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 4; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 52; AMENDING SECTION 41-1758.01, 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~~ DIRECTLY APPLYING a
7 controlled substance, prescription-only drug, dangerous drug or narcotic
8 drug, whether by injection, inhalation, ingestion or any other means, to
9 the 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 THAT ARE disseminated
13 in any manner or by any means, ~~other than by labeling,~~ for the purpose
14 of 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~~ REPEATING the activities that led to the investigation may
28 result in 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 7. "Board" or "board of pharmacy" means the Arizona state board of
5 pharmacy.

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

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

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

12 (a) Is any dye, pigment or other substance ~~THAT IS~~ made by a
13 process of synthesis or similar artifice, ~~or THAT IS~~ extracted, isolated
14 or otherwise derived, with or without intermediate or final change of
15 identity, from 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 11. "Compounding" means ~~the preparation~~ PREPARING, mixing,
22 assembling, packaging or labeling ~~of~~ a drug by a pharmacist or an intern
23 or pharmacy technician under the pharmacist's supervision, for the purpose
24 of dispensing to a patient based on a valid prescription order.
25 Compounding includes ~~the preparation of~~ PREPARING drugs in anticipation of
26 prescription orders prepared on routine, regularly observed prescribing
27 patterns and ~~the preparation of~~ PREPARING drugs as an incident to
28 research, teaching or chemical analysis or for administration by a medical
29 practitioner to the medical practitioner's patient and not for sale or
30 dispensing. Compounding does not include ~~the preparation of~~ PREPARING
31 commercially available products from bulk compounds or ~~the preparation of~~
32 PREPARING drugs for sale to pharmacies, practitioners or entities for the
33 purpose of dispensing or distribution.

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

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

42 14. "Compressed medical gas order" means an order for compressed
43 medical gases that is issued by a medical practitioner.

44 15. "Compressed medical gas supplier" means a person ~~who~~ THAT holds
45 a current permit issued by the board to supply compressed medical gases

1 pursuant to a compressed medical gas order and only to the consumer or the
2 patient.

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

6 17. "Corrosive" means any substance that when it comes in contact
7 with living tissue will cause destruction of THE tissue by chemical
8 action.

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

14 19. "Dangerous drug" has the same meaning prescribed in section
15 13-3401.

16 ~~20. "Day" means a business day.~~

17 ~~21.~~ 20. "Decree of censure" means an official action that is taken
18 by the board and that may include a requirement for restitution of fees to
19 a patient or consumer.

20 ~~22.~~ 21. "Deliver" or "delivery" means the actual, constructive or
21 attempted transfer from one person to another whether or not there is an
22 agency relationship.

23 ~~23.~~ 22. "Deputy director" means a pharmacist who is employed by
24 the board and selected by the executive director to perform duties as
25 prescribed by the executive director.

26 ~~24.~~ 23. "Device", except as used in paragraph 18 of this section,
27 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
28 15 and subsection C, means ~~instruments~~ AN INSTRUMENT, ~~apparatuses and~~
29 ~~contrivances~~ APPARATUS OR CONTRIVANCE, including ~~their~~ ITS components,
30 parts and accessories, including all such items under the federal act,
31 THAT IS intended either:

32 (a) For use in ~~the diagnosis, cure, mitigation, treatment or~~
33 ~~prevention of~~ DIAGNOSING, CURING, MITIGATING, TREATING OR PREVENTING
34 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 ~~25.~~ 24. "Director" means the director of the division of narcotics
38 enforcement and criminal investigation of the department of public safety.

39 ~~26.~~ 25. "Direct supervision of a pharmacist" means THAT the
40 pharmacist is present. If relating to the sale of certain items, direct
41 supervision of a pharmacist means that a pharmacist HAS BEEN TRAINED ON
42 THE MOST CURRENT STANDARDS AND INFORMATION PERTAINING TO THE SUPERVISED
43 ACTIVITY AND determines the legitimacy or advisability of a proposed
44 purchase of those items.

1 ~~27.~~ 26. "Dispense" means to deliver to an ultimate user or
2 research subject by or pursuant to the lawful order of a practitioner,
3 including ~~the~~ prescribing, administering, packaging, labeling or
4 compounding AS necessary to prepare for that delivery.
5 ~~28.~~ 27. "Dispenser" means a practitioner who dispenses.
6 ~~29.~~ 28. "Distribute" means to deliver, other than by administering
7 or dispensing.
8 ~~30.~~ 29. "Distributor" means a person who distributes.
9 ~~31.~~ 30. "Drug" means:
10 (a) Articles THAT ARE recognized, or for which standards or
11 specifications are prescribed, in the official compendium.
12 (b) Articles THAT ARE intended for use in the diagnosis, cure,
13 mitigation, treatment or prevention of disease in the human body or other
14 animals.
15 (c) Articles other than food THAT ARE intended to affect the
16 structure or any function of the human body or other animals.
17 (d) Articles THAT ARE intended for use as a component of any
18 articles specified in subdivision (a), (b) or (c) of this paragraph but
19 does not include devices or their components, parts or accessories.
20 ~~32.~~ 31. "Drug enforcement administration" means the drug
21 enforcement administration of the United States department of justice or
22 its successor agency.
23 ~~33.~~ 32. "Drug or device manufacturing" means ~~the production~~
24 PRODUCING, ~~preparation~~ PREPARING, ~~propagation~~ PROPAGATING or processing of
25 a drug or device, either directly or indirectly, by extraction from
26 substances of natural origin or independently by means of chemical
27 synthesis and includes any packaging or repackaging of substances or
28 labeling or relabeling of its container and ~~the promotion~~ PROMOTING and
29 marketing of the same. Drug or device manufacturing does not include
30 compounding.
31 ~~34.~~ 33. "Economic poison" means any substance that alone, in
32 chemical combination with or in formulation with one or more other
33 substances is a pesticide within the meaning of the laws of this state or
34 the federal insecticide, fungicide and rodenticide act and that is used in
35 ~~the production~~ PRODUCING, ~~storage~~ STORING or ~~transportation~~ of
36 TRANSPORTING raw agricultural commodities.
37 ~~35.~~ 34. "Enteral feeding" means nourishment THAT IS provided by
38 means of a tube inserted into the stomach or intestine.
39 ~~36.~~ 35. "Established name", with respect to a drug or ingredient
40 of a drug, means any of the following:
41 (a) The applicable official name.
42 (b) If there is no such name and the drug or ingredient is an
43 article recognized in an official compendium, the official title in an
44 official compendium.

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

3 ~~37.~~ 36. "Executive director" means the executive director of the
4 board of pharmacy.

5 ~~38.~~ 37. "Federal act" means the federal laws and regulations that
6 pertain to drugs, devices, poisons and hazardous substances and that are
7 official at the time any drug, device, poison or hazardous substance is
8 affected by this chapter.

9 ~~39.~~ 38. "Full service wholesale permittee":

10 (a) Means a permittee who may distribute prescription-only drugs
11 and devices, controlled substances, ~~and~~ over-the-counter drugs and devices
12 AND PRECURSOR CHEMICALS OR REGULATED CHEMICALS to pharmacies or other
13 legal outlets from a place devoted in whole or in part to wholesaling
14 these items.

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

16 ~~40.~~ 39. "Good manufacturing practice" means a system for ensuring
17 that products are consistently produced and controlled according to
18 quality standards and covering all aspects of design, monitoring and
19 control of manufacturing processes and facilities to ensure that products
20 do not pose any risk to the consumer or public.

21 ~~41.~~ 40. "Highly toxic" means any substance that falls within any
22 of the following categories:

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

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

35 (c) Produces death within fourteen days in half or more than half
36 of a group of ten or more rabbits tested in a dosage of two hundred
37 milligrams or less per kilogram of body weight, if administered by
38 continuous contact with the bare skin for twenty-four hours or less.
39 If the board finds that available data on human experience with any
40 substance indicate results different from those obtained on animals in the
41 dosages or concentrations prescribed in this paragraph, the human data
42 shall take precedence.

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

1 ~~43.~~ 42. "Intern" means a pharmacy intern.
2 ~~44.~~ 43. "Internship" means the practical, experiential, hands-on
3 training of a pharmacy intern under the supervision of a preceptor.
4 ~~45.~~ 44. "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 ~~46.~~ 45. "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 ~~47.~~ 46. "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 ~~48.~~ 47. "Labeling" means all labels and other written, printed or
18 graphic matter THAT either:
19 (a) IS on any article or any of its containers or wrappers.
20 (b) ~~Accompanying~~ ACCOMPANIES that article.
21 ~~49.~~ 48. "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 ~~50.~~ 49. "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 ~~51.~~ 50. "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 ~~52.~~ 51. "Marijuana" has the same meaning prescribed in section
36 13-3401.
37 ~~53.~~ 52. "Medical practitioner" means any medical doctor, doctor of
38 osteopathic medicine, dentist, podiatrist, veterinarian or other person
39 who is licensed and authorized by law to use and prescribe drugs and
40 devices ~~for the treatment of~~ TO TREAT sick and injured human beings or
41 animals or ~~for the diagnosis~~ TO DIAGNOSE or ~~prevention of~~ PREVENT sickness
42 in human beings or animals in this state or any state, territory or
43 district of the United States.

1 ~~54.~~ 53. "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 ~~55.~~ 54. "Narcotic drug" has the same meaning prescribed in section
5 13-3401.

6 ~~56.~~ 55. "New drug" means either:

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

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

17 ~~57.~~ 56. "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 ~~58.~~ 57. "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 ~~59.~~ 58. "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 ~~60.~~ 59. "Nutritional supplementation" means vitamins, minerals and
38 caloric supplementation. Nutritional supplementation does not include
39 medication or drugs.

40 ~~61.~~ 60. "Official compendium" means the latest revision of the
41 United States pharmacopeia and the national formulary or any current
42 supplement.

43 ~~62.~~ 61. "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 ~~63.~~ 62. "Package" means a receptacle THAT IS defined or described
2 in the United States pharmacopeia and the national formulary as adopted by
3 the board.

4 ~~64.~~ 63. "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 ~~65.~~ 64. "Parenteral nutrition" means intravenous feeding that
8 provides ~~a person~~ AN INDIVIDUAL with fluids and essential nutrients the
9 ~~person~~ INDIVIDUAL needs while the ~~person~~ INDIVIDUAL is unable to receive
10 adequate fluids or feedings by mouth or by enteral feeding.

11 ~~66.~~ 65. "Person" means an individual, partnership, corporation and
12 association, and their duly authorized agents.

13 ~~67.~~ 66. "Pharmaceutical care" means the provision of drug therapy
14 and other pharmaceutical patient care services.

15 ~~68.~~ 67. "Pharmacist" means an individual who is currently licensed
16 by the board to practice the profession of pharmacy in this state.

17 ~~69.~~ 68. "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 ~~70.~~ 69. "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 ~~71.~~ 70. "Pharmacy":

27 (a) Means:

28 (i) Any place where drugs, devices, poisons or related hazardous
29 substances are offered for sale at retail.

30 (ii) Any place in which the profession of pharmacy is practiced or
31 where prescription orders are compounded and dispensed.

32 (iii) Any place 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 words
35 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 (iv) Any place where the characteristic symbols of pharmacy or the
39 characteristic prescription sign "Rx" is exhibited.

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

1 (vi) A remote dispensing site pharmacy ~~where a pharmacy technician~~
2 ~~or pharmacy intern prepares, compounds or dispenses prescription~~
3 ~~medications under remote supervision by a pharmacist.~~

4 (b) Includes a satellite pharmacy.

5 ~~72.~~ 71. "Pharmacy intern" means a person who has all of the
6 qualifications and experience prescribed in section 32-1923.

7 ~~73.~~ 72. "Pharmacy technician" means a person who is licensed
8 pursuant to this chapter.

9 ~~74.~~ 73. "Pharmacy technician trainee" means a person who is
10 licensed pursuant to this chapter.

11 ~~75.~~ 74. "Poison" or "hazardous substance" includes, ~~but is not~~
12 ~~limited to,~~ any of the following if intended and suitable for household
13 use or use by children:

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

19 (b) A toxic substance.

20 (c) A highly toxic substance.

21 (d) A corrosive substance.

22 (e) An irritant.

23 (f) A strong sensitizer.

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

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

41 ~~76.~~ 75. "Practice of pharmacy":

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

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

- 1 (ii) Compounding drugs pursuant to or in anticipation of a
2 prescription order.
- 3 (iii) Labeling drugs and devices in compliance with state and
4 federal requirements.
- 5 (iv) Participating in drug selection and drug utilization reviews,
6 drug administration, drug or drug-related research and drug therapy
7 monitoring or management.
- 8 (v) Providing patient counseling necessary to provide
9 pharmaceutical care.
- 10 (vi) Properly and safely storing drugs and devices in anticipation
11 of dispensing.
- 12 (vii) Maintaining required records of drugs and devices.
- 13 (viii) Offering or performing acts, services, operations or
14 transactions THAT ARE necessary ~~in the~~ TO conduct, ~~operation~~ OPERATE,
15 ~~management~~ MANAGE and control of a pharmacy.
- 16 (ix) Initiating, monitoring and modifying drug therapy pursuant to
17 a protocol-based drug therapy agreement with a provider as outlined in
18 section 32-1970.
- 19 (x) Initiating and administering immunizations or vaccines pursuant
20 to section 32-1974.
- 21 (b) Does not include initiating a prescription order for any
22 medication, drug or other substance used to induce or cause a medication
23 abortion as defined in section 36-2151.
- 24 ~~77.~~ 76. "Practitioner" means any physician, dentist, veterinarian,
25 scientific investigator or other person who is licensed, registered or
26 otherwise permitted to distribute, dispense, conduct research with respect
27 to or administer a controlled substance in the course of professional
28 practice or research in this state, or any pharmacy, hospital or other
29 institution that is licensed, registered or otherwise permitted to
30 distribute, dispense, conduct research with respect to or administer a
31 controlled substance in the course of professional practice or research in
32 this state.
- 33 ~~78.~~ 77. "Preceptor" means a pharmacist who is serving as the
34 practical instructor of an intern and WHO complies with section 32-1923.
- 35 ~~79.~~ 78. "Precursor chemical" means a substance that is:
- 36 (a) The principal compound that is commonly used or that is
37 produced primarily for use and that is an immediate chemical intermediary
38 used or likely to be used in the manufacture of a controlled substance,
39 the control of which is necessary to prevent, curtail or limit
40 manufacture.
- 41 (b) Listed in section 13-3401, paragraph 26 or 27.
- 42 ~~80.~~ 79. "Prescription" means either a prescription order or a
43 prescription medication.

1 ~~81.~~ 80. "Prescription medication" means any drug, including label
2 and container according to context, that is dispensed pursuant to a
3 prescription order.

4 ~~82.~~ 81. "Prescription-only device" includes:

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

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

9 ~~83.~~ 82. "Prescription-only drug" does not include a controlled
10 substance but does include:

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

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

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

22 (d) Any drug, other than a controlled substance, **THAT IS** required
23 by the federal act to bear on its label the legend "Rx only".

24 ~~84.~~ 83. "Prescription order" means any of the following:

25 (a) An order to a pharmacist for drugs or devices **THAT IS** issued
26 and signed by a duly licensed medical practitioner in the authorized
27 course of the practitioner's professional practice.

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

36 (c) An order **THAT IS** initiated by a pharmacist pursuant to a
37 protocol-based drug therapy agreement with a provider as outlined in
38 section 32-1970, or immunizations or vaccines administered by a pharmacist
39 pursuant to section 32-1974.

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

44 ~~85.~~ 84. "Professionally incompetent" means:

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

4 (b) When considered with other indications of professional
5 incompetence, a pharmacist or pharmacy intern who fails to obtain a
6 passing score on a board-approved pharmacist licensure examination or a
7 pharmacy technician or pharmacy technician trainee who fails to obtain a
8 passing score on a board-approved pharmacy technician licensure
9 examination.

10 ~~86.~~ 85. "Radioactive substance" means a substance that emits
11 ionizing radiation.

12 ~~87.~~ 86. "Remote dispensing site pharmacy" means a pharmacy where a
13 pharmacy technician or pharmacy intern prepares, compounds or dispenses
14 prescription medications under remote supervision by a pharmacist.

15 ~~88.~~ 87. "Remote supervision by a pharmacist" means that a
16 pharmacist directs and controls the actions of pharmacy technicians and
17 pharmacy interns through the use of audio and visual technology.

18 ~~89.~~ 88. "Revocation" or "revoke" means the official cancellation
19 of a license, permit, registration or other approval authorized by the
20 board for a period of two years unless otherwise specified by the board.
21 A request or new application for reinstatement may be presented to the
22 board for review before the conclusion of the specified revocation period
23 ~~upon~~ ON review of the executive director.

24 ~~90.~~ 89. "Safely engage in employment duties" means that a
25 permittee or the permittee's employee is able to safely engage in
26 employment duties related to the manufacture, sale, distribution or
27 dispensing of drugs, devices, poisons, hazardous substances, controlled
28 substances or precursor chemicals.

29 ~~91.~~ 90. "Satellite pharmacy" means a work area located within a
30 hospital or on a hospital campus that is not separated by other commercial
31 property or residential property, that is under the direction of a
32 pharmacist, that is a remote extension of a centrally licensed hospital
33 pharmacy, ~~and~~ that is owned by and dependent on the centrally licensed
34 hospital pharmacy for administrative control, staffing and drug
35 procurement and that is not required to be separately permitted.

36 ~~92.~~ 91. "Symbol" means the characteristic symbols that have
37 historically identified pharmacy, including show globes and mortar and
38 pestle, and the sign "Rx".

39 ~~93.~~ 92. "Third-party logistics provider" means an entity that
40 provides or coordinates warehousing or other logistics services for
41 ~~a prescription or over-the-counter dangerous drug or dangerous device in~~
42 ~~intrastate or interstate commerce on behalf of a manufacturer, wholesaler~~
43 ~~or dispenser of the prescription or over-the-counter dangerous drug or~~
44 ~~dangerous device but~~ THE FOLLOWING ITEMS, that does not take ownership of
45 ~~the prescription or over-the-counter dangerous drug or dangerous device or~~

1 ~~have responsibility to direct its sale or disposition~~ THE ITEMS AND THAT
2 DISTRIBUTES THOSE ITEMS AS DIRECTED BY A MANUFACTURER, WHOLESALER,
3 DISPENSER OR DURABLE MEDICAL EQUIPMENT SUPPLIER THAT IS PERMITTED BY THE
4 BOARD:

- 5 (a) NARCOTIC DRUGS OR OTHER CONTROLLED SUBSTANCES.
- 6 (b) DANGEROUS DRUGS AS DEFINED IN SECTION 13-3401.
- 7 (c) PRESCRIPTION-ONLY DRUGS AND DEVICES.
- 8 (d) NONPRESCRIPTION DRUGS AND DEVICES.
- 9 (e) PRECURSOR CHEMICALS.
- 10 (f) REGULATED CHEMICALS AS DEFINED IN SECTION 13-3401.

11 ~~94.~~ 93. "Toxic substance" means a substance, other than a
12 radioactive substance, that has the capacity to produce injury or illness
13 in humans through ingestion, inhalation or absorption through any body
14 surface.

15 ~~95.~~ 94. "Ultimate user" means a person who lawfully possesses a
16 drug or controlled substance for that person's own use, for the use of a
17 member of that person's household or for administering to an animal owned
18 by that person or by a member of that person's household.

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

21 32-1901.01. Definition of unethical and unprofessional
22 conduct; permittees; licensees

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

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

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

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

35 4. Being addicted to the use of alcohol or other drugs to such a
36 degree as to render the permittee unfit to perform the permittee's
37 employment duties.

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

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

44 7. Violating state or federal reporting or recordkeeping
45 requirements on transactions relating to precursor chemicals.

1 8. Failing to report in writing to the board any evidence that a
2 pharmacist or pharmacy intern is or may be professionally incompetent, is
3 or may be guilty of unprofessional conduct or is or may be mentally or
4 physically unable safely to engage in the practice of pharmacy.

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

11 10. Failing to report in writing to the board any evidence that
12 appears to show that a permittee or permittee's employee is or may be
13 guilty of unethical conduct, is or may be mentally or physically unable
14 safely to engage in employment duties related to manufacturing, selling,
15 distributing or dispensing ~~of~~ drugs, devices, poisons, hazardous
16 substances, controlled substances or precursor chemicals or is or may be
17 ~~in violation of~~ VIOLATING this chapter or a rule adopted under this
18 chapter.

19 11. Intending to sell, transfer or distribute, or to offer for
20 sale, transfer or distribution, or selling, transferring, distributing or
21 dispensing or offering for sale, transfer or distribution an imitation
22 controlled substance, imitation over-the-counter drug or imitation
23 prescription-only drug as defined in section 13-3451.

24 12. Having the permittee's permit to manufacture, sell, distribute
25 or dispense drugs, devices, poisons, hazardous substances or precursor
26 chemicals denied or disciplined in another jurisdiction.

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

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

32 15. Wilfully making a false report or record required by this
33 chapter, ~~—~~ THAT IS required by federal or state laws pertaining to drugs,
34 devices, poisons, hazardous substances or precursor chemicals or THAT IS
35 required for ~~the payment~~ PAYING for drugs, devices, poisons or hazardous
36 substances or precursor chemicals or for services pertaining to such drugs
37 or substances.

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

40 17. Providing false or misleading information or omitting material
41 information in any communication to the board or the board's employees or
42 agents.

43 18. Violating or attempting to violate, directly or indirectly, or
44 assisting in or abetting ~~the violation of~~ VIOLATING, or conspiring to
45 violate, this chapter.

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

4 20. Failing to comply with a board subpoena or failing to comply in
5 a timely manner with a board subpoena without providing any explanation to
6 the board for not complying with the subpoena.

7 21. Failing to provide the board or its employees or agents or an
8 authorized federal or state official conducting ~~a-site~~ AN investigation,
9 inspection or audit with access to any place for which a permit has been
10 issued or for which an application for a permit has been submitted.

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

13 23. Failing to promptly produce on the request of the official
14 conducting ~~a-site~~ AN investigation, inspection or audit any book, record
15 or document.

16 24. Overruling or attempting to overrule a pharmacist in matters of
17 pharmacy ethics or interpreting laws pertaining to the practice of
18 pharmacy or the distribution of drugs or devices.

19 25. Distributing premiums or rebates of any kind in connection with
20 the sale of prescription medication, other than to the prescription
21 medication recipient.

22 26. Failing to maintain effective controls against the diversion of
23 controlled substances or precursor chemicals to unauthorized persons or
24 entities.

25 27. Fraudulently claiming to have performed a service.

26 28. Fraudulently charging a fee for a service.

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

31 30. FAILING TO ROUTINELY OPERATE ACCORDING TO THE PERMITTEE'S HOURS
32 OF OPERATION AS SUBMITTED TO THE BOARD, EXCEPT THAT IT IS NOT UNETHICAL
33 CONDUCT IF THE PERMITTEE NOTIFIES THE BOARD WITHIN FORTY-EIGHT HOURS AFTER
34 AN UNEXPECTED CLOSURE.

35 B. In this chapter, unless the context otherwise requires, for the
36 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional
37 conduct" means the following, whether occurring in this state or
38 elsewhere:

39 1. Being addicted to the use of alcohol or other drugs to such a
40 degree as to render the licensee unfit to practice the profession of
41 pharmacy.

42 2. Violating any federal or state law, rule or regulation relating
43 to the manufacture or distribution of drugs and devices or the practice of
44 pharmacy.

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

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

9 5. Having the licensee's license to practice pharmacy denied or
10 disciplined in another jurisdiction.

11 6. Claiming professional superiority in compounding or dispensing
12 prescription orders.

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

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

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

21 10. Violating a federal or state law or administrative rule
22 relating to marijuana, prescription-only drugs, narcotics, dangerous
23 drugs, controlled substances or precursor chemicals when determined by the
24 board or by conviction in a federal or state court.

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

27 12. Knowingly dispensing a drug on a prescription order that was
28 issued in the course of the conduct of business of dispensing drugs
29 pursuant to diagnosis by mail or the internet, unless the order was any of
30 the following:

31 (a) Made by a physician who provides temporary patient supervision
32 on behalf of the patient's regular treating licensed health care
33 professional or provides a consultation requested by the patient's regular
34 treating licensed health care professional.

35 (b) Made in an emergency medical situation as defined in section
36 41-1831.

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

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

1 (e) Written or antimicrobials were dispensed by the prescribing or
2 dispensing physician to a contact as defined in section 36-661 who is
3 believed to have had significant exposure risk as defined in section
4 36-661 with another person who has been diagnosed with a communicable
5 disease as defined in section 36-661.

6 (f) Written or the prescription medications were issued for
7 ~~administration of~~ ADMINISTERING immunizations or vaccines listed in the
8 United States centers for disease control and prevention's recommended
9 immunization schedule to a household member of a patient.

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

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

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

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

23 13. Failing to report in writing to the board any evidence that a
24 pharmacist or pharmacy intern is or may be professionally incompetent, is
25 or may be guilty of unprofessional conduct or is or may be mentally or
26 physically unable to safely engage in the practice of pharmacy.

27 14. Failing to report in writing to the board any evidence that a
28 pharmacy technician or pharmacy technician trainee is or may be
29 professionally incompetent, is or may be guilty of unprofessional conduct
30 or is or may be mentally or physically unable to safely engage in the
31 permissible activities of a pharmacy technician or pharmacy technician
32 trainee.

33 15. Failing to report in writing to the board any evidence that a
34 permittee or a permittee's employee is or may be guilty of unethical
35 conduct or is or may be ~~in violation of~~ VIOLATING this chapter or a rule
36 adopted under this chapter.

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

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

41 18. Providing false or misleading information or omitting material
42 information in any communication to the board or the board's employees or
43 agents.

1 19. Violating or attempting to violate, directly or indirectly, or
2 assisting in or abetting in ~~the violation of~~ VIOLATING, or conspiring to
3 violate, this chapter.

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

7 21. Failing to comply with a board subpoena or failing to comply in
8 a timely manner with a board subpoena without providing any explanation to
9 the board for not complying with the subpoena.

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

13 23. Participating in an arrangement or agreement to allow a
14 prescription order or a prescription medication to be left at, picked up
15 from, accepted by or delivered to a place that is not licensed as a
16 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy
17 from using an employee or a common carrier to pick up prescription orders
18 at or deliver prescription medications to the office or home of a medical
19 practitioner, the residence of a patient or a patient's hospital.

20 24. Paying rebates or entering into an agreement ~~for the payment of~~
21 TO PAY rebates to a medical practitioner or any other person in the health
22 care field.

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

26 26. Fraudulently claiming to have performed a professional service.

27 27. Fraudulently charging a fee for a professional service.

28 28. Failing to report a change of the licensee's home address,
29 contact information, employer or employer's address as required by section
30 32-1926.

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

33 30. Failing to maintain effective controls against the diversion of
34 controlled substances or precursor chemicals to unauthorized persons or
35 entities.

36 31. FAILING TO PROMPTLY PRODUCE ANY BOOK, RECORD OR DOCUMENT WHEN
37 REQUESTED BY AN OFFICIAL CONDUCTING AN INVESTIGATION, INSPECTION OR AUDIT.

38 C. In this chapter, unless the context otherwise requires, for the
39 purposes of disciplining a pharmacy technician or pharmacy technician
40 trainee, "unprofessional conduct" means the following, whether occurring
41 in this state or elsewhere:

42 1. Being addicted to the use of alcohol or other drugs to such a
43 degree as to render the licensee unfit to perform the licensee's
44 employment duties.

- 1 2. Violating a federal or state law or administrative rule relating
2 to the manufacture or distribution of drugs or devices.
- 3 3. Obtaining or attempting to obtain a pharmacy technician or
4 pharmacy technician trainee license or a pharmacy technician license
5 renewal by fraud, by misrepresentation or by knowingly taking advantage of
6 the mistake of another person or an agency.
- 7 4. Having the licensee's license to practice as a pharmacy
8 technician denied or disciplined in another jurisdiction.
- 9 5. Failing to comply with the mandatory continuing professional
10 education requirements of section 32-1925, subsection H and rules adopted
11 by the board.
- 12 6. Committing a felony, whether or not involving moral turpitude,
13 or a misdemeanor involving moral turpitude or any drug-related offense.
14 In either case, conviction by a court of competent jurisdiction or a plea
15 of no contest is conclusive evidence of the commission.
- 16 7. Working under the influence of alcohol or other drugs.
- 17 8. Violating a federal or state law or administrative rule relating
18 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
19 controlled substances or precursor chemicals when determined by the board
20 or by conviction in a federal or state court.
- 21 9. Failing to report in writing to the board any evidence that a
22 pharmacist or pharmacy intern is or may be professionally incompetent, is
23 or may be guilty of unprofessional conduct or is or may be mentally or
24 physically unable to safely engage in the practice of pharmacy.
- 25 10. Failing to report in writing to the board any evidence that a
26 pharmacy technician or pharmacy technician trainee is or may be
27 professionally incompetent, is or may be guilty of unprofessional conduct
28 or is or may be mentally or physically unable to safely engage in the
29 permissible activities of a pharmacy technician or pharmacy technician
30 trainee.
- 31 11. Failing to report in writing to the board any evidence that a
32 permittee or a permittee's employee is or may be guilty of unethical
33 conduct or is or may be ~~in violation of~~ VIOLATING this chapter or a rule
34 adopted under this chapter.
- 35 12. Committing an offense in another jurisdiction that if committed
36 in this state would be grounds for discipline.
- 37 13. Knowingly filing with the board any application, renewal or
38 other document that contains false or misleading information.
- 39 14. Providing false or misleading information or omitting material
40 information in any communication to the board or the board's employees or
41 agents.
- 42 15. Violating or attempting to violate, directly or indirectly, or
43 assisting in or abetting in ~~the violation of~~ VIOLATING, or conspiring to
44 violate, this chapter.

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

4 17. Failing to comply with a board subpoena or failing to comply in
5 a timely manner with a board subpoena without providing any explanation to
6 the board for not complying with the subpoena.

7 18. Failing to report a change of the licensee's home address,
8 contact information, employer or employer's address as required by section
9 32-1926.

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

12 20. FAILING TO PROMPTLY PRODUCE ANY BOOK, RECORD OR DOCUMENT WHEN
13 REQUESTED BY AN OFFICIAL CONDUCTING AN INVESTIGATION, INSPECTION OR AUDIT.

14 Sec. 3. Section 32-1924, Arizona Revised Statutes, is amended to
15 read:

16 32-1924. Licenses; fees; rules; signatures; online profiles

17 A. An applicant for licensure as a pharmacist who passes the
18 board-approved examinations shall pay the board an initial licensure fee
19 of not more than ~~five hundred dollars~~ \$500.

20 B. An applicant for licensure as a pharmacist, intern, pharmacy
21 technician or pharmacy technician trainee shall pay a fee prescribed by
22 the board that does not exceed ~~fifty dollars~~ \$50 for issuance of a wall
23 license. On payment of a fee of not more than ~~fifty dollars~~ \$50, the
24 board may issue a replacement wall license to a licensee who requests a
25 replacement because the original was damaged or destroyed, because of a
26 change of name or for other good cause as prescribed by the board.

27 C. An applicant for licensure as an intern shall pay a fee of not
28 more than ~~seventy-five dollars~~ \$75. A license issued pursuant to this
29 subsection expires five years after it is issued. The board shall adopt
30 rules to prescribe the requirements for the renewal of a license that
31 expires before the pharmacy intern completes the education or training
32 required for licensure as a pharmacist.

33 D. An applicant for reciprocal licensure as a pharmacist shall pay
34 a fee of not more than ~~five hundred dollars~~ \$500 for the application and
35 expense of ~~making an investigation of~~ INVESTIGATING the applicant's
36 character, general reputation and pharmaceutical standing in the
37 jurisdiction in which the applicant is licensed.

38 E. All pharmacist licenses shall bear the signatures of the
39 executive director and a majority of the members of the board.

40 F. An applicant for licensure as a pharmacy technician trainee
41 shall submit with the application a fee prescribed by the board that does
42 not exceed ~~one hundred dollars~~ \$100. A license issued pursuant to this
43 subsection expires thirty-six months after it is issued. A pharmacy
44 technician trainee license may not be renewed or reissued.

1 G. An applicant for licensure as a pharmacy technician shall submit
2 with the application a fee prescribed by the board that does not exceed
3 ~~one hundred dollars~~ \$100.

4 H. A licensee shall create an online profile using the board's
5 licensing software.

6 I. AN APPLICANT SHALL PAY A CONVENIENCE FEE AS DETERMINED BY THE
7 BOARD WHEN USING THE ONLINE APPLICATION PROCESS.

8 Sec. 4. Section 32-1930, Arizona Revised Statutes, is amended to
9 read:

10 32-1930. Types of permits; restrictions on permits;
11 discontinuance of pharmacy permit

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

14 1. If approved by the board, a pharmacy, limited service pharmacy,
15 automated prescription-dispensing kiosk, full service wholesale drug,
16 third-party logistics provider, nonprescription drug wholesale and drug
17 manufacturer's permit.

18 2. Drug packager or drug prepacker permit to an individual or
19 establishment that is currently listed by the United States food and drug
20 administration and has met the requirements of that agency to purchase,
21 repackage, relabel or otherwise alter the manufacturer's original package
22 of an approved drug product with the intent of reselling these items to
23 persons or businesses authorized to possess or resell the repackaged,
24 prepackaged or relabeled drug.

25 3. A compressed medical gas distributor permit and a durable
26 medical equipment and compressed medical gas supplier permit.

27 B. The board shall deny or revoke a pharmacy permit if a medical
28 practitioner receives compensation, either directly or indirectly, from a
29 pharmacy as a result of the practitioner's prescription orders. This does
30 not include compensation to a medical practitioner who is the owner of a
31 building where space is leased to a pharmacy at the prevailing rate, not
32 resulting in a rebate to the medical practitioner.

33 C. If a pharmacy permanently discontinues operation, the permittee
34 shall immediately surrender the permit to the executive director. The
35 permittee shall remove all drug signs and symbols, either within or
36 without the premises, and shall remove or destroy all drugs, devices,
37 poisons and hazardous substances.

38 D. ALL PERMITS SHALL CONTAIN THE NAME OF THE BUSINESS THAT MATCHES
39 THE NAME ON THE PERMITTEE'S BUILDING AND THE PERMITTEE'S BUSINESS LICENSE,
40 IF APPLICABLE.

41 E. THE PERMITTEE'S HOURS OF OPERATION SHALL BE ENTERED IN THE
42 PERMITTEE'S ONLINE PROFILE.

43 ~~D.~~ F. An automated prescription-dispensing kiosk may not contain
44 or dispense a controlled substance as defined in section 36-2501 and the

1 controlled substances act (P.L. 91-513; 84 Stat. 1242; 21 United States
2 Code section 802).

3 Sec. 5. Section 32-1931, Arizona Revised Statutes, is amended to
4 read:

5 32-1931. Permit fees; issuance; expiration; renewals; online
6 profiles

7 A. The board shall assign the permit of all persons or firms issued
8 under this chapter to one of two permit renewal groups. Except as
9 provided in section 32-4301, a holder of a permit designated in the
10 licensing database as even by way of verbiage or numerical value shall
11 renew it biennially on or before November 1 of the even-numbered year, two
12 years from the last renewal date. Except as provided in section 32-4301,
13 a holder of a permit designated in the licensing database as odd by way of
14 verbiage or numerical value shall renew it biennially on or before
15 November 1 of the odd-numbered year, two years from the last renewal date.
16 Failure to renew and pay all required fees on or before November 1 of the
17 year in which the renewal is due suspends the permit. The board shall
18 vacate a suspension when the permittee pays penalties of not to exceed
19 \$350 and all past due fees. The board may waive collection of a fee or
20 penalty due after suspension under conditions established by a majority of
21 the board.

22 B. Permit fees that are designated to be not more than a maximum
23 amount shall be set by the board for the following two fiscal years
24 beginning November 1. The board shall establish the fees approximately
25 proportionate to the maximum fee allowed to cover the board's anticipated
26 expenditures for the following two fiscal years. Variation in a fee is
27 not effective except at the expiration date of the permit.

28 C. Applications for permits shall be accompanied by the following
29 biennial fees as determined ~~by~~ PURSUANT TO subsection B of this section:

- 30 1. A drug manufacturer's permit, not more than \$1,000.
- 31 2. A pharmacy permit, not more than \$500.
- 32 3. A limited service pharmacy permit or an automated
33 prescription-dispensing kiosk permit, not more than \$500.
- 34 4. A full service wholesale drug permit or a third-party logistics
35 provider permit, not more than \$1,000.
- 36 5. A nonprescription drug wholesale permit, not more than \$500.
- 37 6. A drug repackager's permit, not more than \$1,000.
- 38 7. A compressed medical gas distributor permit, not more than \$200.
- 39 8. A durable medical equipment and compressed medical gas supplier
40 permit, not more than \$100.

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

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

2 F. If a permittee does not apply for renewal, the permit expires
3 pursuant to subsection A of this section. A person may activate and renew
4 an expired permit by filing the required application and fee. Renewal
5 thirty days after the expiration date of a permit may be made only on
6 payment of the required biennial renewal fee, all past due fees and a
7 penalty of one-half of the amount of the applicable biennial renewal fee.
8 The board may waive the collection of a fee or penalty due after
9 suspension pursuant to conditions prescribed by the board.

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

12 H. AN APPLICANT SHALL PAY A CONVENIENCE FEE AS DETERMINED BY THE
13 BOARD WHEN USING THE ONLINE APPLICATION PROCESS.

14 Sec. 6. Section 32-1941, Arizona Revised Statutes, is amended to
15 read:

16 32-1941. Third-party logistics providers; permit required;
17 designated representative; fingerprinting
18 requirements

19 A. A third-party logistics provider that engages in ~~the~~ logistics
20 services ~~of prescription or over-the-counter dangerous drugs or dangerous~~
21 ~~devices~~ into, within or from this state shall hold a third-party logistics
22 provider permit in this state.

23 B. A third-party logistics provider shall comply with storage
24 practices, including all of the following:

25 1. Maintain access to warehouse space of A suitable size to
26 facilitate safe operations, including a suitable area to quarantine a
27 suspect product.

28 2. Maintain adequate security.

29 3. Have written policies and procedures to:

30 (a) Address the receipt, security, storage, inventory, shipment and
31 distribution of a product.

32 (b) Identify, record and report confirmed significant losses or
33 thefts in the United States.

34 (c) Correct errors and inaccuracies in inventories.

35 (d) Provide support for manufacturer recalls.

36 (e) Prepare for, protect against and address any reasonably
37 foreseeable crisis that affects a facility's security or operation, such
38 as an employee strike, A fire or A flood.

39 (f) Ensure that any expired product is segregated from other
40 products and returned to the manufacturer, repackager or agent of the
41 manufacturer or repackager or is destroyed.

42 (g) Maintain records reflecting the receipt and distribution of
43 products and supplies and records of inventories.

1 (h) Quarantine or destroy a suspect product if directed to do so by
2 the respective manufacturer, wholesale distributor or dispenser or an
3 authorized governmental agency.

4 C. A third-party logistics provider shall make its facility
5 available to the board for inspection during regular business hours to
6 ensure compliance with this section.

7 D. A third-party logistics provider shall have a designated
8 representative at each facility who has not been convicted of any felony
9 violation under any federal, state or local law relating to wholesale or
10 retail prescription or over-the-counter dangerous drugs or dangerous
11 devices distribution or the distribution of controlled substances.

12 E. A third-party logistics provider shall provide the board on the
13 board's request with a list of all manufacturers, wholesale distributors,
14 ~~and~~ dispensers AND DURABLE MEDICAL EQUIPMENT SUPPLIERS for whom the
15 third-party logistics provider provides services at a facility.

16 F. A third-party logistics provider's designated representative
17 shall have a valid fingerprint clearance card issued pursuant to title 41,
18 chapter 12, article 3.1, which shall be submitted with the completed
19 application. If the third-party logistics provider changes its designated
20 representative, the new designated representative shall have a valid
21 fingerprint clearance card issued pursuant to title 41, chapter 12,
22 article 3.1 and submitted to the board before the change in representation
23 is made.

24 Sec. 7. Section 32-1982, Arizona Revised Statutes, is amended to
25 read:

26 32-1982. Full service wholesale permittees; designated
27 representatives; fingerprinting requirements

28 A. A full service wholesale permittee that engages in the wholesale
29 distribution of prescription-only drugs into, within or from this state
30 must maintain a bond AS REQUIRED BY FEDERAL LAW and have a designated
31 representative. IF THE FULL SERVICE WHOLESAL PERMITTEE CHANGES ITS
32 DESIGNATED REPRESENTATIVE, THE NEW DESIGNATED REPRESENTATIVE MUST POSSESS
33 AND SUBMIT A VALID FINGERPRINT CLEARANCE CARD BEFORE THE CHANGE IN
34 REPRESENTATION IS MADE.

35 B. The designated representative of a full service wholesale
36 permittee must:

37 1. Be at least twenty-one years of age.

38 2. Have been employed full time for at least three years in a
39 pharmacy or with a full service wholesale permittee in a capacity related
40 to ~~the~~ dispensing and ~~distribution of~~ DISTRIBUTING, and ~~record keeping~~
41 RECORDKEEPING relating to, prescription-only drugs.

42 3. Be employed by the full service wholesale permittee in a
43 managerial level position.

1 4. Be actively involved in the daily operation of the wholesale
2 distribution of prescription-only drugs.

3 5. Be physically present at the full service wholesale permittee
4 facility during regular business hours unless the absence of the
5 designated representative is authorized.

6 6. Serve as a designated representative for only one full service
7 wholesale permittee.

8 7. Not have any criminal convictions under any federal, state or
9 local laws relating to wholesale or retail prescription-only drug
10 distribution or distribution of controlled substances.

11 8. POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
12 TITLE 41, CHAPTER 12, ARTICLE 3.1.

13 ~~C. The board may require the applicant's designated representative
14 to submit a full set of fingerprints to the board. The board shall submit
15 the fingerprints to the department of public safety for the purpose of
16 obtaining a state and federal criminal records check pursuant to section
17 41-1750 and Public Law 92-544. The department of public safety may
18 exchange the fingerprint data with the federal bureau of investigation.
19 The board may charge each applicant a fee determined by the department of
20 public safety. The board shall forward this fee to the department of
21 public safety.~~

22 ~~D. The board shall require every full service wholesale permittee
23 that is applying for an initial permit or renewal of a permit to submit a
24 bond of at least one hundred thousand dollars or other equivalent means of
25 security acceptable to the board. The board may use this bond to secure
26 payment of any fines or penalties that are imposed by the board and any
27 fees or costs that are incurred by the board regarding the permit
28 authorized by law and that the permittee fails to pay within thirty days
29 after the fine, penalty or cost becomes final. The bond must cover all
30 permits held by the permittee in this state.~~

31 ~~E. The board may waive the bond requirement if the full service
32 wholesale permittee has previously obtained a comparable surety bond or
33 other equivalent means of security for the purpose of licensure in another
34 state where the full service wholesale permittee possesses a valid license
35 in good standing.~~

36 ~~F. C.~~ For the purposes of this article, a full service wholesale
37 permittee does not include a hospital, chain pharmacy warehouse or ~~third~~
38 ~~party~~ THIRD-PARTY logistics provider.

39 Sec. 8. Section 36-2604, Arizona Revised Statutes, is amended to
40 read:

41 36-2604. Use and release of confidential information;
42 definitions

43 A. Except as otherwise provided in this section, prescription
44 information submitted to the board pursuant to this article is
45 confidential and is not subject to public inspection. The board shall

1 establish procedures to ensure the privacy and confidentiality of patients
2 and that patient information that is collected, recorded and transmitted
3 pursuant to this article is not disclosed except as prescribed in this
4 section.

5 B. The board or its designee shall review the prescription
6 information collected pursuant to this article. If the board or its
7 designee has reason to believe an act of unprofessional or illegal conduct
8 has occurred, the board or its designee shall notify the appropriate
9 professional licensing board or law enforcement or criminal justice agency
10 and provide the prescription information required for an investigation.
11 The board may delegate the duties prescribed in this subsection to the
12 executive director pursuant to section 32-1904.

13 C. The board may release data collected by the program to the
14 following:

15 1. A person who is authorized to prescribe or dispense a controlled
16 substance, or a delegate who is authorized by the prescriber or dispenser,
17 to assist that person to provide medical or pharmaceutical care to a
18 patient or to evaluate a patient.

19 2. An individual who requests the individual's own prescription
20 monitoring information pursuant to section 12-2293.

21 3. A medical practitioner regulatory board established pursuant to
22 title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 25 or 29.

23 4. A local, state or federal law enforcement or criminal justice
24 agency. Except as required pursuant to subsection B of this section, the
25 board shall provide this information only if the requesting agency states
26 in writing that the information is necessary for an open investigation or
27 complaint.

28 5. The Arizona health care cost containment system administration
29 and contractors regarding persons who are receiving services pursuant to
30 chapters 29 and 34 of this title. Except as required pursuant to
31 subsection B of this section, the board shall provide this information
32 only if the administration or a contractor states in writing that the
33 information is necessary for an open investigation or complaint, for
34 performing a drug utilization review for controlled substances to help
35 combat opioid overuse or abuse or for ensuring the continuity of care.

36 6. A person who is serving a lawful order of a court of competent
37 jurisdiction.

38 7. A person who is authorized to prescribe or dispense a controlled
39 substance and who performs an evaluation on an individual pursuant to
40 section 23-1026.

41 8. A county medical examiner or alternate medical examiner who is
42 directing an investigation into the circumstances surrounding a death as
43 described in section 11-593 or a delegate who is authorized by the county
44 medical examiner or alternate medical examiner.

1 9. The department of health services regarding persons who are
2 receiving or prescribing controlled substances in order to implement a
3 public health response to address opioid overuse or abuse, including a
4 review pursuant to section 36-198. Except as required pursuant to
5 subsection B of this section, the board shall provide this information
6 only if the department states in writing that the information is necessary
7 to implement a public health response to help combat opioid overuse or
8 abuse.

9 D. **FOR A FEE DETERMINED BY THE BOARD**, the board may provide data to
10 public or private entities for statistical, research or educational
11 purposes after removing information that could be used to identify
12 individual patients or persons who received prescriptions from dispensers.

13 E. A person who is authorized to prescribe or dispense a controlled
14 substance or the chief medical officer of the administration or a
15 contractor shall deactivate a delegate within five business days after an
16 employment status change, the request of the delegate or the inappropriate
17 use of the controlled substances prescription monitoring program's central
18 database tracking system.

19 F. For the purposes of this section:

20 1. "Administration" and "contractor" have the same meanings
21 prescribed in section 36-2901.

22 2. "Delegate" means any of the following:

23 (a) A licensed health care professional who is employed in the
24 office of or in a hospital with the prescriber or dispenser.

25 (b) An unlicensed medical records technician, medical assistant or
26 office manager who is employed in the office of or in a hospital with the
27 prescriber or dispenser and who has received training regarding both the
28 health insurance portability and accountability act privacy standards (45
29 Code of Federal Regulations part 164, subpart E) and security standards
30 (45 Code of Federal Regulations part 164, subpart C).

31 (c) A forensic pathologist, medical death investigator or other
32 qualified person who is assigned duties in connection with a death
33 investigation pursuant to section 11-594.

34 (d) A licensed pharmacy technician trainee, pharmacy technician or
35 pharmacy intern who works in a facility with the dispenser.

36 (e) Any employee of the administration or a contractor who is
37 authorized by the administration's or contractor's chief medical officer.

38 Sec. 9. Section 41-619.51, Arizona Revised Statutes, as amended by
39 Laws 2019, chapter 135, section 2, is amended to read:

40 **41-619.51. Definitions**

41 In this article, unless the context otherwise requires:

42 1. "Agency" means the supreme court, the department of economic
43 security, the department of child safety, the department of education, the
44 department of health services, the department of juvenile corrections, the
45 department of emergency and military affairs, the department of public

1 safety, the department of transportation, the state real estate
2 department, the department of INSURANCE AND financial institutions, the
3 Arizona game and fish department, the Arizona department of agriculture,
4 the board of examiners of nursing care institution administrators and
5 assisted living facility managers, the state board of dental examiners,
6 the Arizona state board of pharmacy or the board of physical therapy or
7 the state board of technical registration.

8 2. "Board" means the board of fingerprinting.

9 3. "Central registry exception" means notification to the
10 department of economic security, the department of child safety or the
11 department of health services, as appropriate, pursuant to section
12 41-619.57 that the person is not disqualified because of a central
13 registry check conducted pursuant to section 8-804.

14 4. "Expedited review" means an examination, in accordance with
15 board rule, of the documents an applicant submits by the board or its
16 hearing officer without the applicant being present.

17 5. "Good cause exception" means the issuance of a fingerprint
18 clearance card to an employee pursuant to section 41-619.55.

19 6. "Person" means a person who is required to be fingerprinted
20 pursuant to this article or who is subject to a central registry check and
21 any of the following:

- 22 (a) Section 3-314.
- 23 (b) Section 8-105.
- 24 (c) Section 8-322.
- 25 (d) Section 8-463.
- 26 (e) Section 8-509.
- 27 (f) Section 8-802.
- 28 (g) Section 8-804.
- 29 (h) Section 15-183.
- 30 (i) Section 15-503.
- 31 (j) Section 15-512.
- 32 (k) Section 15-534.
- 33 (l) Section 15-763.01.
- 34 (m) Section 15-782.02.
- 35 (n) Section 15-1330.
- 36 (o) Section 15-1881.
- 37 (p) Section 17-215.
- 38 (q) Section 28-3228.
- 39 (r) Section 28-3413.
- 40 (s) Section 32-122.02.
- 41 (t) Section 32-122.05.
- 42 (u) Section 32-122.06.
- 43 (v) Section 32-1232.
- 44 (w) Section 32-1276.01.
- 45 (x) Section 32-1284.

- 1 (y) Section 32-1297.01.
- 2 (z) Section 32-1904.
- 3 (aa) Section 32-1941.
- 4 (bb) SECTION 32-1982.
- 5 ~~(bb)~~ (cc) Section 32-2022.
- 6 ~~(cc)~~ (dd) Section 32-2108.01.
- 7 ~~(dd)~~ (ee) Section 32-2123.
- 8 ~~(ee)~~ (ff) Section 32-2371.
- 9 ~~(ff)~~ (gg) Section 32-3620.
- 10 ~~(gg)~~ (hh) Section 32-3668.
- 11 ~~(hh)~~ (ii) Section 32-3669.
- 12 ~~(ii)~~ (jj) Section 36-207.
- 13 ~~(jj)~~ (kk) Section 36-411.
- 14 ~~(kk)~~ (ll) Section 36-425.03.
- 15 ~~(ll)~~ (mm) Section 36-446.04.
- 16 ~~(mm)~~ (nn) Section 36-594.01.
- 17 ~~(nn)~~ (oo) Section 36-594.02.
- 18 ~~(oo)~~ (pp) Section 36-882.
- 19 ~~(pp)~~ (qq) Section 36-883.02.
- 20 ~~(qq)~~ (rr) Section 36-897.01.
- 21 ~~(rr)~~ (ss) Section 36-897.03.
- 22 ~~(ss)~~ (tt) Section 36-3008.
- 23 ~~(tt)~~ (uu) Section 41-619.53.
- 24 ~~(uu)~~ (vv) Section 41-1964.
- 25 ~~(vv)~~ (ww) Section 41-1967.01.
- 26 ~~(ww)~~ (xx) Section 41-1968.
- 27 ~~(xx)~~ (yy) Section 41-1969.
- 28 ~~(yy)~~ (zz) Section 41-2814.
- 29 ~~(zz)~~ (aaa) Section 46-141, subsection A or B.
- 30 ~~(aaa)~~ (bbb) Section 46-321.

31 Sec. 10. Repeal

32 Section 41-619.51, Arizona Revised Statutes, as amended by Laws
33 2019, chapter 252, section 49, is repealed.

34 Sec. 11. Section 41-1758, Arizona Revised Statutes, as amended by
35 Laws 2019, chapter 135, section 4, is amended to read:

36 41-1758. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of public
42 safety, the department of transportation, the state real estate
43 department, the department of INSURANCE AND financial institutions, the
44 board of fingerprinting, the Arizona game and fish department, the Arizona
45 department of agriculture, the board of examiners of nursing care

1 institution administrators and assisted living facility managers, the
2 state board of dental examiners, the Arizona state board of pharmacy or
3 the board of physical therapy or the state board of technical
4 registration.

5 2. "Division" means the fingerprinting division in the department
6 of public safety.

7 3. "Electronic or internet-based fingerprinting services" means a
8 secure system for digitizing applicant fingerprints and transmitting the
9 applicant data and fingerprints of a person or entity submitting
10 fingerprints to the department of public safety for any authorized purpose
11 under this title. For the purposes of this paragraph, "secure system"
12 means a system that complies with the information technology security
13 policy approved by the department of public safety.

14 4. "Good cause exception" means the issuance of a fingerprint
15 clearance card to an applicant pursuant to section 41-619.55.

16 5. "Person" means a person who is required to be fingerprinted
17 pursuant to any of the following:

- 18 (a) Section 3-314.
- 19 (b) Section 8-105.
- 20 (c) Section 8-322.
- 21 (d) Section 8-463.
- 22 (e) Section 8-509.
- 23 (f) Section 8-802.
- 24 (g) Section 15-183.
- 25 (h) Section 15-503.
- 26 (i) Section 15-512.
- 27 (j) Section 15-534.
- 28 (k) Section 15-763.01.
- 29 (l) Section 15-782.02.
- 30 (m) Section 15-1330.
- 31 (n) Section 15-1881.
- 32 (o) Section 17-215.
- 33 (p) Section 28-3228.
- 34 (q) Section 28-3413.
- 35 (r) Section 32-122.02.
- 36 (s) Section 32-122.05.
- 37 (t) Section 32-122.06.
- 38 (u) Section 32-1232.
- 39 (v) Section 32-1276.01.
- 40 (w) Section 32-1284.
- 41 (x) Section 32-1297.01.
- 42 (y) Section 32-1904.
- 43 (z) Section 32-1941.
- 44 (aa) SECTION 32-1982.
- 45 ~~(aa)~~ (bb) Section 32-2022.

- 1 ~~(bb)~~ (cc) Section 32-2108.01.
- 2 ~~(cc)~~ (dd) Section 32-2123.
- 3 ~~(dd)~~ (ee) Section 32-2371.
- 4 ~~(ee)~~ (ff) Section 32-3620.
- 5 ~~(ff)~~ (gg) Section 32-3668.
- 6 ~~(gg)~~ (hh) Section 32-3669.
- 7 ~~(hh)~~ (ii) Section 36-207.
- 8 ~~(ii)~~ (jj) Section 36-411.
- 9 ~~(jj)~~ (kk) Section 36-425.03.
- 10 ~~(kk)~~ (ll) Section 36-446.04.
- 11 ~~(ll)~~ (mm) Section 36-594.01.
- 12 ~~(mm)~~ (nn) Section 36-594.02.
- 13 ~~(nn)~~ (oo) Section 36-882.
- 14 ~~(oo)~~ (pp) Section 36-883.02.
- 15 ~~(pp)~~ (qq) Section 36-897.01.
- 16 ~~(qq)~~ (rr) Section 36-897.03.
- 17 ~~(rr)~~ (ss) Section 36-3008.
- 18 ~~(ss)~~ (tt) Section 41-619.52.
- 19 ~~(tt)~~ (uu) Section 41-619.53.
- 20 ~~(uu)~~ (vv) Section 41-1964.
- 21 ~~(vv)~~ (ww) Section 41-1967.01.
- 22 ~~(ww)~~ (xx) Section 41-1968.
- 23 ~~(xx)~~ (yy) Section 41-1969.
- 24 ~~(yy)~~ (zz) Section 41-2814.
- 25 ~~(zz)~~ (aaa) Section 46-141, subsection A or B.
- 26 ~~(aaa)~~ (bbb) Section 46-321.

27 6. "Vulnerable adult" has the same meaning prescribed in section
28 13-3623.

29 Sec. 12. Repeal

30 Section 41-1758, Arizona Revised Statutes, as amended by Laws 2019,
31 chapter 252, section 52, is repealed.

32 Sec. 13. Section 41-1758.01, Arizona Revised Statutes, is amended
33 to read:

34 41-1758.01. Fingerprinting division; powers and duties

35 A. The fingerprinting division is established in the department of
36 public safety and shall:

37 1. Conduct fingerprint background checks for persons and applicants
38 who are seeking licenses from state agencies, employment with licensees,
39 contract providers and state agencies or employment or educational
40 opportunities with agencies that require fingerprint background checks
41 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
42 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
43 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,
44 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022, 32-2108.01,
45 32-2123, 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03,

1 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
2 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and
3 41-2814, section 46-141, subsection A or B and section 46-321.

4 2. Issue fingerprint clearance cards. On issuance, a fingerprint
5 clearance card becomes the personal property of the cardholder and the
6 cardholder shall retain possession of the fingerprint clearance card.

7 3. On submission of an application for a fingerprint clearance
8 card, collect the fees established by the board of fingerprinting pursuant
9 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
10 the monies collected in the board of fingerprinting fund.

11 4. Inform in writing each person who submits fingerprints for a
12 fingerprint background check of the right to petition the board of
13 fingerprinting for a good cause exception pursuant to section 41-1758.03,
14 41-1758.04 or 41-1758.07.

15 5. If after conducting a state and federal criminal history records
16 check the division determines that it is not authorized to issue a
17 fingerprint clearance card to a person, inform the person in writing that
18 the division is not authorized to issue a fingerprint clearance card. The
19 notice shall include the criminal history information on which the denial
20 was based. This criminal history information is subject to dissemination
21 restrictions pursuant to section 41-1750 and Public Law 92-544.

22 6. Notify the person in writing if the division suspends, revokes
23 or places a driving restriction notation on a fingerprint clearance card
24 pursuant to section 41-1758.04. The notice shall include the criminal
25 history information on which the suspension, revocation or placement of
26 the driving restriction notation was based. This criminal history
27 information is subject to dissemination restrictions pursuant to section
28 41-1750 and Public Law 92-544.

29 7. Administer and enforce this article.

30 B. The fingerprinting division may contract for electronic or
31 internet-based fingerprinting services through an entity or entities for
32 the acquisition and transmission of applicant fingerprint and data
33 submissions to the department, including identity verified fingerprints
34 pursuant to section 15-106. The entity or entities contracted by the
35 department of public safety may charge the applicant a fee for services
36 provided pursuant to this article. The entity or entities contracted by
37 the department of public safety shall comply with:

38 1. All information privacy and security measures and submission
39 standards established by the department of public safety.

40 2. The information technology security policy approved by the
41 department of public safety.