

REFERENCE TITLE: pharmacists; vaccines

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

SB 1334

Introduced by
Senator Pace

AN ACT

AMENDING SECTIONS 32-1901 AND 32-1974, ARIZONA REVISED STATUTES; RELATING
TO THE ARIZONA STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1901, Arizona Revised Statutes, is amended to
3 read:

4 32-1901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means the direct application of a controlled
7 substance, prescription-only drug, dangerous drug or narcotic drug,
8 whether by injection, inhalation, ingestion or any other means, to the
9 body of a patient or research subject by a practitioner or by the
10 practitioner's authorized agent or the patient or research subject at the
11 direction of the practitioner.

12 2. "Advertisement" means all representations disseminated in any
13 manner or by any means, other than by labeling, for the purpose of
14 inducing, or that are likely to induce, directly or indirectly, the
15 purchase of drugs, devices, poisons or hazardous substances.

16 3. "Advisory letter" means a nondisciplinary letter to notify a
17 licensee or permittee that either:

18 (a) While there is insufficient evidence to support disciplinary
19 action, the board believes that continuation of the activities that led to
20 the investigation may result in further board action against the licensee
21 or permittee.

22 (b) The violation is a minor or technical violation that is not of
23 sufficient merit to warrant disciplinary action.

24 (c) While the licensee or permittee has demonstrated substantial
25 compliance through rehabilitation, remediation or reeducation that has
26 mitigated the need for disciplinary action, the board believes that
27 repetition of the activities that led to the investigation may result in
28 further board action against the licensee or permittee.

29 4. "Antiseptic", if a drug is represented as such on its label,
30 means a representation that it is a germicide, except in the case of a
31 drug purporting to be, or represented as, an antiseptic for inhibitory use
32 as a wet dressing, ointment or dusting powder or other use that involves
33 prolonged contact with the body.

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

38 6. "Automated prescription-dispensing kiosk" means a mechanical
39 system that is operated as an extension of a pharmacy, that maintains all
40 transaction information within the pharmacy operating system, that is
41 separately permitted from the pharmacy and that performs operations that
42 either:

43 (a) Accept a prescription or refill order, store prepackaged or
44 repackaged medications, label and dispense patient-specific prescriptions
45 and provide counseling on new or refilled prescriptions.

1 (b) Dispense or deliver a prescription or refill that has been
2 prepared by or on behalf of the pharmacy that oversees the automated
3 prescription-dispensing kiosk.

4 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 made by a process of
13 synthesis or similar artifice, or extracted, isolated or otherwise
14 derived, with or without intermediate or final change of identity, from
15 any vegetable, animal, mineral or other source.

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

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

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

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

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

43 15. "Compressed medical gas supplier" means a person who holds a
44 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 tissue by chemical action.

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

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

15 20. "Day" means a business day.

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

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

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

25 24. "Device", except as used in paragraph 18 of this section,
26 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
27 15 and subsection C, means instruments, apparatuses and contrivances,
28 including their components, parts and accessories, including all such
29 items under the federal act, intended either:

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

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

34 25. "Director" means the director of the division of narcotics
35 enforcement and criminal investigation of the department of public safety.

36 26. "Direct supervision of a pharmacist" means the pharmacist is
37 present. If relating to the sale of certain items, direct supervision of
38 a pharmacist means that a pharmacist determines the legitimacy or
39 advisability of a proposed purchase of those items.

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

44 28. "Dispenser" means a practitioner who dispenses.

1 29. "Distribute" means to deliver, other than by administering or
2 dispensing.

3 30. "Distributor" means a person who distributes.

4 31. "Drug" means:

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

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

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

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

14 32. "Drug enforcement administration" means the drug enforcement
15 administration of the United States department of justice or its successor
16 agency.

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

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

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

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

33 (a) The applicable official name.

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

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

39 37. "Executive director" means the executive director of the board
40 of pharmacy.

41 38. "Federal act" means the federal laws and regulations that
42 pertain to drugs, devices, poisons and hazardous substances and that are
43 official at the time any drug, device, poison or hazardous substance is
44 affected by this chapter.

45 39. "Full service wholesale permittee":

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

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

6 40. "Good manufacturing practice" means a system for ensuring that
7 products are consistently produced and controlled according to quality
8 standards and covering all aspects of design, monitoring and control of
9 manufacturing processes and facilities to ensure that products do not pose
10 any risk to the consumer or public.

11 41. "Highly toxic" means any substance that falls within any of the
12 following categories:

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

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

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

33 42. "Hospital" means any institution for the care and treatment of
34 the sick and injured that is approved and licensed as a hospital by the
35 department of health services.

36 43. "Intern" means a pharmacy intern.

37 44. "Internship" means the practical, experiential, hands-on
38 training of a pharmacy intern under the supervision of a preceptor.

39 45. "Irritant" means any substance, other than a corrosive, that on
40 immediate, prolonged or repeated contact with normal living tissue will
41 induce a local inflammatory reaction.

42 46. "Jurisprudence examination" means a board-approved pharmacy law
43 examination that is written and administered in cooperation with the
44 national association of boards of pharmacy or another board-approved
45 pharmacy law examination.

1 47. "Label" means a display of written, printed or graphic matter
2 on the immediate container of any article that, unless easily legible
3 through the outside wrapper or container, also appears on the outside
4 wrapper or container of the article's retail package. For the purposes of
5 this paragraph, the immediate container does not include package liners.

6 48. "Labeling" means all labels and other written, printed or
7 graphic matter either:

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

9 (b) Accompanying that article.

10 49. "Letter of reprimand" means a disciplinary letter that is a
11 public document issued by the board and that informs a licensee or
12 permittee that the licensee's or permittee's conduct violates state or
13 federal law and may require the board to monitor the licensee or
14 permittee.

15 50. "Limited service pharmacy" means a pharmacy that is approved by
16 the board to practice a limited segment of pharmacy as indicated by the
17 permit issued by the board.

18 51. "Manufacture" or "manufacturer":

19 (a) Means every person who prepares, derives, produces, compounds,
20 processes, packages or repackages or labels any drug in a place, other
21 than a pharmacy, that is devoted to manufacturing the drug.

22 (b) Includes a virtual manufacturer as defined in rule by the
23 board.

24 52. "Marijuana" has the same meaning prescribed in section 13-3401.

25 53. "Medical practitioner" means any medical doctor, doctor of
26 osteopathic medicine, dentist, podiatrist, veterinarian or other person
27 who is licensed and authorized by law to use and prescribe drugs and
28 devices for the treatment of sick and injured human beings or animals or
29 for the diagnosis or prevention of sickness in human beings or animals in
30 this state or any state, territory or district of the United States.

31 54. "Medication order" means a written or verbal order from a
32 medical practitioner or that person's authorized agent to administer a
33 drug or device.

34 55. "Narcotic drug" has the same meaning prescribed in section
35 13-3401.

36 56. "New drug" means either:

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

42 (b) Any drug the composition of which is such that the drug, as a
43 result of investigations to determine its safety and effectiveness for use
44 under such conditions, has become so recognized, but that has not, other

1 than in the investigations, been used to a material extent or for a
2 material time under those conditions.

3 57. "Nonprescription drug" or "over-the-counter drug" means any
4 nonnarcotic medicine or drug that may be sold without a prescription and
5 that is prepackaged and labeled for use by the consumer in accordance with
6 the requirements of the laws of this state and federal law.
7 Nonprescription drug does not include:

8 (a) A drug that is primarily advertised and promoted professionally
9 to medical practitioners and pharmacists by manufacturers or primary
10 distributors.

11 (b) A controlled substance.

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

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

14 58. "Nonprescription drug wholesale permittee":

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

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

19 59. "Notice" means personal service or the mailing of a copy of the
20 notice by certified mail addressed either to the person at the person's
21 latest address of record in the board office or to the person's attorney.

22 60. "Nutritional supplementation" means vitamins, minerals and
23 caloric supplementation. Nutritional supplementation does not include
24 medication or drugs.

25 61. "Official compendium" means the latest revision of the United
26 States pharmacopeia and the national formulary or any current supplement.

27 62. "Other jurisdiction" means one of the other forty-nine states,
28 the District of Columbia, the Commonwealth of Puerto Rico or a territory
29 of the United States of America.

30 63. "Package" means a receptacle defined or described in the United
31 States pharmacopeia and the national formulary as adopted by the board.

32 64. "Packaging" means the act or process of placing a drug item or
33 device in a container for the purpose or intent of dispensing or
34 distributing the item or device to another.

35 65. "Parenteral nutrition" means intravenous feeding that provides
36 a person with fluids and essential nutrients the person needs while the
37 person is unable to receive adequate fluids or feedings by mouth or by
38 enteral feeding.

39 66. "Person" means an individual, partnership, corporation and
40 association, and their duly authorized agents.

41 67. "Pharmaceutical care" means the provision of drug therapy and
42 other pharmaceutical patient care services.

43 68. "Pharmacist" means an individual who is currently licensed by
44 the board to practice the profession of pharmacy in this state.

1 69. "Pharmacist in charge" means the pharmacist who is responsible
2 to the board for a licensed establishment's compliance with the laws and
3 administrative rules of this state and of the federal government
4 pertaining to the practice of pharmacy, the manufacturing of drugs and the
5 distribution of drugs and devices.

6 70. "Pharmacist licensure examination" means a board-approved
7 examination that is written and administered in cooperation with the
8 national association of boards of pharmacy or any other board-approved
9 pharmacist licensure examination.

10 71. "Pharmacy":

11 (a) Means:

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

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

16 (iii) Any place that has displayed on it or in it the words
17 "pharmacist", "pharmaceutical chemist", "apothecary", "druggist",
18 "pharmacy", "drugstore", "drugs" or "drug sundries" or any of these words
19 or combinations of these words, or words of similar import either in
20 English or any other language, or that is advertised by any sign
21 containing any of these words.

22 (iv) Any place where the characteristic symbols of pharmacy or the
23 characteristic prescription sign "Rx" is exhibited.

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

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

31 (b) Includes a satellite pharmacy.

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

34 73. "Pharmacy technician" means a person who is licensed pursuant
35 to this chapter.

36 74. "Pharmacy technician trainee" means a person who is licensed
37 pursuant to this chapter.

38 75. "Poison" or "hazardous substance" includes, but is not limited
39 to, any of the following if intended and suitable for household use or use
40 by children:

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

- 1 (b) A toxic substance.
- 2 (c) A highly toxic substance.
- 3 (d) A corrosive substance.
- 4 (e) An irritant.
- 5 (f) A strong sensitizer.
- 6 (g) A mixture of any of the substances described in this paragraph,
- 7 if the substance or mixture of substances may cause substantial personal
- 8 injury or substantial illness during or as a proximate result of any
- 9 customary or reasonably foreseeable handling or use, including reasonably
- 10 foreseeable ingestion by children.
- 11 (h) A substance that is designated by the board to be a poison or
- 12 hazardous substance. This subdivision does not apply to radioactive
- 13 substances, economic poisons subject to the federal insecticide, fungicide
- 14 and rodenticide act or the state pesticide act, foods, drugs and cosmetics
- 15 subject to state laws or the federal act or substances intended for use as
- 16 fuels when stored in containers and used in the heating, cooking or
- 17 refrigeration system of a house. This subdivision applies to any
- 18 substance or article that is not itself an economic poison within the
- 19 meaning of the federal insecticide, fungicide and rodenticide act or the
- 20 state pesticide act, but that is a poison or hazardous substance within
- 21 the meaning of this paragraph by reason of bearing or containing an
- 22 economic poison or hazardous substance.
- 23 76. "Practice of pharmacy":
- 24 (a) Means furnishing the following health care services as a
- 25 medical professional:
- 26 (i) Interpreting, evaluating and dispensing prescription orders in
- 27 the patient's best interests.
- 28 (ii) Compounding drugs pursuant to or in anticipation of a
- 29 prescription order.
- 30 (iii) Labeling drugs and devices in compliance with state and
- 31 federal requirements.
- 32 (iv) Participating in drug selection and drug utilization reviews,
- 33 drug administration, drug or drug-related research and drug therapy
- 34 monitoring or management.
- 35 (v) Providing patient counseling necessary to provide
- 36 pharmaceutical care.
- 37 (vi) Properly and safely storing drugs and devices in anticipation
- 38 of dispensing.
- 39 (vii) Maintaining required records of drugs and devices.
- 40 (viii) Offering or performing acts, services, operations or
- 41 transactions necessary in the conduct, operation, management and control
- 42 of a pharmacy.
- 43 (ix) Initiating, monitoring and modifying drug therapy pursuant to
- 44 a protocol-based drug therapy agreement with a provider as outlined in
- 45 section 32-1970.

1 (x) Initiating and administering ~~immunizations or~~ vaccines pursuant
2 to section 32-1974.

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

6 77. "Practitioner" means any physician, dentist, veterinarian,
7 scientific investigator or other person who is licensed, registered or
8 otherwise permitted to distribute, dispense, conduct research with respect
9 to or administer a controlled substance in the course of professional
10 practice or research in this state, or any pharmacy, hospital or other
11 institution that is licensed, registered or otherwise permitted to
12 distribute, dispense, conduct research with respect to or administer a
13 controlled substance in the course of professional practice or research in
14 this state.

15 78. "Preceptor" means a pharmacist who is serving as the practical
16 instructor of an intern and complies with section 32-1923.

17 79. "Precursor chemical" means a substance that is:

18 (a) The principal compound that is commonly used or that is
19 produced primarily for use and that is an immediate chemical intermediary
20 used or likely to be used in the manufacture of a controlled substance,
21 the control of which is necessary to prevent, curtail or limit
22 manufacture.

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

24 80. "Prescription" means either a prescription order or a
25 prescription medication.

26 81. "Prescription medication" means any drug, including label and
27 container according to context, that is dispensed pursuant to a
28 prescription order.

29 82. "Prescription-only device" includes:

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

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

34 83. "Prescription-only drug" does not include a controlled
35 substance but does include:

36 (a) Any drug that because of its toxicity or other potentiality for
37 harmful effect, the method of its use, or the collateral measures
38 necessary to its use is not generally recognized among experts, qualified
39 by scientific training and experience to evaluate its safety and efficacy,
40 as safe for use except by or under the supervision of a medical
41 practitioner.

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

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

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

5 84. "Prescription order" means any of the following:

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

9 (b) An order transmitted to a pharmacist through word of mouth,
10 telephone or other means of communication directed by that medical
11 practitioner. Prescription orders received by word of mouth, telephone or
12 other means of communication shall be maintained by the pharmacist
13 pursuant to section 32-1964, and the record so made by the pharmacist
14 constitutes the original prescription order to be dispensed by the
15 pharmacist. This paragraph does not alter or affect laws of this state or
16 any federal act requiring a written prescription order.

17 (c) An order initiated by a pharmacist pursuant to a protocol-based
18 drug therapy agreement with a provider as outlined in section 32-1970, or
19 ~~immunizations or~~ vaccines administered by a pharmacist pursuant to section
20 32-1974.

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

25 85. "Professionally incompetent" means:

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

29 (b) When considered with other indications of professional
30 incompetence, a pharmacist or pharmacy intern who fails to obtain a
31 passing score on a board-approved pharmacist licensure examination or a
32 pharmacy technician or pharmacy technician trainee who fails to obtain a
33 passing score on a board-approved pharmacy technician licensure
34 examination.

35 86. "Radioactive substance" means a substance that emits ionizing
36 radiation.

37 87. "Remote dispensing site pharmacy" means a pharmacy where a
38 pharmacy technician or pharmacy intern prepares, compounds or dispenses
39 prescription medications under remote supervision by a pharmacist.

40 88. "Remote supervision by a pharmacist" means that a pharmacist
41 directs and controls the actions of pharmacy technicians and pharmacy
42 interns through the use of audio and visual technology.

43 89. "Revocation" or "revoke" means the official cancellation of a
44 license, permit, registration or other approval authorized by the board
45 for a period of two years unless otherwise specified by the board. A

1 request or new application for reinstatement may be presented to the board
2 for review before the conclusion of the specified revocation period upon
3 review of the executive director.

4 90. "Safely engage in employment duties" means that a permittee or
5 the permittee's employee is able to safely engage in employment duties
6 related to the manufacture, sale, distribution or dispensing of drugs,
7 devices, poisons, hazardous substances, controlled substances or precursor
8 chemicals.

9 91. "Satellite pharmacy" means a work area located within a
10 hospital or on a hospital campus that is not separated by other commercial
11 property or residential property, that is under the direction of a
12 pharmacist, that is a remote extension of a centrally licensed hospital
13 pharmacy, ~~and~~ that is owned by and dependent on the centrally licensed
14 hospital pharmacy for administrative control, staffing and drug
15 procurement and that is not required to be separately permitted.

16 92. "Symbol" means the characteristic symbols that have
17 historically identified pharmacy, including show globes and mortar and
18 pestle, and the sign "Rx".

19 93. "Third-party logistics provider" means an entity that provides
20 or coordinates warehousing or other logistics services for a prescription
21 or over-the-counter dangerous drug or dangerous device in intrastate or
22 interstate commerce on behalf of a manufacturer, wholesaler or dispenser
23 of the prescription or over-the-counter dangerous drug or dangerous device
24 but that does not take ownership of the prescription or over-the-counter
25 dangerous drug or dangerous device or have responsibility to direct its
26 sale or disposition.

27 94. "Toxic substance" means a substance, other than a radioactive
28 substance, that has the capacity to produce injury or illness in humans
29 through ingestion, inhalation or absorption through any body surface.

30 95. "Ultimate user" means a person who lawfully possesses a drug or
31 controlled substance for that person's own use, for the use of a member of
32 that person's household or for administering to an animal owned by that
33 person or by a member of that person's household.

34 Sec. 2. Section 32-1974, Arizona Revised Statutes, is amended to
35 read:

36 32-1974. Pharmacists; administration of vaccines and
37 emergency medications; certification; reporting
38 requirements; advisory committee; definition

39 A. Except as prescribed pursuant to subsection ~~F~~ H of this
40 section, a pharmacist who is licensed pursuant to this chapter and who
41 meets the requirements of this section may administer the following to
42 adults without a prescription order pursuant to rules ~~and protocols~~
43 adopted by the board pursuant to this section:

1 1. ~~Immunizations or~~ Vaccines recommended ~~for adults~~ by the United
2 States centers for disease control and prevention **ADVISORY COMMITTEE ON**
3 **IMMUNIZATION PRACTICES FOR A PERSON WHO IS AT LEAST SIX YEARS OF AGE.**

4 2. ~~Immunizations or~~ Vaccines recommended by the United States
5 centers for disease control and ~~prevention's health information~~ **PREVENTION**
6 **ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES** for international travel.

7 3. **INFLUENZA VACCINES FOR A PERSON WHO IS AT LEAST THREE YEARS OF**
8 **AGE.**

9 ~~B. A pharmacist who is licensed pursuant to this chapter and who~~
10 ~~meets the requirements of this section may administer the following to~~
11 ~~minors without a prescription order pursuant to rules and protocols~~
12 ~~adopted by the board pursuant to this section:~~

13 ~~1. Influenza immunizations or vaccines to a person who is at least~~
14 ~~three years of age.~~

15 ~~2. Booster doses for the primary adolescent series as recommended~~
16 ~~by the United States centers for disease control and prevention.~~

17 ~~3. Immunizations or vaccines recommended by the United States~~
18 ~~centers for disease control and prevention to a person who is at least~~
19 ~~thirteen years of age.~~

20 ~~C. B.~~ Except as prescribed in subsection ~~B- A~~ of this section, a
21 pharmacist who is licensed pursuant to this chapter and who meets the
22 requirements of this section may administer ~~immunizations and~~ vaccines;
23 ~~including the first dose for the primary adolescent series,~~ to a person
24 who is at least ~~six~~ **THREE** years of age but under ~~thirteen~~ **SIX** years of age
25 only with a prescription order and pursuant to rules ~~and protocols~~
26 by the board pursuant to this section.

27 ~~D. C.~~ A pharmacist who wishes to administer ~~immunizations and~~
28 vaccines pursuant to this section must be certified to do so by the board.
29 The board shall issue a certificate to a pharmacist who meets board
30 requirements for certification as prescribed by the board by rule.

31 ~~E. D.~~ A pharmacist who is certified to administer ~~immunizations~~
32 ~~and~~ vaccines pursuant to this section may administer without a
33 prescription order:

34 1. Emergency medication to manage an acute allergic reaction to ~~an~~
35 ~~immunization,~~ A vaccine or medication in accordance with ~~the United States~~
36 ~~centers for disease control and prevention immunization~~ guidelines **FROM**
37 **THE UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION ADVISORY**
38 **COMMITTEE ON IMMUNIZATION PRACTICES FOR ADULTS AND THE AMERICAN ACADEMY OF**
39 **PEDIATRICS FOR MINORS.**

40 2. ~~Immunizations or~~ Vaccines to any person regardless of age during
41 a public health emergency response of this state pursuant to section
42 36-787.

43 ~~F. E.~~ A pharmacist who administers ~~an immunization,~~ A vaccine or
44 emergency medication pursuant to this section must:

1 1. ~~Report the administration to~~ NOTIFY the person's identified
2 primary care provider or physician within forty-eight hours after
3 administering the ~~immunization,~~ vaccine or emergency medication and as
4 prescribed by the board by rule. Failure to report the administration of
5 ~~an immunization,~~ A vaccine or emergency medication pursuant to this
6 section is a violation of section 32-1901.01, subsection B, paragraph 2.
7 The pharmacist shall make a reasonable effort to identify the person's
8 primary care provider or physician by one or more of the following
9 methods:

10 (a) Checking ~~any adult immunization information system or vaccine~~
11 ~~registry~~ THE ARIZONA STATE IMMUNIZATION INFORMATION SYSTEM established by
12 the department of health services.

13 (b) Checking pharmacy records.

14 (c) Requesting the information from the person or, in the case of a
15 minor, the person's parent or guardian.

16 2. Report information to ~~any adult immunization information system~~
17 ~~or vaccine registry~~ THE ARIZONA STATE IMMUNIZATION INFORMATION SYSTEM
18 established by the department of health services.

19 3. Maintain a record of the immunization pursuant to title 12,
20 chapter 13, article 7.1 and as prescribed by the board by rule.

21 4. ~~Report to~~ NOTIFY the person's identified primary care provider
22 or physician, within twenty-four hours of occurrence, ~~OF~~ any adverse
23 reaction that is reported to or witnessed by the pharmacist and that is
24 listed by the vaccine manufacturer as a contraindication to further doses
25 of the vaccine.

26 ~~5. Participate in any federal vaccine adverse event reporting~~
27 ~~system or successor database.~~

28 5. NOTIFY THE VACCINE ADVERSE EVENT REPORTING SYSTEM IN ACCORDANCE
29 WITH THE UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION ADVISORY
30 COMMITTEE RECOMMENDATIONS.

31 6. PROVIDE VACCINE INFORMATION AND EDUCATIONAL MATERIALS FOR THOSE
32 REQUESTING VACCINES.

33 7. FOR MINORS, PROVIDE EDUCATION TO THE MINOR'S PARENT OR GUARDIAN
34 ON THE IMPORTANCE OF PEDIATRIC PREVENTATIVE HEALTH CARE VISITS AS
35 RECOMMENDED BY THE AMERICAN ACADEMY OF PEDIATRICS.

36 8. FOLLOW PROTOCOLS OR POLICIES ADOPTED BY THE PHARMACY OR OTHER
37 INSTITUTION WHERE THE VACCINE OR EMERGENCY MEDICATION IS ADMINISTERED THAT
38 ARE IN ACCORDANCE WITH CURRENT UNITED STATES CENTERS FOR DISEASE CONTROL
39 AND PREVENTION STANDARDS. PROTOCOLS OR POLICIES SHALL INCLUDE THE
40 FOLLOWING:

41 (a) PATIENT SCREENING REQUIREMENTS FOR RELEVANT PAST AND CURRENT
42 HEALTH CONDITION INFORMATION BEFORE ADMINISTERING A VACCINATION.

43 (b) A REQUIREMENT TO REVIEW THE VACCINE, PATIENT SCREENING
44 INFORMATION, THE ARIZONA STATE IMMUNIZATION INFORMATION SYSTEM AND
45 INFORMATION FROM ANY IDENTIFIED PRIMARY CARE PROVIDER TO DETERMINE THE

1 PATIENT'S PAST IMMUNIZATIONS AND ADVERSE REACTIONS BEFORE ADMINISTERING A
2 VACCINATION.

3 (c) EMERGENCY MANAGEMENT POLICIES AND PROCEDURES.

4 ~~F.~~ F. This section does not establish a cause of action against a
5 patient's primary care provider or physician for any adverse reaction,
6 complication or negative outcome arising from the administration of any
7 ~~immunization~~, vaccine or emergency medication by a pharmacist to the
8 patient pursuant to this section if it is administered without a
9 prescription order written by the patient's primary care provider or
10 physician.

11 ~~H.~~ G. The board shall adopt rules for the administration of
12 vaccines ~~or immunizations~~ pursuant to this section regarding:

13 ~~1. Protocols that are based on protocols approved by the United~~
14 ~~States centers for disease control and prevention and any advisory~~
15 ~~committee appointed by the board for the purpose of recommending~~
16 ~~protocols.~~

17 ~~2.~~ 1. Recordkeeping and reporting requirements.

18 ~~3.~~ 2. Requirements and qualifications for pharmacist certification
19 pursuant to this section.

20 ~~4. Vaccine information and educational materials for those~~
21 ~~requesting vaccines and immunizations.~~

22 ~~5. The administration of emergency medication pursuant to this~~
23 ~~section.~~

24 ~~F.~~ H. The department of health services, by rule, shall establish
25 and maintain a list of ~~immunizations or~~ vaccines that may be administered
26 to adults OR MINORS by a pharmacist only pursuant to a prescription order.
27 In adopting and maintaining this list, the department is exempt from the
28 rulemaking requirements of title 41, chapter 6. The department shall
29 adopt its initial rules within six months after receipt of the
30 recommendations of the advisory committee appointed by the board and shall
31 hold one public hearing before implementing the rules and any amendments
32 to the rules. The list shall include those ~~immunizations or~~ vaccines
33 listed in the United States centers for disease control and prevention's
34 recommended adult immunization schedule or recommended by the United
35 States centers for disease control and prevention's health information for
36 international travel that have adverse reactions that could cause
37 significant harm to a patient's health. A pharmacist may not administer
38 ~~immunizations or~~ vaccines without a prescription order pursuant to this
39 section before the department has established the list pursuant to this
40 subsection. The board may not authorize a pharmacist to administer new
41 ~~immunizations or~~ vaccines without a prescription order pursuant to this
42 section until the department reviews the new ~~immunizations and~~ vaccines to
43 determine if they should be added to the list established pursuant to this
44 subsection.

1 ~~I.~~ I. The board may appoint an advisory committee to assist the
2 board in adopting and amending rules and developing protocols relating to
3 the administration of ~~immunizations,~~ vaccines and emergency medications
4 and certification requirements.

5 ~~K.~~ J. A pharmacy intern who is certified by the board to
6 administer ~~immunizations and~~ vaccines pursuant to this section may do so
7 only in the presence and under the ~~immediate personal~~ supervision of a
8 pharmacist who is certified as prescribed in this section.

9 ~~L.~~ K. This section does not prevent a pharmacist who administers
10 ~~an immunization or~~ A vaccine from participating in the federal vaccines
11 for children program.

12 ~~M.~~ L. A pharmacist may not administer ~~an immunization or~~ A vaccine
13 to a minor without the consent of the minor's parent or guardian.

14 ~~N.~~ M. For the purposes of this section, ~~—~~

15 ~~I.~~ "emergency medication" means emergency epinephrine,
16 ~~CORTICOSTEROIDS, ALBUTEROL, OXYGEN~~ and antihistamines in accordance with
17 ~~the United States centers for disease control and prevention immunization~~
18 guidelines FROM THE UNITED STATES CENTERS FOR DISEASE CONTROL AND
19 PREVENTION ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES FOR ADULTS AND THE
20 AMERICAN ACADEMY OF PEDIATRICS FOR MINORS.

21 ~~2.~~ "Primary adolescent series" means those immunizations or
22 vaccines recommended by the United States centers for disease control and
23 prevention for children starting at age eleven or twelve.