

REFERENCE TITLE: **controlled substances; schedule designations**

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

SB 1095

Introduced by
Senator Pace

AN ACT

AMENDING SECTIONS 13-3412, 13-3412.01, 13-3451, 32-1401, 32-1501, 32-1901, 32-1969, 32-2901, 32-2933, 36-2501, 36-2511, 36-2512, 36-2513, 36-2514, 36-2515, 36-2516, 36-2531 AND 36-2608, ARIZONA REVISED STATUTES; RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3412, Arizona Revised Statutes, is amended to
3 read:

4 13-3412. Exceptions and exemptions; burden of proof;
5 privileged communications

6 A. The provisions of sections 13-3402 and 13-3403, section
7 13-3404.01, subsection A, paragraph 1 and sections 13-3405 through 13-3409
8 do not apply to:

9 1. Manufacturers, wholesalers, pharmacies and pharmacists under the
10 provisions of sections 32-1921 and 32-1961.

11 2. Medical practitioners, pharmacies and pharmacists while acting
12 in the course of their professional practice, in good faith and in
13 accordance with generally accepted medical standards.

14 3. Persons who lawfully acquire and use such drugs only for
15 scientific purposes.

16 4. Officers and employees of the United States, this state or a
17 political subdivision of the United States or this state, while acting in
18 the course of their official duties.

19 5. An employee or agent of a person described in paragraphs 1
20 through 4 of this subsection, and a registered nurse or medical technician
21 under the supervision of a medical practitioner, while such employee,
22 agent, nurse or technician is acting in the course of professional
23 practice or employment, and not on his own account.

24 6. A common or contract carrier or warehouseman, or an employee of
25 such carrier or warehouseman, whose possession of drugs is in the usual
26 course of business or employment.

27 7. Persons lawfully in possession or control of controlled
28 substances authorized by title 36, chapter 27 **OR THE RULES ADOPTED**
29 **PURSUANT TO TITLE 36, CHAPTER 27.**

30 8. The receipt, possession or use, of a controlled substance
31 included in schedule I of section 36-2512 **OR THE RULES ADOPTED PURSUANT TO**
32 **SECTION 36-2512**, by any seriously ill or terminally ill patient, pursuant
33 to the prescription of a doctor in compliance with the provisions of
34 section 13-3412.01.

35 B. In any complaint, information or indictment and in any action or
36 proceeding brought for the enforcement of any provision of this chapter
37 the burden of proof of any such exception, excuse, defense or exemption is
38 on the defendant.

39 C. In addition to other exceptions to the physician-patient
40 privilege, information communicated to a physician in an effort to procure
41 unlawfully a prescription-only, dangerous or narcotic drug, or to procure
42 unlawfully the administration of such drug, is not a privileged
43 communication.

1 3. "Distribute" means the actual, constructive or attempted
2 transfer, delivery or sale of, or dispensing to another of, an imitation
3 controlled substance, imitation prescription-only drug or imitation
4 over-the-counter drug.

5 4. "Imitation controlled substance" means a drug, substance or
6 immediate precursor which does or does not contain a controlled substance
7 that by texture, consistency or color or dosage unit appearance as
8 evidenced by color, shape, size or markings, apart from any other
9 representations, packaging or advertisements, would lead a reasonable
10 person to believe that the substance is a controlled substance but it is a
11 counterfeit preparation.

12 5. "Imitation over-the-counter drug" means an imitation of a
13 nonprescription drug as defined in section 32-1901 that by texture,
14 consistency or color or dosage unit appearance as evidenced by color,
15 shape, size or markings, apart from any other representations, packaging
16 or advertisements, would lead a reasonable person to believe that the
17 substance is an over-the-counter drug.

18 6. "Imitation prescription-only drug" means a drug, substance or
19 immediate precursor which does or does not contain a prescription-only
20 drug as defined by section 32-1901 that by texture, consistency or color
21 or dosage unit appearance as evidenced by color, shape, size or markings,
22 apart from any other representations, packaging or advertisements, would
23 lead a reasonable person to believe that the substance is a
24 prescription-only drug but it is a counterfeit preparation.

25 7. "Manufacture" means the production, preparation, compounding,
26 processing, encapsulating, packaging or repackaging, or labeling or
27 relabeling of an imitation controlled substance, imitation
28 prescription-only drug or imitation over-the-counter drug.

29 8. "Placebo" means an inactive substance or preparation used in
30 controlled studies to determine the effectiveness of medicinal substances
31 or used to please or gratify a physician's patient.

32 Sec. 4. Section 32-1401, Arizona Revised Statutes, is amended to
33 read:

34 32-1401. Definitions

35 In this chapter, unless the context otherwise requires:

36 1. "Active license" means a valid and existing license to practice
37 medicine.

38 2. "Adequate records" means legible medical records, produced by
39 hand or electronically, containing, at a minimum, sufficient information
40 to identify the patient, support the diagnosis, justify the treatment,
41 accurately document the results, indicate advice and cautionary warnings
42 provided to the patient and provide sufficient information for another
43 practitioner to assume continuity of the patient's care at any point in
44 the course of treatment.

1 3. "Advisory letter" means a nondisciplinary letter to notify a
2 licensee that either:

3 (a) While there is insufficient evidence to support disciplinary
4 action, the board believes that continuation of the activities that led to
5 the investigation may result in further board action against the licensee.

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

8 (c) While the licensee has demonstrated substantial compliance
9 through rehabilitation or remediation that has mitigated the need for
10 disciplinary action, the board believes that repetition of the activities
11 that led to the investigation may result in further board action against
12 the licensee.

13 4. "Approved hospital internship, residency or clinical fellowship
14 program" means a program at a hospital that at the time the training
15 occurred was legally incorporated and that had a program that was approved
16 for internship, fellowship or residency training by the accreditation
17 council for graduate medical education, the association of American
18 medical colleges, the royal college of physicians and surgeons of Canada
19 or any similar body in the United States or Canada approved by the board
20 whose function is that of approving hospitals for internship, fellowship
21 or residency training.

22 5. "Approved school of medicine" means any school or college
23 offering a course of study that, on successful completion, results in the
24 degree of doctor of medicine and whose course of study has been approved
25 or accredited by an educational or professional association, recognized by
26 the board, including the association of American medical colleges, the
27 association of Canadian medical colleges or the American medical
28 association.

29 6. "Board" means the Arizona medical board.

30 7. "Completed application" means that the applicant has supplied
31 all required fees, information and correspondence requested by the board
32 on forms and in a manner acceptable to the board.

33 8. "Direct supervision" means that a physician, physician assistant
34 licensed pursuant to chapter 25 of this title or nurse practitioner
35 certified pursuant to chapter 15 of this title is within the same room or
36 office suite as the medical assistant in order to be available for
37 consultation regarding those tasks the medical assistant performs pursuant
38 to section 32-1456.

39 9. "Dispense" means the delivery by a doctor of medicine of a
40 prescription drug or device to a patient, except for samples packaged for
41 individual use by licensed manufacturers or repackagers of drugs, and
42 includes the prescribing, administering, packaging, labeling and security
43 necessary to prepare and safeguard the drug or device for delivery.

1 10. "Doctor of medicine" means a natural person holding a license,
2 registration or permit to practice medicine pursuant to this chapter.

3 11. "Full-time faculty member" means a physician who is employed
4 full time as a faculty member while holding the academic position of
5 assistant professor or a higher position at an approved school of
6 medicine.

7 12. "Health care institution" means any facility as defined in
8 section 36-401, any person authorized to transact disability insurance, as
9 defined in title 20, chapter 6, article 4 or 5, any person who is issued a
10 certificate of authority pursuant to title 20, chapter 4, article 9 or any
11 other partnership, association or corporation that provides health care to
12 consumers.

13 13. "Immediate family" means the spouse, natural or adopted
14 children, father, mother, brothers and sisters of the doctor and the
15 natural or adopted children, father, mother, brothers and sisters of the
16 doctor's spouse.

17 14. "Letter of reprimand" means a disciplinary letter that is
18 issued by the board and that informs the physician that the physician's
19 conduct violates state or federal law and may require the board to monitor
20 the physician.

21 15. "Limit" means taking a nondisciplinary action that alters the
22 physician's practice or professional activities if the board determines
23 that there is evidence that the physician is or may be mentally or
24 physically unable to safely engage in the practice of medicine.

25 16. "Medical assistant" means an unlicensed person who meets the
26 requirements of section 32-1456, has completed an education program
27 approved by the board, assists in a medical practice under the supervision
28 of a doctor of medicine, physician assistant or nurse practitioner and
29 performs delegated procedures commensurate with the assistant's education
30 and training but does not diagnose, interpret, design or modify
31 established treatment programs or perform any functions that would violate
32 any statute applicable to the practice of medicine.

33 17. "Medically incompetent" means a person who the board determines
34 is incompetent based on a variety of factors, including:

35 (a) A lack of sufficient medical knowledge or skills, or both, to a
36 degree likely to endanger the health of patients.

37 (b) When considered with other indications of medical incompetence,
38 failing to obtain a scaled score of at least seventy-five percent on the
39 written special purpose licensing examination.

40 18. "Medical peer review" means:

41 (a) The participation by a doctor of medicine in the review and
42 evaluation of the medical management of a patient and the use of resources
43 for patient care.

44 (b) Activities relating to a health care institution's decision to
45 grant or continue privileges to practice at that institution.

1 19. "Medicine" means allopathic medicine as practiced by the
2 recipient of a degree of doctor of medicine.

3 20. "Office based surgery" means a medical procedure conducted in a
4 physician's office or other outpatient setting that is not part of a
5 licensed hospital or licensed ambulatory surgical center.

6 21. "Physician" means a doctor of medicine who is licensed pursuant
7 to this chapter.

8 22. "Practice of medicine" means the diagnosis, the treatment or
9 the correction of or the attempt or the claim to be able to diagnose,
10 treat or correct any and all human diseases, injuries, ailments,
11 infirmities or deformities, physical or mental, real or imaginary, by any
12 means, methods, devices or instrumentalities, except as the same may be
13 among the acts or persons not affected by this chapter. The practice of
14 medicine includes the practice of medicine alone or the practice of
15 surgery alone, or both.

16 23. "Restrict" means taking a disciplinary action that alters the
17 physician's practice or professional activities if the board determines
18 that there is evidence that the physician is or may be medically
19 incompetent or guilty of unprofessional conduct.

20 24. "Special purpose licensing examination" means an examination
21 that is developed by the national board of medical examiners on behalf of
22 the federation of state medical boards for use by state licensing boards
23 to test the basic medical competence of physicians who are applying for
24 licensure and who have been in practice for a considerable period of time
25 in another jurisdiction and to determine the competence of a physician who
26 is under investigation by a state licensing board.

27 25. "Teaching hospital's accredited graduate medical education
28 program" means that the hospital is incorporated and has an internship,
29 fellowship or residency training program that is accredited by the
30 accreditation council for graduate medical education, the American medical
31 association, the association of American medical colleges, the royal
32 college of physicians and surgeons of Canada or a similar body in the
33 United States or Canada that is approved by the board and whose function
34 is that of approving hospitals for internship, fellowship or residency
35 training.

36 26. "Teaching license" means a valid license to practice medicine
37 as a full-time faculty member of an approved school of medicine or a
38 teaching hospital's accredited graduate medical education program.

39 27. "Unprofessional conduct" includes the following, whether
40 occurring in this state or elsewhere:

41 (a) Violating any federal or state laws, rules or regulations
42 applicable to the practice of medicine.

43 (b) Intentionally disclosing a professional secret or intentionally
44 disclosing a privileged communication except as either act may otherwise
45 be required by law.

1 (c) Committing false, fraudulent, deceptive or misleading
2 advertising by a doctor of medicine or the doctor's staff, employer or
3 representative.

4 (d) Committing a felony, whether or not involving moral turpitude,
5 or a misdemeanor involving moral turpitude. In either case, conviction by
6 any court of competent jurisdiction or a plea of no contest is conclusive
7 evidence of the commission.

8 (e) Failing or refusing to maintain adequate records on a patient.

9 (f) Exhibiting a pattern of using or being under the influence of
10 alcohol or drugs or a similar substance while practicing medicine or to
11 the extent that judgment may be impaired and the practice of medicine
12 detrimentally affected.

13 (g) Using controlled substances except if prescribed by another
14 physician for use during a prescribed course of treatment.

15 (h) Prescribing or dispensing controlled substances to members of
16 the physician's immediate family.

17 (i) Prescribing, dispensing or administering schedule II controlled
18 substances as ~~defined in~~ PRESCRIBED BY section 36-2513 OR THE RULES
19 ADOPTED PURSUANT TO SECTION 36-2513, including amphetamines and similar
20 schedule II sympathomimetic drugs in the treatment of exogenous obesity
21 for a period in excess of thirty days in any one year, or the
22 nontherapeutic use of injectable amphetamines.

23 (j) Prescribing, dispensing or administering any controlled
24 substance or prescription-only drug for other than accepted therapeutic
25 purposes.

26 (k) Dispensing a schedule II controlled substance that is an
27 opioid, except as provided in section 32-1491.

28 (l) Signing a blank, undated or predated prescription form.

29 (m) Committing conduct that the board determines is gross
30 malpractice, repeated malpractice or any malpractice resulting in the
31 death of a patient.

32 (n) Representing that a manifestly incurable disease or infirmity
33 can be permanently cured, or that any disease, ailment or infirmity can be
34 cured by a secret method, procedure, treatment, medicine or device, if
35 this is not true.

36 (o) Refusing to divulge to the board on demand the means, method,
37 procedure, modality of treatment or medicine used in the treatment of a
38 disease, injury, ailment or infirmity.

39 (p) Having action taken against a doctor of medicine by another
40 licensing or regulatory jurisdiction due to that doctor's mental or
41 physical inability to engage safely in the practice of medicine or the
42 doctor's medical incompetence or for unprofessional conduct as defined by
43 that jurisdiction and that corresponds directly or indirectly to an act of
44 unprofessional conduct prescribed by this paragraph. The action taken may
45 include refusing, denying, revoking or suspending a license by that

1 jurisdiction or a surrendering of a license to that jurisdiction,
2 otherwise limiting, restricting or monitoring a licensee by that
3 jurisdiction or placing a licensee on probation by that jurisdiction.

4 (q) Having sanctions imposed by an agency of the federal
5 government, including restricting, suspending, limiting or removing a
6 person from the practice of medicine or restricting that person's ability
7 to obtain financial remuneration.

8 (r) Committing any conduct or practice that is or might be harmful
9 or dangerous to the health of the patient or the public.

10 (s) Violating a formal order, probation, consent agreement or
11 stipulation issued or entered into by the board or its executive director
12 under this chapter.

13 (t) Violating or attempting to violate, directly or indirectly, or
14 assisting in or abetting the violation of or conspiring to violate any
15 provision of this chapter.

16 (u) Knowingly making any false or fraudulent statement, written or
17 oral, in connection with the practice of medicine or if applying for
18 privileges or renewing an application for privileges at a health care
19 institution.

20 (v) Charging a fee for services not rendered or dividing a
21 professional fee for patient referrals among health care providers or
22 health care institutions or between these providers and institutions or a
23 contractual arrangement that has the same effect. This subdivision does
24 not apply to payments from a medical researcher to a physician in
25 connection with identifying and monitoring patients for a clinical trial
26 regulated by the United States food and drug administration.

27 (w) Obtaining a fee by fraud, deceit or misrepresentation.

28 (x) Charging or collecting a clearly excessive fee. In determining
29 whether a fee is clearly excessive, the board shall consider the fee or
30 range of fees customarily charged in this state for similar services in
31 light of modifying factors such as the time required, the complexity of
32 the service and the skill requisite to perform the service properly. This
33 subdivision does not apply if there is a clear written contract for a
34 fixed fee between the physician and the patient that has been entered into
35 before the provision of the service.

36 (y) Committing conduct that is in violation of section 36-2302.

37 (z) Using experimental forms of diagnosis and treatment without
38 adequate informed patient consent, and without conforming to generally
39 accepted experimental criteria, including protocols, detailed records,
40 periodic analysis of results and periodic review by a medical peer review
41 committee as approved by the United States food and drug administration or
42 its successor agency.

43 (aa) Engaging in sexual conduct with a current patient or with a
44 former patient within six months after the last medical consultation
45 unless the patient was the licensee's spouse at the time of the contact

1 or, immediately preceding the physician-patient relationship, was in a
2 dating or engagement relationship with the licensee. For the purposes of
3 this subdivision, "sexual conduct" includes:

4 (i) Engaging in or soliciting sexual relationships, whether
5 consensual or nonconsensual.

6 (ii) Making sexual advances, requesting sexual favors or engaging
7 in any other verbal conduct or physical contact of a sexual nature.

8 (iii) Intentionally viewing a completely or partially disrobed
9 patient in the course of treatment if the viewing is not related to
10 patient diagnosis or treatment under current practice standards.

11 (bb) Procuring or attempting to procure a license to practice
12 medicine or a license renewal by fraud, by misrepresentation or by
13 knowingly taking advantage of the mistake of another person or an agency.

14 (cc) Representing or claiming to be a medical specialist if this is
15 not true.

16 (dd) Maintaining a professional connection with or lending one's
17 name to enhance or continue the activities of an illegal practitioner of
18 medicine.

19 (ee) Failing to furnish information in a timely manner to the board
20 or the board's investigators or representatives if legally requested by
21 the board.

22 (ff) Failing to allow properly authorized board personnel on demand
23 to examine and have access to documents, reports and records maintained by
24 the physician that relate to the physician's medical practice or medically
25 related activities.

26 (gg) Knowingly failing to disclose to a patient on a form that is
27 prescribed by the board and that is dated and signed by the patient or
28 guardian acknowledging that the patient or guardian has read and
29 understands that the doctor has a direct financial interest in a separate
30 diagnostic or treatment agency or in nonroutine goods or services that the
31 patient is being prescribed if the prescribed treatment, goods or services
32 are available on a competitive basis. This subdivision does not apply to
33 a referral by one doctor of medicine to another doctor of medicine within
34 a group of doctors of medicine practicing together.

35 (hh) Using chelation therapy in the treatment of arteriosclerosis
36 or as any other form of therapy, with the exception of treatment of heavy
37 metal poisoning, without:

38 (i) Adequate informed patient consent.

39 (ii) Conforming to generally accepted experimental criteria,
40 including protocols, detailed records, periodic analysis of results and
41 periodic review by a medical peer review committee.

42 (iii) Approval by the United States food and drug administration or
43 its successor agency.

44 (ii) Prescribing, dispensing or administering anabolic-androgenic
45 steroids to a person for other than therapeutic purposes.

1 (jj) Exhibiting a lack of or inappropriate direction, collaboration
2 or direct supervision of a medical assistant or a licensed, certified or
3 registered health care provider employed by, supervised by or assigned to
4 the physician.

5 (kk) Knowingly making a false or misleading statement to the board
6 or on a form required by the board or in a written correspondence,
7 including attachments, with the board.

8 (ll) Failing to dispense drugs and devices in compliance with
9 article 6 of this chapter.

10 (mm) Committing conduct that the board determines is gross
11 negligence, repeated negligence or negligence resulting in harm to or the
12 death of a patient.

13 (nn) Making a representation by a doctor of medicine or the
14 doctor's staff, employer or representative that the doctor is boarded or
15 board certified if this is not true or the standing is not current or
16 without supplying the full name of the specific agency, organization or
17 entity granting this standing.

18 (oo) Refusing to submit to a body fluid examination or any other
19 examination known to detect the presence of alcohol or other drugs as
20 required by the board pursuant to section 32-1452 or pursuant to a board
21 investigation into a doctor of medicine's alleged substance abuse.

22 (pp) Failing to report in writing to the Arizona medical board or
23 the Arizona regulatory board of physician assistants any evidence that a
24 doctor of medicine or a physician assistant is or may be medically
25 incompetent, guilty of unprofessional conduct or mentally or physically
26 unable to safely practice medicine or to perform as a physician assistant.

27 (qq) As a physician who is the chief executive officer, the medical
28 director or the medical chief of staff of a health care institution,
29 failing to report in writing to the board that the hospital privileges of
30 a doctor of medicine have been denied, revoked, suspended, supervised or
31 limited because of actions by the doctor that appear to show that the
32 doctor is or may be medically incompetent, is or may be guilty of
33 unprofessional conduct or is or may be unable to engage safely in the
34 practice of medicine.

35 (rr) Claiming to be a current member of the board or its staff or a
36 board medical consultant if this is not true.

37 (ss) Failing to make patient medical records in the physician's
38 possession promptly available to a physician assistant, a nurse
39 practitioner, a person licensed pursuant to this chapter or a podiatrist,
40 chiropractor, naturopathic physician, osteopathic physician or homeopathic
41 physician licensed under chapter 7, 8, 14, 17 or 29 of this title on
42 receipt of proper authorization to do so from the patient, a minor
43 patient's parent, the patient's legal guardian or the patient's authorized
44 representative or failing to comply with title 12, chapter 13,
45 article 7.1.

1 (tt) Prescribing, dispensing or furnishing a prescription
2 medication or a prescription-only device as defined in section 32-1901 to
3 a person unless the licensee first conducts a physical or mental health
4 status examination of that person or has previously established a
5 doctor-patient relationship. The physical or mental health status
6 examination may be conducted during a real-time telemedicine encounter
7 with audio and video capability, unless the examination is for the purpose
8 of obtaining a written certification from the physician for the purposes
9 of title 36, chapter 28.1. This subdivision does not apply to:

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

14 (ii) Emergency medical situations as defined in section 41-1831.

15 (iii) Prescriptions written to prepare a patient for a medical
16 examination.

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

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

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

32 (vii) Prescriptions for epinephrine auto-injectors written or
33 dispensed for a school district or charter school to be stocked for
34 emergency use pursuant to section 15-157 or for an authorized entity to be
35 stocked pursuant to section 36-2226.01.

36 (viii) Prescriptions written by a licensee through a telemedicine
37 program that is covered by the policies and procedures adopted by the
38 administrator of a hospital or outpatient treatment center.

39 (ix) Prescriptions for naloxone hydrochloride or any other opioid
40 antagonist approved by the United States food and drug administration that
41 are written or dispensed for use pursuant to section 36-2228 or 36-2266.

42 (uu) Performing office based surgery using sedation in violation of
43 board rules.

44 (vv) Practicing medicine under a false or assumed name in this
45 state.

1 Sec. 5. Section 32-1501, Arizona Revised Statutes, is amended to
2 read:

3 32-1501. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Accepted therapeutic purpose" means treatment of a disease,
6 injury, ailment or infirmity that is competent and generally recognized as
7 safe and effective.

8 2. "Active license" means a current valid license to practice
9 naturopathic medicine.

10 3. "Adequate medical records" means legible medical records
11 containing, at a minimum, sufficient information to identify the patient,
12 support the diagnosis, describe the treatment, accurately document the
13 results, indicate advice and cautionary warning provided to the patient
14 and provide sufficient information for a similarly qualified practitioner
15 to assume continuity of the patient's care at any point in the course of
16 treatment.

17 4. "Approved clinical training program" or "clinical training
18 program" means a program for naturopathic medical students in which the
19 training occurred or is being conducted by or in conjunction with an
20 approved school of naturopathic medicine.

21 5. "Approved internship program" or "internship" means that the
22 program in which the training occurred or is being conducted has been
23 approved for internship training for physicians or for graduates of a
24 school of naturopathic medicine by the board or was approved or accredited
25 by an educational or professional association recognized by the board or
26 by another state's or country's licensing agency recognized by the board.

27 6. "Approved postdoctoral training" or "postdoctoral training"
28 means that the program in which the training occurred or is being
29 conducted has been approved for specialty training or for graduate medical
30 education in naturopathic medicine by the board or approved or accredited
31 by an educational or professional association recognized by the board or
32 by another state's or country's licensing agency recognized by the board.

33 7. "Approved preceptorship program" or "preceptorship" means that
34 the program in which the training occurred or is being conducted has been
35 approved for preceptorship training for physicians or for graduates of a
36 school of naturopathic medicine by the board or was approved or accredited
37 by an educational or professional association recognized by the board or
38 by another state's or country's licensing agency recognized by the board.

39 8. "Approved school of naturopathic medicine" or "school of
40 naturopathic medicine" means a school or college determined by the board
41 to have an educational program that meets standards prescribed by the
42 council on naturopathic medical education, or its successor agency, and
43 that offers a course of study that, on successful completion, results in
44 the awarding of the degree of doctor of naturopathic medicine and whose
45 course of study is either of the following:

1 (a) Accredited or a candidate for accreditation by an accrediting
2 agency recognized by the United States secretary of education as a
3 specialized accrediting agency for schools of naturopathic medicine or its
4 successor.

5 (b) Accredited or a candidate for accreditation by an accrediting
6 agency recognized by the council for higher education accreditation or its
7 successor.

8 9. "Board" means the naturopathic physicians medical board.

9 10. "Chelation therapy" means an experimental medical therapy to
10 restore cellular homeostasis through the use of intravenous, metal-binding
11 and bioinorganic agents such as ethylene diamine tetraacetic acid.
12 Chelation therapy does not include experimental therapy used to treat
13 heavy metal poisoning.

14 11. "Completed application" means that the applicant paid the
15 required fees and supplied all documents and information as requested by
16 the board and in a manner acceptable to the board.

17 12. "Controlled substance" means a drug, substance or immediate
18 precursor in schedules I through V of title 36, chapter 27, article 2 OR
19 THE RULES ADOPTED PURSUANT TO TITLE 36, CHAPTER 27, ARTICLE 2.

20 13. "Direct supervision" means that a physician who is licensed
21 pursuant to this chapter or chapter 13, 17 or 29 of this title:

22 (a) Is physically present and within sight or sound of the person
23 supervised and is available for consultation regarding procedures that the
24 physician has authorized and for which the physician remains responsible.

25 (b) Has designated a person licensed pursuant to this chapter or
26 chapter 13, 17 or 29 of this title to provide direct supervision in the
27 physician's absence.

28 14. "Doctor of naturopathic medicine" or "doctor" means a natural
29 person who is licensed to practice naturopathic medicine under this
30 chapter.

31 15. "Drug" has the same meaning prescribed in section 32-1901 but
32 does not include:

33 (a) Intravenous administration of legend drugs, except for:

34 (i) Vitamins, chelation therapy and drugs used in emergency
35 resuscitation and stabilization.

36 (ii) Minerals.

37 (iii) Nutrients. For the purposes of this item, "nutrient" means a
38 substance that provides nourishment for growth or metabolism and that is
39 manufactured and supplied for intravenous use by a manufacturer registered
40 with the United States food and drug administration or compounded by a
41 pharmacy licensed by the Arizona state board of pharmacy.

42 (b) Controlled substances listed as schedule I or II controlled
43 substances as defined in the federal controlled substances act of 1970
44 (21 United States Code section 802), except morphine, any drug that is

1 reclassified from schedule III to schedule II after January 1, 2014 and
2 any homeopathic preparations that are also controlled substances.

3 (c) Cancer chemotherapeutics classified as legend drugs.

4 (d) Antipsychotics.

5 16. "General supervision" means that the physician is available for
6 consultation regarding procedures that the physician has authorized and
7 for which the physician remains responsible.

8 17. "Legend drug" means any drug that is defined by section 503(b)
9 of the federal food, drug, and cosmetic act and under which definition its
10 label is required to bear the statement "Rx only".

11 18. "Letter of concern" means a nondisciplinary advisory letter
12 that is issued by the board to a person who is regulated under this
13 chapter and that states that while there is insufficient evidence to
14 support disciplinary action the board believes that the person should
15 modify or eliminate certain practices and that continuation of the
16 activities that led to the information being submitted to the board may
17 result in action against the person's license, certificate or
18 registration.

19 19. "Letter of reprimand" means a disciplinary letter that is
20 issued by the board and that informs a person who is regulated under this
21 chapter that the person's conduct violates state or federal law but does
22 not require the board to restrict the person's license, certificate or
23 registration because the person's conduct did not result in harm to a
24 patient or to the public.

25 20. "Limit" means taking a nondisciplinary action that alters the
26 physician's practice or professional activities if the board determines
27 that there is evidence that the physician is or may be mentally or
28 physically unable to safely engage in the practice of medicine.

29 21. "Medical assistant" or "naturopathic medical assistant" means a
30 person who is certified by the board as a medical assistant, who assists a
31 doctor of naturopathic medicine and who may perform delegated procedures
32 that are commensurate with the assistant's education and training under
33 the direct supervision of a doctor of naturopathic medicine and that do
34 not include diagnosing, designing or modifying established treatment
35 programs or those procedures prohibited by the board or by this chapter.

36 22. "Medically incompetent" means a person who is licensed,
37 certified or registered pursuant to this chapter and who lacks sufficient
38 naturopathic medical knowledge or skills, or both, to a degree that is
39 likely to endanger the health of patients.

40 23. "Natural substance" means a homeopathic, botanical, nutritional
41 or other supplement that does not require a prescription pursuant to
42 federal law before it is prescribed, dispensed or otherwise furnished to a
43 patient and that is prescribed by a physician who is licensed pursuant to
44 this chapter to enhance health, prevent disease or treat a medical
45 condition diagnosed by the physician.

1 24. "Naturopathic medical student" means a person who is enrolled
2 in a course of study at an approved school of naturopathic medicine.

3 25. "Naturopathic medicine" means medicine as taught in approved
4 schools of naturopathic medicine and in clinical, internship,
5 preceptorship and postdoctoral training programs approved by the board and
6 practiced by a recipient of a degree of doctor of naturopathic medicine
7 licensed pursuant to this chapter.

8 26. "Nurse" means a person who is licensed pursuant to chapter 15
9 of this title.

10 27. "Physician" means a doctor of naturopathic medicine who is
11 licensed pursuant to this chapter.

12 28. "Practice of naturopathic medicine" means a medical system of
13 diagnosing and treating diseases, injuries, ailments, infirmities and
14 other conditions of the human mind and body, including by natural means,
15 drugless methods, drugs, nonsurgical methods, devices, physical,
16 electrical, hygienic and sanitary measures and all forms of physical
17 agents and modalities.

18 29. "Restrict" means taking a disciplinary action that alters the
19 physician's practice or professional activities if the board determines
20 that there is evidence that the physician is or may be medically
21 incompetent or guilty of unprofessional conduct.

22 30. "Specialist" means a physician who has successfully completed
23 approved postdoctoral training, who is certified by a specialty board of
24 examiners recognized by the board and who is certified by the board to
25 practice the specialty pursuant to this chapter.

26 31. "Unprofessional conduct" includes the following, whether
27 occurring in this state or elsewhere:

28 (a) Intentionally disclosing a professional secret or intentionally
29 disclosing a privileged communication except as either of these may
30 otherwise be required by law.

31 (b) Engaging in any dishonorable conduct reflecting unfavorably on
32 the profession.

33 (c) Committing a felony, whether or not involving moral turpitude,
34 or a misdemeanor involving moral turpitude. In either case conviction by
35 any court of competent jurisdiction or a plea of no contest is conclusive
36 evidence of the commission of the felony or misdemeanor.

37 (d) Habitual intemperance in the use of alcohol or any substance
38 abuse.

39 (e) Engaging in the illegal use of any narcotic or hypnotic drugs,
40 or illegal substances.

41 (f) Engaging in conduct that the board determines is gross
42 malpractice, repeated malpractice or any malpractice resulting in the
43 death of a patient.

44 (g) Impersonating another doctor of naturopathic medicine or any
45 other practitioner of the healing arts.

1 (h) Falsely acting or assuming to act as a member, an employee or
2 an authorized agent of the board.

3 (i) Procuring or attempting to procure a license or a certificate
4 pursuant to this chapter by fraud, by misrepresentation or by knowingly
5 taking advantage of the mistake of another person or agency.

6 (j) Having professional connection with or lending one's name to
7 enhance or continue the activities of an illegal physician or an illegal
8 practitioner of any healing art.

9 (k) Representing that a manifestly incurable disease, injury,
10 ailment or infirmity can be permanently cured, or falsely or fraudulently
11 representing that a curable disease, injury, ailment or infirmity can be
12 cured within a stated time.

13 (l) Offering, undertaking or agreeing to cure or treat a disease,
14 injury, ailment or infirmity by a secret means, method, treatment,
15 medicine, substance, device or instrumentality.

16 (m) Refusing to divulge to the board on demand the means, method,
17 treatment, medicine, substance, device or instrumentality used in the
18 treatment of a disease, injury, ailment or infirmity.

19 (n) Giving or receiving, or aiding or abetting the giving or
20 receiving of, rebates, either directly or indirectly.

21 (o) Knowingly making any false or fraudulent statement, written or
22 oral, in connection with the practice of naturopathic medicine or any
23 naturopathic treatment method.

24 (p) Engaging in immorality or misconduct that tends to discredit
25 the naturopathic profession.

26 (q) Having a license refused, revoked or suspended by any other
27 state, district or territory of the United States or any other country,
28 unless it can be shown that this action was not due to reasons that relate
29 to the ability to safely and skillfully practice as a doctor of
30 naturopathic medicine or to any act of unprofessional conduct in this
31 paragraph.

32 (r) Engaging in any conduct or practice that is contrary to
33 recognized standards of ethics of the naturopathic profession, any conduct
34 or practice that does or might constitute a danger to the health, welfare
35 or safety of the patient or the public, or any conduct, practice or
36 condition that does or might impair the ability to safely and skillfully
37 practice as a doctor of naturopathic medicine.

38 (s) Failing to observe any federal, state, county or municipal law
39 relating to public health as a physician in this state.

40 (t) Violating or attempting to violate, directly or indirectly, or
41 assisting in or abetting the violation of, or conspiring to violate this
42 chapter or board rules.

43 (u) Committing false, fraudulent, deceptive or misleading
44 advertising or advertising the quality of a medical or health care service
45 by a physician or by the physician's staff, employer or representative.

1 (v) Failing or refusing to maintain adequate medical records on a
2 patient or failing or refusing to make medical records in the physician's
3 possession promptly available to another physician or health care provider
4 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title
5 on request and receipt of proper authorization to do so from the patient,
6 a minor patient's parent, the patient's legal guardian or the patient's
7 authorized representative or failing to comply with title 12, chapter 13,
8 article 7.1.

9 (w) Referring a patient to a diagnostic or treatment facility or
10 prescribing goods and services without disclosing in writing to the
11 patient that the physician has a pecuniary interest in the facility, goods
12 or services to which the patient is referred or prescribed. This
13 subdivision does not apply to a referral by one physician or practitioner
14 to another physician or practitioner within a group of physicians or
15 practitioners practicing together.

16 (x) Engaging in sexual intimacies with a patient in the course of
17 direct treatment.

18 (y) Failing to dispense drugs and devices in compliance with
19 article 4 of this chapter.

20 (z) Administering, dispensing or prescribing any drug or a device
21 for other than an accepted therapeutic purpose.

22 (aa) Falsely representing or holding oneself out as being a
23 specialist or representation by a doctor of naturopathic medicine or the
24 doctor's staff, employer or representative that the doctor is boarded or
25 board certified if this is not true or that standing is not current.

26 (bb) Delegating professional duties and responsibilities to a
27 person if the person has not been approved or qualified by licensure or by
28 certification to perform these duties or responsibilities.

29 (cc) Failing to appropriately supervise a naturopathic medical
30 student, a nurse, a medical assistant, a health care provider or a
31 technician who is employed by or assigned to the physician during the
32 performance of delegated professional duties and responsibilities.

33 (dd) Using experimental forms of diagnosis or treatment without
34 adequate informed consent of the patient or the patient's legal guardian
35 and without conforming to experimental criteria, including protocols,
36 detailed records, periodic analysis of results and periodic review by a
37 medical peer review committee as approved by the United States food and
38 drug administration or its successor agency.

39 (ee) Failing to furnish information in a timely manner to the board
40 or investigators or representatives of the board if this information is
41 legally requested by the board and failing to allow properly authorized
42 board personnel on demand to examine and have access to documents, reports
43 and records maintained by the physician that relate to the physician's
44 medical practice or medically related activities.

1 (ff) Failing to report in writing to the board evidence that a
2 person who is licensed, certified or registered pursuant to this chapter
3 is or may be medically incompetent, guilty of unprofessional conduct or
4 mentally or physically unable to safely practice or assist in the practice
5 of naturopathic medicine.

6 (gg) Conducting or engaging in an internship, preceptorship or
7 clinical training program in naturopathic medicine without being approved
8 and registered by the board for that internship, preceptorship or clinical
9 training program.

10 (hh) Signing a blank, undated or predated prescription form.

11 (ii) Engaging in conduct that the board determines is gross
12 negligence, repeated negligence or negligence resulting in harm or death
13 to a patient.

14 (jj) Knowingly making a false or misleading statement in oral
15 testimony to the board on a form required by the board or in written
16 correspondence to the board, including attachments to that correspondence.

17 (kk) The failure of a physician who is the chief medical officer,
18 the executive officer or the chief of staff of an internship, a
19 preceptorship or a clinical training program to report in writing to the
20 board that the privileges of a doctor of naturopathic medicine, a
21 naturopathic medical student or a medical assistant have been denied,
22 limited, revoked or suspended because that doctor's, student's or
23 assistant's actions appear to indicate that the person is or may be
24 medically incompetent, is or may be guilty of unprofessional conduct or is
25 or may be unable to safely engage or assist in the practice of
26 naturopathic medicine.

27 (ll) Having action taken against a doctor of naturopathic medicine
28 by a licensing or regulatory board in another jurisdiction due to that
29 doctor's mental or physical inability to engage safely in the practice of
30 naturopathic medicine or the doctor's medical incompetence or for
31 unprofessional conduct as defined by that licensing or regulatory board
32 and that corresponds directly or indirectly to an act of unprofessional
33 conduct prescribed by this paragraph. The action taken may include
34 refusing, denying, revoking or suspending a license, otherwise limiting,
35 restricting or monitoring a licensee or placing a licensee on probation by
36 that licensing or regulatory board.

37 (mm) Having sanctions imposed by an agency of the federal
38 government, including restricting, suspending, limiting or removing a
39 person from the practice of naturopathic medicine or restricting that
40 person's ability to obtain financial remuneration.

41 (nn) Violating any formal order, probation, consent agreement or
42 stipulation issued or entered into by the board pursuant to this chapter.

43 (oo) Refusing to submit to a body fluid examination pursuant to a
44 board investigation of alleged substance abuse by a doctor of naturopathic
45 medicine.

1 (pp) Charging a fee for services not rendered or dividing a
2 professional fee for patient referrals among health care providers or
3 health care institutions or between these providers and institutions or a
4 contractual arrangement that has this effect.

5 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

6 (rr) Charging or collecting a clearly excessive fee. In
7 determining whether a fee is clearly excessive, the board shall consider
8 the fee or range of fees customarily charged in this state for similar
9 services, in light of modifying factors such as the time required, the
10 complexity of the service and the skill required to perform the service
11 properly. This subdivision does not apply if there is a clear written
12 contract for a fixed fee between the physician and the patient that was
13 entered into before the service was provided.

14 (ss) With the exception of heavy metal poisoning, using chelation
15 therapy in the treatment of arteriosclerosis or as any other form of
16 therapy without adequate informed patient consent and without conforming
17 to generally accepted experimental criteria, including protocols, detailed
18 records, periodic analysis of results and periodic review by a medical
19 peer review committee.

20 (tt) Using a controlled substance unless it is prescribed by
21 another physician for use during a prescribed course of treatment.

22 (uu) Prescribing, dispensing or administering anabolic androgenic
23 steroids for other than therapeutic purposes.

24 (vv) Except in an emergency or urgent care situation, prescribing
25 or dispensing a controlled substance to a member of the naturopathic
26 physician's immediate family.

27 (ww) Prescribing, dispensing or furnishing a prescription
28 medication or a prescription-only device as defined in section 32-1901 to
29 a person unless the licensee first conducts a physical examination of that
30 person or has previously established a doctor-patient relationship. The
31 physical examination may be conducted during a real-time telemedicine
32 encounter with audio and video capability unless the examination is for
33 the purpose of obtaining a written certification from the physician for
34 the purposes of title 36, chapter 28.1. This subdivision does not apply
35 to:

36 (i) A licensee who provides temporary patient supervision on behalf
37 of the patient's regular treating licensed health care professional.

38 (ii) An emergency medical situation as defined in section 41-1831.

39 (iii) Prescriptions written to prepare a patient for a medical
40 examination.

41 (iv) Prescriptions written or prescription medications issued for
42 use by a county or tribal public health department for immunization
43 programs or emergency treatment or in response to an infectious disease
44 investigation, a public health emergency, an infectious disease outbreak

1 or an act of bioterrorism. For the purposes of this item, "bioterrorism"
2 has the same meaning prescribed in section 36-781.

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

8 (vi) Prescriptions written by a licensee through a telemedicine
9 program that is covered by the policies and procedures adopted by the
10 administrator of a hospital or outpatient treatment center.

11 (xx) If medical treatment is considered experimental or
12 investigational, failing to include in a patient's record a consent to
13 treatment document that is signed by the patient or the patient's parent
14 or legal guardian and that indicates that the patient or the patient's
15 parent or legal guardian has been informed of the risk of any treatment to
16 be provided and the expected cost of that treatment.

17 (yy) When issuing a written certification as defined in section
18 36-2801, failing or refusing to include in the adequate medical records of
19 a patient a copy of all of the following:

20 (i) The medical records relied on by the physician to support the
21 diagnosis or confirmed diagnosis of the patient's debilitating medical
22 condition.

23 (ii) The written certification.

24 (iii) The patient's profile on the Arizona board of pharmacy
25 controlled substances prescription monitoring program database.

26 (zz) Dispensing a schedule II controlled substance that is an
27 opioid.

28 Sec. 6. Section 32-1901, Arizona Revised Statutes, is amended to
29 read:

30 32-1901. Definitions

31 In this chapter, unless the context otherwise requires:

32 1. "Administer" means the direct application of a controlled
33 substance, prescription-only drug, dangerous drug or narcotic drug,
34 whether by injection, inhalation, ingestion or any other means, to the
35 body of a patient or research subject by a practitioner or by the
36 practitioner's authorized agent or the patient or research subject at the
37 direction of the practitioner.

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

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

44 (a) While there is insufficient evidence to support disciplinary
45 action, the board believes that continuation of the activities that led to

1 the investigation may result in further board action against the licensee
2 or permittee.

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

5 (c) While the licensee or permittee has demonstrated substantial
6 compliance through rehabilitation, remediation or reeducation that has
7 mitigated the need for disciplinary action, the board believes that
8 repetition of the activities that led to the investigation may result in
9 further board action against the licensee or permittee.

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

15 5. "Authorized officers of the law" means legally empowered peace
16 officers, compliance officers of the board of pharmacy and agents of the
17 division of narcotics enforcement and criminal intelligence of the
18 department of public safety.

19 6. "Automated prescription-dispensing kiosk" means a mechanical
20 system that is operated as an extension of a pharmacy, that maintains all
21 transaction information within the pharmacy operating system, that is
22 separately permitted from the pharmacy and that performs operations that
23 either:

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

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

30 7. "Board" or "board of pharmacy" means the Arizona state board of
31 pharmacy.

32 8. "Certificate of composition" means a list of a product's
33 ingredients.

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

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

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

42 (b) If added or applied to a drug, or to the human body or any part
43 of the human body, is capable of imparting color, except that color
44 additive does not include any material that has been or may be exempted

1 under the federal act. Color includes black, white and intermediate
2 grays.

3 11. "Compounding" means the preparation, mixing, assembling,
4 packaging or labeling of a drug by a pharmacist or an intern or pharmacy
5 technician under the pharmacist's supervision, for the purpose of
6 dispensing to a patient based on a valid prescription order. Compounding
7 includes the preparation of drugs in anticipation of prescription orders
8 prepared on routine, regularly observed prescribing patterns and the
9 preparation of drugs as an incident to research, teaching or chemical
10 analysis or for administration by a medical practitioner to the medical
11 practitioner's patient and not for sale or dispensing. Compounding does
12 not include the preparation of commercially available products from bulk
13 compounds or the preparation of drugs for sale to pharmacies,
14 practitioners or entities for the purpose of dispensing or distribution.

15 12. "Compressed medical gas distributor" means a person who holds a
16 current permit issued by the board to distribute compressed medical gases
17 pursuant to a compressed medical gas order to compressed medical gas
18 suppliers and other entities that are registered, licensed or permitted to
19 use, administer or distribute compressed medical gases.

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

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

25 15. "Compressed medical gas supplier" means a person who holds a
26 current permit issued by the board to supply compressed medical gases
27 pursuant to a compressed medical gas order and only to the consumer or the
28 patient.

29 16. "Controlled substance" means a drug, substance or immediate
30 precursor that is identified, defined or listed in title 36, chapter 27,
31 article 2 OR THE RULES ADOPTED PURSUANT TO TITLE 36, CHAPTER 27,
32 ARTICLE 2.

33 17. "Corrosive" means any substance that when it comes in contact
34 with living tissue will cause destruction of tissue by chemical action.

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

40 19. "Dangerous drug" has the same meaning prescribed in section
41 13-3401.

42 20. "Day" means a business day.

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

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

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

7 24. "Device", except as used in paragraph 18 of this section,
8 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
9 15 and subsection C, means instruments, apparatuses and contrivances,
10 including their components, parts and accessories, including all such
11 items under the federal act, intended either:

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

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

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

18 26. "Direct supervision of a pharmacist" means the pharmacist is
19 present. If relating to the sale of certain items, direct supervision of
20 a pharmacist means that a pharmacist determines the legitimacy or
21 advisability of a proposed purchase of those items.

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

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

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

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

30 31. "Drug" means:

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

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

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

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

40 32. "Drug enforcement administration" means the drug enforcement
41 administration of the United States department of justice or its successor
42 agency.

43 33. "Drug or device manufacturing" means the production,
44 preparation, propagation or processing of a drug or device, either
45 directly or indirectly, by extraction from substances of natural origin or

1 independently by means of chemical synthesis and includes any packaging or
2 repackaging of substances or labeling or relabeling of its container and
3 the promotion and marketing of the same. Drug or device manufacturing
4 does not include compounding.

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

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

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

14 (a) The applicable official name.

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

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

20 37. "Executive director" means the executive director of the board
21 of pharmacy.

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

26 39. "Full service wholesale permittee":

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

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

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

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

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

43 (b) Produces death within fourteen days in half or more than half
44 of a group of ten or more laboratory white rats each weighing between two
45 hundred and three hundred grams, if inhaled continuously for a period of

1 one hour or less at an atmospheric concentration of two hundred parts per
2 million by volume or less of gas or vapor or two milligrams per liter by
3 volume or less of mist or dust, provided the concentration is likely to be
4 encountered by humans if the substance is used in any reasonably
5 foreseeable manner.

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

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

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

17 43. "Intern" means a pharmacy intern.

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

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

23 46. "Jurisprudence examination" means a board-approved pharmacy law
24 examination that is written and administered in cooperation with the
25 national association of boards of pharmacy or another board-approved
26 pharmacy law examination.

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

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

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

35 (b) Accompanying that article.

36 49. "Letter of reprimand" means a disciplinary letter that is a
37 public document issued by the board and that informs a licensee or
38 permittee that the licensee's or permittee's conduct violates state or
39 federal law and may require the board to monitor the licensee or
40 permittee.

41 50. "Limited service pharmacy" means a pharmacy that is approved by
42 the board to practice a limited segment of pharmacy as indicated by the
43 permit issued by the board.

1 51. "Manufacture" or "manufacturer":

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

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

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

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

14 54. "Medication order" means a written or verbal order from a
15 medical practitioner or that person's authorized agent to administer a
16 drug or device.

17 55. "Narcotic drug" has the same meaning prescribed in section
18 13-3401.

19 56. "New drug" means either:

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

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

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

35 (a) A drug that is primarily advertised and promoted professionally
36 to medical practitioners and pharmacists by manufacturers or primary
37 distributors.

38 (b) A controlled substance.

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

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

41 58. "Nonprescription drug wholesale permittee":

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

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

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

4 60. "Nutritional supplementation" means vitamins, minerals and
5 caloric supplementation. Nutritional supplementation does not include
6 medication or drugs.

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

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

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

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

17 65. "Parenteral nutrition" means intravenous feeding that provides
18 a person with fluids and essential nutrients the person needs while the
19 person is unable to receive adequate fluids or feedings by mouth or by
20 enteral feeding.

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

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

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

27 69. "Pharmacist in charge" means the pharmacist who is responsible
28 to the board for a licensed establishment's compliance with the laws and
29 administrative rules of this state and of the federal government
30 pertaining to the practice of pharmacy, the manufacturing of drugs and the
31 distribution of drugs and devices.

32 70. "Pharmacist licensure examination" means a board-approved
33 examination that is written and administered in cooperation with the
34 national association of boards of pharmacy or any other board-approved
35 pharmacist licensure examination.

36 71. "Pharmacy":

37 (a) Means:

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

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

42 (iii) Any place that has displayed on it or in it the words
43 "pharmacist", "pharmaceutical chemist", "apothecary", "druggist",
44 "pharmacy", "drugstore", "drugs" or "drug sundries" or any of these words
45 or combinations of these words, or words of similar import either in

1 English or any other language, or that is advertised by any sign
2 containing any of these words.

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

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

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

12 (b) Includes a satellite pharmacy.

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

15 73. "Pharmacy technician" means a person who is licensed pursuant
16 to this chapter.

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

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

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

27 (b) A toxic substance.

28 (c) A highly toxic substance.

29 (d) A corrosive substance.

30 (e) An irritant.

31 (f) A strong sensitizer.

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

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

1 state pesticide act, but that is a poison or hazardous substance within
2 the meaning of this paragraph by reason of bearing or containing an
3 economic poison or hazardous substance.

4 76. "Practice of pharmacy":

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

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

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

11 (iii) Labeling drugs and devices in compliance with state and
12 federal requirements.

13 (iv) Participating in drug selection and drug utilization reviews,
14 drug administration, drug or drug-related research and drug therapy
15 monitoring or management.

16 (v) Providing patient counseling necessary to provide
17 pharmaceutical care.

18 (vi) Properly and safely storing drugs and devices in anticipation
19 of dispensing.

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

21 (viii) Offering or performing acts, services, operations or
22 transactions necessary in the conduct, operation, management and control
23 of a pharmacy.

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

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

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

32 77. "Practitioner" means any physician, dentist, veterinarian,
33 scientific investigator or other person who is licensed, registered or
34 otherwise permitted to distribute, dispense, conduct research with respect
35 to or administer a controlled substance in the course of professional
36 practice or research in this state, or any pharmacy, hospital or other
37 institution that is licensed, registered or otherwise permitted to
38 distribute, dispense, conduct research with respect to or administer a
39 controlled substance in the course of professional practice or research in
40 this state.

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

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

2 (a) The principal compound that is commonly used or that is
3 produced primarily for use and that is an immediate chemical intermediary
4 used or likely to be used in the manufacture of a controlled substance,
5 the control of which is necessary to prevent, curtail or limit
6 manufacture.

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

8 80. "Prescription" means either a prescription order or a
9 prescription medication.

10 81. "Prescription medication" means any drug, including label and
11 container according to context, that is dispensed pursuant to a
12 prescription order.

13 82. "Prescription-only device" includes:

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

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

18 83. "Prescription-only drug" does not include a controlled
19 substance but does include:

20 (a) Any drug that because of its toxicity or other potentiality for
21 harmful effect, the method of its use, or the collateral measures
22 necessary to its use is not generally recognized among experts, qualified
23 by scientific training and experience to evaluate its safety and efficacy,
24 as safe for use except by or under the supervision of a medical
25 practitioner.

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

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

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

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

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

37 (b) An order transmitted to a pharmacist through word of mouth,
38 telephone or other means of communication directed by that medical
39 practitioner. Prescription orders received by word of mouth, telephone or
40 other means of communication shall be maintained by the pharmacist
41 pursuant to section 32-1964, and the record so made by the pharmacist
42 constitutes the original prescription order to be dispensed by the
43 pharmacist. This paragraph does not alter or affect laws of this state or
44 any federal act requiring a written prescription order.

1 (c) An order initiated by a pharmacist pursuant to a protocol-based
2 drug therapy agreement with a provider as outlined in section 32-1970, or
3 immunizations or vaccines administered by a pharmacist pursuant to section
4 32-1974.

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

9 85. "Professionally incompetent" means:

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

13 (b) When considered with other indications of professional
14 incompetence, a pharmacist or pharmacy intern who fails to obtain a
15 passing score on a board-approved pharmacist licensure examination or a
16 pharmacy technician or pharmacy technician trainee who fails to obtain a
17 passing score on a board-approved pharmacy technician licensure
18 examination.

19 86. "Radioactive substance" means a substance that emits ionizing
20 radiation.

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

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

27 89. "Revocation" or "revoke" means the official cancellation of a
28 license, permit, registration or other approval authorized by the board
29 for a period of two years unless otherwise specified by the board. A
30 request or new application for reinstatement may be presented to the board
31 for review before the conclusion of the specified revocation period upon
32 review of the executive director.

33 90. "Safely engage in employment duties" means that a permittee or
34 the permittee's employee is able to safely engage in employment duties
35 related to the manufacture, sale, distribution or dispensing of drugs,
36 devices, poisons, hazardous substances, controlled substances or precursor
37 chemicals.

38 91. "Satellite pharmacy" means a work area located within a
39 hospital or on a hospital campus that is not separated by other commercial
40 property or residential property, that is under the direction of a
41 pharmacist, that is a remote extension of a centrally licensed hospital
42 pharmacy, ~~and~~ that is owned by and dependent on the centrally licensed
43 hospital pharmacy for administrative control, staffing and drug
44 procurement and that is not required to be separately permitted.

1 (b) The diagnosis and treatment of pain, neuromuscular disorders
2 and other ailments based on the body's biophysics and neuroanatomic
3 structure.

4 (c) The use of devices to determine the biologic electrical
5 response pattern of acupuncture points as a guide to diagnose bodily
6 ailments and to guide the prescription of homeopathic substances,
7 orthomolecular therapy or pharmaceutical medicine.

8 2. "Adequate records" means legible medical records that contain at
9 a minimum sufficient information to identify the patient, support the
10 diagnosis, document the treatment, accurately describe the results,
11 indicate advice, cautionary warnings and informed consent discussions with
12 the patient and provide sufficient information for another licensed health
13 care practitioner to assume continuity of the patient's care and to
14 continue or modify the treatment plan.

15 3. "Approved internship" means that the applicant has completed
16 training in a hospital that was approved for internship, fellowship or
17 residency training by the council on medical education in hospitals of the
18 American medical association, the association of American medical
19 colleges, the royal college of physicians and surgeons of Canada, the
20 American osteopathic association or any board approved similar body in the
21 United States or Canada that approves hospitals for internship, fellowship
22 or residency training.

23 4. "Approved school of medicine":

24 (a) As it relates to a person who is seeking licensure pursuant to
25 section 32-2912, subsection A, means a school or college that offers a
26 course of study that on successful conclusion results in a degree of
27 doctor of medicine or doctor of ~~osteopathy~~ OSTEOPATHIC MEDICINE and that
28 offers a course of study that is approved or accredited by the association
29 of American medical colleges, the association of Canadian medical
30 colleges, the American medical association, the American osteopathic
31 association or any board-approved similar body in the United States or
32 Canada that accredits this course of study.

33 (b) As it relates to a person who is seeking licensure pursuant to
34 section 32-2912, subsection B, means a school or college that on
35 successful completion results in a degree of doctor of homeopathy and that
36 is approved or accredited by the accreditation commission for homeopathic
37 education in North America or any board-approved similar body that
38 accredits this course of study.

39 5. "Board" means the board of homeopathic and integrated medicine
40 examiners.

41 6. "Chelation therapy" means an experimental medical therapy to
42 restore cellular homeostasis through the use of intravenous, metal-binding
43 and bioinorganic agents such as ethylene diamine tetraacetic acid.
44 Chelation therapy is not an experimental therapy if it is used to treat
45 heavy metal poisoning.

1 7. "Controlled substance" means a drug or substance or a drug's or
2 substance's immediate precursor that is defined or listed in title 36,
3 chapter 27, article 2 OR THE RULES ADOPTED PURSUANT TO TITLE 36, CHAPTER
4 27, ARTICLE 2.

5 8. "Drug" means a medication or substance that is any of the
6 following:

7 (a) Recognized in the official compendia or for which standards or
8 specifications are prescribed in the official compendia.

9 (b) Intended for use in the diagnosis, cure, mitigation, treatment
10 or prevention of human diseases.

11 (c) Articles other than food that are intended to affect the
12 structure or function of the human body.

13 9. "Homeopathic medication" means a substance of animal, vegetable
14 or mineral origin that is prepared according to homeopathic pharmacology
15 and that is given usually in a homeopathic microdosage.

16 10. "Homeopathic microdosage" means a substance prepared so that it
17 is diluted from ten to the minus one to ten to the minus ten thousandth or
18 higher of its original concentration.

19 11. "Homeopathy" means a system of medicine that employs
20 homeopathic medication in accordance with the principle that a substance
21 that produces symptoms in a healthy person can cure those symptoms in an
22 ill person.

23 12. "Immediate family" means a person's spouse, natural or adopted
24 children, parents and siblings and the natural or adopted children,
25 parents and siblings of the person's spouse.

26 13. "Letter of concern" means an advisory letter to notify a
27 licensee that, while there is insufficient evidence to support
28 disciplinary action, the board believes the licensee should modify or
29 eliminate certain practices.

30 14. "Licensee" means a person who is licensed pursuant to this
31 chapter.

32 15. "Medical assistant" means an unlicensed person who has
33 completed an educational program approved by the board, who assists in a
34 homeopathic practice under the supervision of a doctor of homeopathy and
35 who performs delegated procedures commensurate with the assistant's
36 education and training but who does not diagnose, interpret, design or
37 modify established treatment programs or violate any statute.

38 16. "Medical incompetence" means the lack of sufficient medical
39 knowledge or skill by a licensee to a degree that is likely to endanger a
40 patient's health. Medical incompetence includes the range of knowledge
41 expected for basic licensure pursuant to this chapter or as a medical or
42 osteopathic physician in any professional regulatory jurisdiction of the
43 United States and additional knowledge of homeopathic treatments and
44 modalities expected of persons who are licensed pursuant to this chapter.

1 17. "Minor surgery" means surgical procedures that are conducted by
2 a licensee who is licensed pursuant to section 32-2912, subsection A in an
3 outpatient setting and that involve the removal or repair of lesions or
4 injuries to the skin, mucous membranes and subcutaneous tissues, the use
5 of topical, local or regional anesthetic agents, the treatment by
6 stabilizing or casting nondisplaced and uncomplicated fractures of the
7 extremities and diagnostic endoscopies of the intestinal tract,
8 nasopharynx and vagina. Minor surgery also includes diagnostic aspiration
9 of joints and subcutaneous cysts, therapeutic injections of muscular
10 trigger points, tendons, ligaments and scars and the subcutaneous
11 implantation of medical therapeutic agents. Minor surgery does not
12 include the use of general, spinal or epidural anesthesia, the opening of
13 body cavities, the repair of blood vessels and nerves or the biopsy by
14 incision, excision or needle aspiration of internal organs, the breast or
15 the prostate.

16 18. "Neuromuscular integration" means musculoskeletal therapy that
17 uses any combination of manual methods, physical agents and physical
18 medicine procedures and devices to improve physiological function by
19 normalizing body structure.

20 19. "Nutrition" means the recommendation by a licensee of
21 therapeutic or preventative dietary measures, food factor concentrates,
22 fasting and cleansing regimens and the rebalancing by a licensee of
23 digestive system function to correct diseases of malnutrition, to resolve
24 conditions of metabolic imbalance and to support optimal vitality.

25 20. "Orthomolecular therapy" means therapy to provide the optimum
26 concentration of substances normally present in the human body such as
27 vitamins, minerals, amino acids and enzymes. Orthomolecular therapy
28 includes the diagnosis of ailments or physiologic stresses that occur as a
29 result of genetic or environmental influences as well as acquired or
30 inherited allergy and hypersensitivity responses.

31 21. "Pharmaceutical medicine" means a drug therapy that uses
32 prescription-only and nonprescription pharmaceutical agents as well as
33 medicinal agents of botanical, biological or mineral origin and that is
34 based on current scientific indications or traditional or historical usage
35 indications.

36 22. "Practice of homeopathic medicine":

37 (a) For the purposes of a person who is licensed pursuant to
38 section 32-2912, subsection A, means the practice of medicine in which a
39 person purports to diagnose, treat or correct real or imagined human
40 diseases, injuries, ailments, infirmities and deformities of a physical or
41 mental origin and includes acupuncture, chelation therapy, homeopathy,
42 minor surgery, neuromuscular integration, nutrition, orthomolecular
43 therapy and pharmaceutical medicine.

1 (b) For the purposes of a person who is licensed pursuant to
2 section 32-2912, subsection B, means the practice of medicine in which a
3 person purports to diagnose, treat or correct real or imagined human
4 diseases, injuries, ailments, infirmities and deformities of a physical or
5 mental origin by means of homeopathy or nutrition.

6 23. "Preceptorship" means an extended period of individual study
7 with one or more experienced homeopathic physicians or institutions.

8 24. "Prescription-only drug" does not include a controlled
9 substance but does include:

10 (a) A drug that is generally regarded by medical experts to be
11 unsafe if its use and dosage are not supervised by a medical practitioner.

12 (b) A drug that is approved for use under the supervision of a
13 medical practitioner pursuant to the federal new drug application law or
14 section 32-1962.

15 (c) A potentially harmful drug if its labeling does not contain
16 full directions for its use by the patient.

17 (d) A drug that is required by federal law to bear on its label the
18 following words: "Caution: Federal law prohibits dispensing without
19 prescription."

20 25. "Professional negligence" means any of the following:

21 (a) That a licensee administers treatment to a patient in a manner
22 that is contrary to accepted practices and that harms the patient if it
23 can be shown to the board's satisfaction that accepted practices are
24 inherently less hazardous.

25 (b) That a licensee commits an act of unprofessional conduct or
26 displays an unreasonable lack of professional skill or fidelity.

27 (c) That a licensee's negligence, carelessness or disregard of
28 established principles or practice results in a patient's injury,
29 unnecessary suffering or death.

30 26. "Special purpose licensing examination" means an examination
31 developed by the national board of medical examiners on behalf of the
32 federation of state medical boards for use by state licensing boards to
33 test the basic medical competence of physicians who are applying for
34 licensure and who have been in practice in another jurisdiction of the
35 United States and to determine the competence of a physician under
36 investigation by a state licensing board.

37 Sec. 9. Section 32-2933, Arizona Revised Statutes, is amended to
38 read:

39 32-2933. Definition of unprofessional conduct

40 A. In this chapter, unless the context otherwise requires,
41 "unprofessional conduct" includes the following acts, whether occurring in
42 this state or elsewhere:

43 1. Performing an invasive surgical procedure not specifically
44 permitted by this chapter or by board rules or pursuant to a license
45 issued under chapter 13 or 17 of this title.

1 2. Wilfully betraying a professional secret or wilfully violating a
2 privileged communication except as either of these may otherwise be
3 required by law. This paragraph does not prevent members of the board
4 from the full and free exchange of information with the licensing and
5 disciplinary boards of other states, territories or districts of the
6 United States or with foreign countries or with the Arizona homeopathic
7 and integrative medical association or any of its component organizations
8 or with the homeopathic medical organizations of other states, counties,
9 districts or territories or with those of foreign countries.

10 3. Committing a felony, whether or not involving moral turpitude,
11 or a misdemeanor involving moral turpitude. In either case, conviction by
12 any court of competent jurisdiction or a plea of no contest is deemed
13 conclusive evidence of guilt.

14 4. Exhibiting habitual intemperance in the use of alcohol or
15 habitual substance abuse.

16 5. Violating federal, state, county or municipal laws or
17 regulations applicable to the practice of medicine or relating to public
18 health.

19 6. Prescribing a controlled substance for other than accepted
20 therapeutic purposes.

21 7. Committing conduct that the board determines is gross
22 professional negligence, repeated professional negligence or any
23 negligence that causes the death of a patient.

24 8. Impersonating another person licensed pursuant to this chapter.

25 9. Acting or assuming to act as a member of the board if this is
26 not true.

27 10. Procuring or attempting to procure a license to practice
28 homeopathic medicine by fraud, by misrepresentation or by knowingly taking
29 advantage of the mistake of another.

30 11. Having professional connection with or lending one's name to an
31 illegal practitioner of homeopathic medicine or of any of the other
32 healing arts.

33 12. Representing that a manifestly incurable disease, injury,
34 ailment or infirmity can be permanently cured or that a curable disease,
35 injury, ailment or infirmity can be cured within a stated time if this is
36 not true.

37 13. Offering, undertaking or agreeing to cure or treat a disease,
38 injury, ailment or infirmity by a secret means, method, device or
39 instrumentality.

40 14. Refusing to divulge to the board on demand the means, method,
41 device or instrumentality used in the treatment of a disease, injury,
42 ailment or infirmity.

43 15. Giving or receiving or aiding or abetting the giving or
44 receiving of rebates, either directly or indirectly.

1 16. Knowingly making any false or fraudulent statement, written or
2 oral, in connection with the practice of homeopathic medicine except as
3 the same may be necessary for accepted therapeutic purposes.

4 17. Exhibiting immorality or misconduct that tends to discredit the
5 profession.

6 18. Being disciplined by another regulatory jurisdiction because of
7 the licensee's mental or physical inability to engage safely in the
8 practice of medicine, medical incompetence or unprofessional conduct as
9 defined by that jurisdiction and that corresponds directly or indirectly
10 with an act of unprofessional conduct prescribed by this section. The
11 disciplinary action may include refusing, denying, revoking or suspending
12 a license, issuing a formal reprimand, issuing a decree of censure or
13 otherwise limiting, restricting or monitoring the licensee or placing the
14 licensee on probation.

15 19. Committing any conduct or practice contrary to recognized
16 standards of ethics of the homeopathic medical profession, any conduct or
17 practice that does or might constitute a danger to the health, welfare or
18 safety of the patient or the public or any conduct, practice or condition
19 that does or might impair the ability to practice homeopathic medicine
20 safely and skillfully.

21 20. Failing or refusing to maintain adequate records on a patient
22 or to make patient records promptly available to another licensee on
23 request and receipt of proper authorization.

24 21. Advertising in a false, deceptive or misleading manner.

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

28 23. Using a controlled substance unless it is prescribed by a
29 physician for use during a prescribed course of treatment.

30 24. Prescribing, dispensing or administering anabolic androgenic
31 steroids for other than therapeutic purposes.

32 25. Prescribing or dispensing controlled substances to members of
33 the licensee's immediate family.

34 26. Prescribing, dispensing or administering schedule II controlled
35 substances as ~~defined in~~ **PRESCRIBED BY** section 36-2513 **OR THE RULES**
36 **ADOPTED PURSUANT TO SECTION 36-2513**, including amphetamines and similar
37 schedule II sympathomimetic drugs in the treatment of exogenous obesity
38 for a period in excess of thirty days in any one year, or the
39 nontherapeutic use of injectable amphetamines.

40 27. Dispensing a schedule II controlled substance that is an
41 opioid.

42 28. Using experimental forms of diagnosis and treatment without
43 adequate informed patient consent, without a board approved written
44 disclosure that the form of diagnosis and treatment to be used is
45 experimental and without conforming to generally accepted experimental

1 criteria, including protocols, detailed records, periodic analysis of
2 results and periodic review by a peer review committee.

3 29. Engaging in sexual intimacies with a patient.

4 30. Using the designation "M.D." or "D.O." in a way that would lead
5 the public to believe that a person is licensed by the Arizona medical
6 board or the ARIZONA board of osteopathic examiners in medicine and
7 surgery in this state if this is not the case.

8 31. Falsely or fraudulently representing or holding oneself out as
9 being a homeopathic medical specialist.

10 32. Failing to dispense drugs and devices in compliance with
11 article 4 of this chapter.

12 33. Violating a formal board order, terms of probation or a
13 stipulation issued or entered into by the board or its designee under this
14 chapter.

15 34. Charging a fee for services not rendered or charging and
16 collecting a clearly unreasonable fee. In determining the reasonableness
17 of the fee, the board shall consider the fee customarily charged in this
18 state for similar services in relation to modifying factors such as the
19 time required, the complexity of the service and the skill required to
20 perform the service properly. This paragraph does not apply if there is a
21 clearly written contract for a fixed fee between the licensee and the
22 patient that is entered into before the licensee provides the service.

23 35. Failing to appropriately direct, collaborate with or supervise
24 a licensed, certified or registered health care provider, a homeopathic
25 medical assistant or office personnel employed or assigned to the licensee
26 to assist in the medical care of patients.

27 36. Knowingly making a false or misleading statement on a form
28 required by the board or in written correspondence with the board.

29 37. Failing to furnish legally requested information in a timely
30 manner to the board or its investigators or representatives.

31 38. Failing to allow properly authorized board personnel to examine
32 or have access to a licensee's documents, reports or records that relate
33 to the licensee's medical practice or medically related activities.

34 39. Signing a blank, undated or predated prescription form.

35 40. Refusing to submit to a body fluid examination required under
36 section 32-2941 or pursuant to a board investigation into the licensee's
37 substance abuse.

38 41. Prescribing, dispensing or furnishing a prescription medication
39 or a prescription-only device as defined in section 32-1901 to a person
40 unless the licensee first conducts a comprehensive physical or mental
41 health status examination of that person or has previously established a
42 doctor-patient relationship. This paragraph does not apply to:

43 (a) A licensee who provides temporary patient supervision on behalf
44 of the patient's regular treating licensed health care professional.

1 (b) Emergency medical situations as defined in section 41-1831.

2 (c) Prescriptions written to prepare a patient for a medical
3 examination.

4 (d) Prescriptions written or prescription medications issued for
5 use by a county or tribal public health department for immunization
6 programs or emergency treatment or in response to an infectious disease
7 investigation, a public health emergency, an infectious disease outbreak
8 or an act of bioterrorism. For the purposes of this subdivision,
9 "bioterrorism" has the same meaning prescribed in section 36-781.

10 42. Failing to obtain from a patient before an examination or
11 treatment a signed informed consent that includes language that makes it
12 clear the licensee is providing homeopathic medical treatment instead of
13 or in addition to standard conventional allopathic or osteopathic
14 treatment.

15 B. If a person is licensed pursuant to section 32-2912, subsection
16 B, unprofessional conduct also includes the following:

17 1. Performing an invasive procedure, including performing
18 intravenous therapy, drawing bodily fluids or ordering genetic testing.

19 2. Prescribing, dispensing or administering any controlled
20 substance.

21 3. Prescribing, dispensing or administering a prescription drug.

22 4. Using the title "physician", "medical doctor-homeopathic",
23 "doctor of osteopathy-homeopathic", "doctor of medicine (homeopathic)" or
24 "homeopathic physician" or otherwise implying that the licensee is a
25 licensed allopathic or osteopathic physician.

26 5. Failing to correct a known misunderstanding regarding the
27 licensee's licensure status.

28 6. Failing to obtain from a patient before an examination or
29 treatment a signed informed consent that includes language that makes it
30 clear the licensee is not an allopathic or osteopathic physician and is
31 providing homeopathic treatment under the limited scope of practice of
32 homeopathic medicine pursuant to this chapter.

33 7. Failing to consult with or refer patients to other health care
34 providers when appropriate.

35 8. Discontinuing or advising a patient to discontinue a physician's
36 treatment or medicine without first consulting the prescribing or treating
37 physician.

38 9. Failing to refer a patient with a life threatening illness to a
39 licensed allopathic or osteopathic physician currently practicing
40 homeopathic, allopathic or osteopathic medicine.

41 Sec. 10. Heading change

42 The chapter heading of title 36, chapter 27, Arizona Revised
43 Statutes, is changed from "UNIFORM CONTROLLED SUBSTANCES ACT" to
44 "CONTROLLED SUBSTANCES ACT".

1 Sec. 11. Section 36-2501, Arizona Revised Statutes, is amended to
2 read:

3 36-2501. Definitions

4 A. In this chapter, unless the context otherwise requires:

5 1. "Board" means the Arizona state board of pharmacy.

6 2. "Cannabis" means the following substances under whatever names
7 they may be designated:

8 (a) Marijuana.

9 (b) All parts of any plant of the genus cannabis, whether growing
10 or not, its seeds, the resin extracted from any part of such plant, and
11 every compound, manufacture, salt, derivative, mixture or preparation of
12 such plant, its seeds or resin, but shall not include the mature stalks of
13 such plant, fiber produced from such stalks, oil or cake made from the
14 seeds of such plant, any other compound, manufacture, salt, derivative,
15 mixture or preparation of such mature stalks (except the resin extracted
16 therefrom), fiber, oil, or cake or the sterilized seed of such plant which
17 is incapable of germination.

18 (c) Every compound, manufacture, salt, derivative, mixture or
19 preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such
20 plants from which the resin has not been extracted.

21 3. "Controlled substance" means a drug, substance or immediate
22 precursor in schedules I through V of article 2 of this chapter **AND THE**
23 **RULES ADOPTED PURSUANT TO ARTICLE 2 OF THIS CHAPTER.**

24 4. "Department" means the department of public safety.

25 5. "Drug dependent person" means a person who is using a controlled
26 substance and who is in a state of psychic or physical dependence, or
27 both, arising from the use of that substance on a continuous basis. Drug
28 dependence is characterized by behavioral and other responses which
29 include a strong compulsion to take the substance on a continuing basis in
30 order to experience its psychic effects or to avoid the discomfort caused
31 by its absence.

32 6. "Drug enforcement administration" means the drug enforcement
33 administration of the department of justice of the United States or its
34 successor agency.

35 7. "Immediate precursor" means a substance ~~which~~ **THAT** the board has
36 found to be and by rule designates as being the principal compound
37 commonly used or produced primarily for use and ~~which~~ **THAT** is an immediate
38 chemical intermediary used or likely to be used in the manufacture of a
39 controlled substance, the control of which is necessary to prevent,
40 curtail or limit manufacture.

41 8. "Narcotic drug" means any of the following whether produced
42 directly or indirectly by extraction from substances of vegetable origin
43 or independently by means of chemical synthesis or by a combination of
44 extraction and chemical synthesis:

1 (a) Opium and opiate and any salt, compound, derivation or
2 preparation of opium or opiate.

3 (b) Any salt, compound, isomer, derivative or preparation ~~which~~
4 **THAT** is chemically equivalent or identical with any of the substances
5 referred to in subdivision (a) of this paragraph but not including the
6 isoquinoline alkaloids of opium.

7 (c) Opium poppy and poppy straw.

8 (d) Coca leaves and any salt, compound, derivation or preparation
9 of coca leaves including cocaine and its optical isomers and any salt,
10 compound, isomer, derivation or preparation ~~which~~ **THAT** is chemically
11 equivalent or identical with any of these substances but not including
12 decocainized coca leaves or extractions of coca leaves which do not
13 contain cocaine or ecgonine.

14 (e) Cannabis.

15 9. "Opiate" means any substance having an addiction-forming or
16 addiction-sustaining liability similar to morphine or being capable of
17 conversion into a drug having addiction-forming or addiction-sustaining
18 liability. It does not include the dextrorotatory isomer of
19 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
20 include its racemic and levorotatory forms.

21 10. "Opium poppy" means the plant of the genus papaver, except its
22 seeds.

23 11. "Poppy straw" means all parts, except the seeds, of the opium
24 poppy after mowing.

25 12. "Production" means the manufacture, planting, cultivating,
26 growing or harvesting of a controlled substance.

27 13. "Registrant" means a person registered under the provisions of
28 the federal controlled substances act (P.L. 91-513; 84 Stat. 1242; 21
29 U.S.C. sec. 801 et seq.).

30 14. "Schedule I controlled substances" means the controlled
31 substances identified, ~~defined~~ **PRESCRIBED** or listed in **OR ADOPTED BY RULE**
32 **PURSUANT TO** section 36-2512.

33 15. "Schedule II controlled substances" means the controlled
34 substances identified, ~~defined~~ **PRESCRIBED** or listed in **OR ADOPTED BY RULE**
35 **PURSUANT TO** section 36-2513.

36 16. "Schedule III controlled substances" means the controlled
37 substances identified, ~~defined~~ **PRESCRIBED** or listed in **OR ADOPTED BY RULE**
38 **PURSUANT TO** section 36-2514.

39 17. "Schedule IV controlled substances" means the controlled
40 substances identified, ~~defined~~ **PRESCRIBED** or listed in **OR ADOPTED BY RULE**
41 **PURSUANT TO** section 36-2515.

42 18. "Schedule V controlled substances" means the controlled
43 substances identified, ~~defined~~ **PRESCRIBED** or listed in **OR ADOPTED BY RULE**
44 **PURSUANT TO** section 36-2516.

1 19. "Scientific purpose" means research, teaching or chemical
2 analysis.

3 20. "State", when applied to a part of the United States, means any
4 state, district, commonwealth, territory or insular possession of the
5 United States and any area subject to the legal authority of the United
6 States of America.

7 B. Words or phrases in this chapter, if not defined in subsection A
8 of this section, have the definitions given them in title 32, chapter 18,
9 article 1, unless the context otherwise requires.

10 Sec. 12. Section 36-2511, Arizona Revised Statutes, is amended to
11 read:

12 36-2511. Nomenclature

13 The controlled substances listed or to be listed in the schedules in
14 sections 36-2512, 36-2513, 36-2514, 36-2515, 36-2516 and 36-2517 **OR THE**
15 **RULES ADOPTED PURSUANT TO THIS ARTICLE** are included by whatever official,
16 common, usual, chemical or trade name designated.

17 Sec. 13. Section 36-2512, Arizona Revised Statutes, is amended to
18 read:

19 36-2512. Substances in schedule I; rules

20 **A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE I CONTROLLED**
21 **SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.11 AND**
22 **SECTION 13-3401 AND SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY**
23 **CHANGES IN THE SCHEDULE I CONTROLLED SUBSTANCE DESIGNATIONS.**

24 ~~A. The following controlled substances, unless specifically~~
25 ~~excepted, are included in schedule I:~~

26 ~~1. Any of the following, including opiates and their isomers,~~
27 ~~esters, ethers, salts and salts of isomers, esters and ethers, unless~~
28 ~~specifically excepted, whenever the existence of these isomers, esters,~~
29 ~~ethers and salts is possible within the specific chemical designation:~~

30 ~~(a) Acetyl-alpha-methylfentanyl.~~

31 ~~(b) Acetylmethadol.~~

32 ~~(c) Allylprodine.~~

33 ~~(d) Alphacetylmethadol, except levo-alpha-cetylmethadol or LAAM.~~

34 ~~(e) Alphameprodine.~~

35 ~~(f) Alphamethadol.~~

36 ~~(g) Alpha-methylfentanyl.~~

37 ~~(h) Alpha-methylthiofentanyl.~~

38 ~~(i) Benzethidine.~~

39 ~~(j) Betacetylmethadol.~~

40 ~~(k) Beta-hydroxyfentanyl.~~

41 ~~(l) Beta-hydroxy-3-methylfentanyl.~~

42 ~~(m) Betameprodine.~~

43 ~~(n) Betamethadol.~~

- 1 ~~(o) Betaprodine.~~
- 2 ~~(p) Clonitazene.~~
- 3 ~~(q) Dextromoramide.~~
- 4 ~~(r) Diampromide.~~
- 5 ~~(s) 3, 4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide~~
- 6 ~~(U-47700).~~
- 7 ~~(t) Diethylthiambutene.~~
- 8 ~~(u) Difenoazin.~~
- 9 ~~(v) Dimenoxadol.~~
- 10 ~~(w) Dimepheptanol.~~
- 11 ~~(x) Dimethylthiambutene.~~
- 12 ~~(y) Dioxaphetyl butyrate.~~
- 13 ~~(z) Dipipanone.~~
- 14 ~~(aa) Ephedrine.~~
- 15 ~~(bb) Ethylmethylthiambutene.~~
- 16 ~~(cc) Etonitazene.~~
- 17 ~~(dd) Etoxeridine.~~
- 18 ~~(ee) Furethidine.~~
- 19 ~~(ff) Hydroxypethidine.~~
- 20 ~~(gg) Isophenidine.~~
- 21 ~~(hh) Ketobemidone.~~
- 22 ~~(ii) Lefetamine.~~
- 23 ~~(jj) Levomoramide.~~
- 24 ~~(kk) Levophenacetylmorphan.~~
- 25 ~~(ll) 3-methylfentanyl.~~
- 26 ~~(mm) 3-methylthiofentanyl.~~
- 27 ~~(nn) Morpheridine.~~
- 28 ~~(oo) MPPP(1-methyl-4-phenyl-4-propionoxypiperidine).~~
- 29 ~~(pp) Noracymethadol.~~
- 30 ~~(qq) Norlevorphanol.~~
- 31 ~~(rr) Normethadone.~~
- 32 ~~(ss) Norpipanone.~~
- 33 ~~(tt) Para-fluorofentanyl.~~
- 34 ~~(uu) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).~~
- 35 ~~(vv) Phenadoxone.~~
- 36 ~~(ww) Phenampromide.~~
- 37 ~~(xx) Phenomorphan.~~
- 38 ~~(yy) Phenoperidine.~~
- 39 ~~(zz) Piritramide.~~
- 40 ~~(aaa) Proheptazine.~~
- 41 ~~(bbb) Properidine.~~
- 42 ~~(ccc) Propiram.~~
- 43 ~~(ddd) Racemoramide.~~
- 44 ~~(eee) Thiofentanyl.~~
- 45 ~~(fff) Tilidine.~~

1 ~~(ggg) Trimeperidine.~~

2 ~~2. Any of the following opium derivatives and their salts, isomers~~
 3 ~~and salts of isomers, unless specifically excepted, whenever the existence~~
 4 ~~of these salts, isomers and salts of isomers is possible within the~~
 5 ~~specific chemical designation:~~

6 ~~(a) Acetorphine.~~

7 ~~(b) Acetyldihydrocodeine.~~

8 ~~(c) Benzylmorphine.~~

9 ~~(d) 4-chloro-n-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]~~
 10 ~~benzenesulfonamide (W-18).~~

11 ~~(e) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]~~
 12 ~~benzenesulfonamide (W-15).~~

13 ~~(f) Codeine methylbromide.~~

14 ~~(g) Codeine-n-oxide.~~

15 ~~(h) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).~~

16 ~~(i) Cyprenorphine.~~

17 ~~(j) Desomorphine.~~

18 ~~(k) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]~~
 19 ~~methyl)-benzamide (AH-7921).~~

20 ~~(l) Dihydromorphine.~~

21 ~~(m) Drotebanol.~~

22 ~~(n) Etorphine, except hydrochloride salt.~~

23 ~~(o) Heroin.~~

24 ~~(p) Hydromorphinol.~~

25 ~~(q) Methyl-desorphine.~~

26 ~~(r) Methyl-dihydromorphine.~~

27 ~~(s) Morphine methylbromide.~~

28 ~~(t) Morphine methylsulfonate.~~

29 ~~(u) Morphine-n-oxide.~~

30 ~~(v) Myrophine.~~

31 ~~(w) Nicocodeine.~~

32 ~~(x) Nicomorphine.~~

33 ~~(y) Normorphine.~~

34 ~~(z) Pholcodine.~~

35 ~~(aa) Thebacon.~~

36 ~~3. Any material, compound, mixture or preparation that contains any~~
 37 ~~quantity of the following hallucinogenic substances and their salts,~~
 38 ~~isomers and salts of isomers, unless specifically excepted or unless~~
 39 ~~listed in another schedule, whenever the existence of these salts, isomers~~
 40 ~~and salts of isomers is possible within the specific chemical designation~~
 41 ~~(for the purposes of this paragraph, "isomer" includes the optical,~~
 42 ~~position and geometric isomers):~~

43 ~~(a) Alpha-ethyltryptamine (AET).~~

44 ~~(b) 4-bromo-2,5-dimethoxyamphetamine.~~

45 ~~(c) 4-bromo-2,5-dimethoxyphenethylamine (2C-B, Nexus).~~

- 1 ~~(d) 2, 5-dimethoxyamphetamine.~~
 2 ~~(e) 2,5-dimethoxy-4-ethylamphetamine (DOET).~~
 3 ~~(f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).~~
 4 ~~(g) 4-methoxyamphetamine.~~
 5 ~~(h) 5-methoxy-3, 4-methylenedioxyamphetamine.~~
 6 ~~(i) 4-methyl-2, 5-dimethoxyamphetamine.~~
 7 ~~(j) 3,4-methylenedioxyamphetamine.~~
 8 ~~(k) 3, 4-methylenedioxyamphetamine (MDMA).~~
 9 ~~(l) 3, 4-methylenedioxy-N-ethylamphetamine (N-ethyl MDA, MDE,~~
 10 ~~MDEA).~~
 11 ~~(m) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy MDA).~~
 12 ~~(n) 3, 4, 5-trimethoxyamphetamine.~~
 13 ~~(o) 5-methoxy-N,N,-dimethyltryptamine (5-MeO-DMT).~~
 14 ~~(p) Alpha-methyltryptamine (AMT).~~
 15 ~~(q) Bufotenine.~~
 16 ~~(r) Diethyltryptamine.~~
 17 ~~(s) Dimethyltryptamine.~~
 18 ~~(t) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT).~~
 19 ~~(u) Ibogaine.~~
 20 ~~(v) Lysergic acid diethylamide.~~
 21 ~~(w) Cannabis, except the synthetic isomer of delta-9-~~
 22 ~~tetrahydrocannabinol.~~
 23 ~~(x) Mescaline.~~
 24 ~~(y) Parahexyl.~~
 25 ~~(z) Peyote.~~
 26 ~~(aa) N-ethyl-3-piperidyl benzilate.~~
 27 ~~(bb) N-methyl-3-piperidyl benzilate.~~
 28 ~~(cc) Psilocybin.~~
 29 ~~(dd) Psilocyn.~~
 30 ~~(ee) Ethylamine analog of phencyclidine.~~
 31 ~~(ff) Pyrrolidine analog of phencyclidine.~~
 32 ~~(gg) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine.~~
 33 ~~(hh) Thiophene analog of phencyclidine.~~
 34 ~~(ii) 4-methylmethcathinone (Mephedrone).~~
 35 ~~(jj) 3,4-methylenedioxypropovaterone (MDPV).~~
 36 ~~(kk) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E).~~
 37 ~~(ll) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D).~~
 38 ~~(mm) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).~~
 39 ~~(nn) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).~~
 40 ~~(oo) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).~~
 41 ~~(pp) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).~~
 42 ~~(qq) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H).~~
 43 ~~(rr) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N).~~
 44 ~~(ss) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).~~
 45 ~~(tt) 3,4,-methylenedioxy-N-methylcathinone (Methylone).~~

1 ~~(uu) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine~~
 2 ~~(25I-NBOMe, Cimbi-5).~~

3 ~~(vv) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-~~
 4 ~~methoxybenzyl)ethanamine (25C-NBOMe, Cimbi-82).~~

5 ~~(ww) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine~~
 6 ~~(25B-NBOMe, Cimbi-36).~~

7 ~~(xx) (2-ethylaminopropyl)-benzofuran (EAPB).~~

8 ~~(yy) (2-methylaminopropyl)-benzofuran (MAPB).~~

9 ~~(zz) Diphenidine (DEP).~~

10 ~~(aaa) Methoxphenidine (MXP).~~

11 ~~4. Any material, compound, mixture or preparation which contains~~
 12 ~~any quantity of cannabimimetic substances and their salts, isomers,~~
 13 ~~whether optical, positional or geometric, and salts of isomers, unless~~
 14 ~~specifically excepted, whenever the existence of such salts, isomers and~~
 15 ~~salts of isomers is possible within the specific chemical designation.~~
 16 ~~For the purposes of this subdivision, "cannabimimetic substances" means~~
 17 ~~any substances within the following structural classes:~~

18 ~~(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the~~
 19 ~~5-position of the phenolic ring by alkyl or alkenyl, whether or not~~
 20 ~~substituted on the cyclohexyl ring to any extent. Substances in the~~
 21 ~~2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,~~
 22 ~~CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.~~

23 ~~(b) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by~~
 24 ~~substitution at one or both of the nitrogen atoms of the indazole ring,~~
 25 ~~whether or not further substituted on the indazole ring to any extent,~~
 26 ~~whether or not substituted on the naphthoyl ring to any extent.~~
 27 ~~Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole~~
 28 ~~generic definition include THJ2201 and THJ-018.~~

29 ~~(c) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by~~
 30 ~~substitution at the nitrogen atom of the indole ring, whether or not~~
 31 ~~further substituted on the indole ring to any extent, whether or not~~
 32 ~~substituted on the naphthoyl or naphthyl ring to any extent. Substances~~
 33 ~~in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,~~
 34 ~~JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,~~
 35 ~~JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,~~
 36 ~~JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,~~
 37 ~~JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,~~
 38 ~~JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,~~
 39 ~~JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,~~
 40 ~~JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,~~
 41 ~~JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,~~
 42 ~~JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.~~

1 ~~(d) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of~~
 2 ~~the pyrrole ring, whether or not further substituted in the pyrrole ring~~
 3 ~~to any extent, whether or not substituted on the naphthoyl ring to any~~
 4 ~~extent. Substances in the 3-(naphthoyl)pyrrole generic definition include~~
 5 ~~JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,~~
 6 ~~JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,~~
 7 ~~JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,~~
 8 ~~JWH-373 and JWH-392.~~

9 ~~(e) 1-(naphthylmethylene)indene by substitution of the 3-position~~
 10 ~~of the indene ring, whether or not further substituted in the indene ring~~
 11 ~~to any extent, whether or not substituted on the naphthyl ring to any~~
 12 ~~extent. Substances in the 1-(naphthylmethylene)indene generic definition~~
 13 ~~include JWH-176.~~

14 ~~(f) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at~~
 15 ~~the nitrogen atom of the indole ring, whether or not further substituted~~
 16 ~~in the indole ring to any extent, whether or not substituted on the phenyl~~
 17 ~~ring to any extent. Substances in the 3-(phenylacetyl)indole generic~~
 18 ~~definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203,~~
 19 ~~JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248,~~
 20 ~~JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306,~~
 21 ~~JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18~~
 22 ~~and SR-19.~~

23 ~~(g) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)~~
 24 ~~indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen~~
 25 ~~atom of the indole ring, whether or not further substituted in the indole~~
 26 ~~ring to any extent, whether or not substituted on the cyclopropyl,~~
 27 ~~cyclobutyl or cyclopentyl rings to any extent. Substances in the~~
 28 ~~3-(cyclopropylmethanone) indole generic definition include UR-144,~~
 29 ~~Fluoro-UR-144 and XLR-11.~~

30 ~~(h) Other substances:~~

31 ~~(i) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-~~
 32 ~~yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).~~

33 ~~(ii) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA,~~
 34 ~~AKB48).~~

35 ~~(iii) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22).~~

36 ~~(iv) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate~~
 37 ~~(5F-PB-22).~~

38 ~~(v) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-inda~~
 39 ~~zole-3-carboxamide (AB-FUBINACA).~~

40 ~~(vi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-~~
 41 ~~3-carboxamide (ADB-PINACA).~~

42 ~~(i) Indole-3-carboxamide or indazole-3-carboxamide with~~
 43 ~~substitution at the nitrogen atom of the indole ring or by substitution at~~
 44 ~~one or both of the nitrogen atoms of the indazole ring, whether or not~~
 45 ~~further substituted on the indole ring or the indazole ring to any extent,~~

1 ~~whether or not substituted on the nitrogen of the carboxamide to any~~
2 ~~extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide~~
3 ~~generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA,~~
4 ~~AB-FUBINACA, ABICA AND ADBICA.~~

5 ~~(j) 8-Quinolinylnyl-indole-3-carboxylate or 8-quinolinylnyl-~~
6 ~~indazole-3-carboxylate by substitution at the nitrogen atom of the indole~~
7 ~~ring or by substitution at one or both of the nitrogen atoms of the~~
8 ~~indazole ring, whether or not further substituted in the indole ring or~~
9 ~~indazole ring to any extent, whether or not substituted on the quinoline~~
10 ~~ring to any extent. Substances in the 8-quinolinylnyl-indole-3-carboxylate~~
11 ~~or the 8-quinolinylnyl-indazole-3-carboxylate generic definition include~~
12 ~~PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22.~~

13 ~~(k) Naphthalenylnyl-indole-3-carboxylate or naphthalenylnyl-~~
14 ~~indazole-3-carboxylate by substitution at the nitrogen atom of the indole~~
15 ~~ring or by substitution at one or both of the nitrogen atoms of the~~
16 ~~indazole ring, whether or not further substituted in the indole or~~
17 ~~indazole ring to any extent, whether or not substituted on the~~
18 ~~naphthalenylnyl ring to any extent. Substances in the naphthalenylnyl-indole-3-~~
19 ~~carboxylate or naphthalenylnyl-indazole-3-carboxylate generic definition~~
20 ~~include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.~~

21 ~~5. Any of the following substances having a depressant effect on~~
22 ~~the central nervous system, including their salts, isomers and salts of~~
23 ~~isomers, unless specifically excepted or listed in another schedule,~~
24 ~~whenever the existence of such salts, isomers and salts of isomers is~~
25 ~~possible within the specific chemical designation:~~

26 ~~(a) Etizolam.~~

27 ~~(b) Meclizolone.~~

28 ~~(c) Methaqualone.~~

29 ~~6. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound,~~
30 ~~derivative or preparation of gamma-hydroxybutyric acid, including any~~
31 ~~isomers, esters and ethers and salts of isomers, esters and ethers of~~
32 ~~gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of~~
33 ~~the isomers, esters and salts is possible within the specific chemical~~
34 ~~designation. Notwithstanding any other provision of the federal food,~~
35 ~~drug, and cosmetic act, for purposes of security requirements imposed by~~
36 ~~law or regulation on registered distributors and registered manufacturers,~~
37 ~~this substance if manufactured, distributed or processed in accordance~~
38 ~~with an exemption approved under section 505 of the federal food, drug,~~
39 ~~and cosmetic act is a controlled substance in schedule III pursuant to~~
40 ~~section 36-2514.~~

41 ~~7. Any of the following stimulants including their salts, isomers~~
42 ~~and salts of isomers, unless specifically excepted or listed in another~~
43 ~~schedule, whenever the existence of these salts, isomers and salts of~~
44 ~~isomers is possible within the specific chemical designation:~~

45 ~~(a) Alpha-methylaminovaterophenone (Pentedrone).~~

- 1 ~~(b) Alpha-pyrrolidinobutiophenone (Alpha-PBP).~~
- 2 ~~(c) Alpha-pyrrolidinopropiophenone (Alpha-PPP).~~
- 3 ~~(d) Alpha-pyrrolidinovaerophenone (Alpha-PVP).~~
- 4 ~~(e) Aminorex.~~
- 5 ~~(f) N-benzylpiperazine (BZP).~~
- 6 ~~(g) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).~~
- 7 ~~(h) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).~~
- 8 ~~(i) Cathinomimetic substances which are any substances derived from~~
- 9 ~~cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the~~
- 10 ~~phenyl ring, any substitution at the 3 position, any substitution at the~~
- 11 ~~nitrogen atom or any combination of the above substitutions.~~
- 12 ~~(j) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-~~
- 13 ~~oxazolamine).~~
- 14 ~~(k) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).~~
- 15 ~~(l) Dimethylcathinone (Metamfepramone).~~
- 16 ~~(m) Ethcathinone.~~
- 17 ~~(n) Fenethylamine.~~
- 18 ~~(o) 3-fluoro-N-methylcathinone (3-FMC).~~
- 19 ~~(p) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone).~~
- 20 ~~(q) Methcathinone.~~
- 21 ~~(r) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).~~
- 22 ~~(s) Methoxyphenethylamine mimetic substances which are any~~
- 23 ~~substances derived from 2, 5-dimethoxy-phenethylamine by any substitution~~
- 24 ~~at the phenyl ring, any substitution at the nitrogen atom or any~~
- 25 ~~combination of the above substitutions.~~
- 26 ~~(t) Methyl-alpha-pyrrolidinobutiophenone (MPBP).~~
- 27 ~~(u) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).~~
- 28 ~~(v) 4-methyl-N-ethylcathinone (4-MEC).~~
- 29 ~~(w) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).~~
- 30 ~~(x) Methylenedioxyethylcathinone (Ethylone).~~
- 31 ~~(y) N-ethylamphetamine.~~
- 32 ~~(z) Naphthypyrovaerone (Naphyrone).~~
- 33 ~~(aa) N,N-dimethylamphetamine.~~

34 B. The board may except by rule any compound, mixture or
 35 preparation containing any substance ~~listed in this section~~ **ADOPTED BY**
 36 **RULE PURSUANT TO THIS SECTION** from the application of all or any part of
 37 this chapter if the compound, mixture or preparation contains one or more
 38 active medicinal ingredients and if the admixtures are included therein in
 39 combinations, quantity, proportion or concentration that vitiates the
 40 potential for abuse.

41 Sec. 14. Section 36-2513, Arizona Revised Statutes, is amended to
 42 read:

43 36-2513. Substances in schedule II; rules

44 ~~A. The following controlled substances, unless specifically~~
 45 ~~excepted, are included in schedule II:~~

1 ~~1. Any of the following substances, whether produced directly or~~
2 ~~indirectly by extraction from substances of vegetable origin or~~
3 ~~independently by means of chemical synthesis or by combination of~~
4 ~~extraction and chemical synthesis:~~

5 ~~(a) Opium and opiate and any salt, compound, derivative or~~
6 ~~preparation of opium or opiate, excluding apomorphine, thebaine-derived~~
7 ~~butorphanol, dextrorphan, nalbuphine, nalmeferne, naloxone and naltrexone~~
8 ~~and their respective salts, but including the following:~~

9 ~~(i) Raw opium.~~

10 ~~(ii) Opium extracts.~~

11 ~~(iii) Opium fluid extracts.~~

12 ~~(iv) Powdered opium.~~

13 ~~(v) Granulated opium.~~

14 ~~(vi) Tincture of opium.~~

15 ~~(vii) Codeine.~~

16 ~~(viii) Dihydroetorphine.~~

17 ~~(ix) Ethylmorphine.~~

18 ~~(x) Etorphine hydrochloride.~~

19 ~~(xi) Hydrocodone.~~

20 ~~(xii) Hydromorphone.~~

21 ~~(xiii) Metopon.~~

22 ~~(xiv) Morphine.~~

23 ~~(xv) Oripavine.~~

24 ~~(xvi) Oxycodone.~~

25 ~~(xvii) Oxymorphone.~~

26 ~~(xviii) Thebaine.~~

27 ~~(b) Any salt, compound, derivative or preparation thereof which is~~
28 ~~chemically equivalent or identical with any of the substances referred to~~
29 ~~in subdivision (a) of this paragraph, except that these substances shall~~
30 ~~not include the isoquinoline alkaloids of opium.~~

31 ~~(c) Opium poppy and poppy straw.~~

32 ~~(d) Coca leaves and any salt, compound, derivative or preparation~~
33 ~~of coca leaves, including cocaine and ecgonine and their salts, isomers,~~
34 ~~derivatives and salts of isomers and derivatives, and any salt, compound,~~
35 ~~derivative or preparation thereof which is chemically equivalent or~~
36 ~~identical with any of these substances, except that the substances shall~~
37 ~~not include decocainized coca leaves or extraction of coca leaves, which~~
38 ~~extractions do not contain cocaine or ecgonine.~~

39 ~~(e) Concentrate of poppy straw (the crude extract of poppy straw in~~
40 ~~either liquid, solid or powder form which contains the phenanthrene~~
41 ~~alkaloids of the opium poppy).~~

42 ~~2. Any of the following opiates, including isomers, esters, ethers,~~
43 ~~salts and salts of isomers, esters and ethers, whenever the existence of~~
44 ~~these isomers, esters, ethers and salts is possible within the specific~~
45 ~~chemical designation, dextrorphan and levopropoxyphene excepted:~~

- 1 ~~(a) Alfentanil.~~
- 2 ~~(b) Alphaprodine.~~
- 3 ~~(c) Anileridine.~~
- 4 ~~(d) Bezitramide.~~
- 5 ~~(e) Bulk dextropropoxyphene (nondosage forms).~~
- 6 ~~(f) Carfentanil.~~
- 7 ~~(g) Dihydrocodeine.~~
- 8 ~~(h) Diphenoxylate.~~
- 9 ~~(i) Fentanyl.~~
- 10 ~~(j) Fentanyl immediate precursor, 4-anilino-N-phenethyl-4-~~
- 11 ~~piperidine (ANPP).~~
- 12 ~~(k) Isomethadone.~~
- 13 ~~(l) Levo-alphaacetylmethadol (LAAM).~~
- 14 ~~(m) Levomethorphan.~~
- 15 ~~(n) Levorphanol.~~
- 16 ~~(o) Metazocine.~~
- 17 ~~(p) Methadone.~~
- 18 ~~(q) Methadone intermediate, 4-cyano-2-dimethylamino-4,~~
- 19 ~~4-diphenylbutane.~~
- 20 ~~(r) Moramide intermediate, 2-methyl-3-morpholino-1,~~
- 21 ~~1-diphenylpropane-carboxylic acid.~~
- 22 ~~(s) Pethidine (meperidine).~~
- 23 ~~(t) Pethidine intermediate A, 4-cyano-1-methyl-~~
- 24 ~~4-phenylpiperidine.~~
- 25 ~~(u) Pethidine intermediate B, ethyl-4-phenylpiperidine-~~
- 26 ~~4-carboxylate.~~
- 27 ~~(v) Pethidine intermediate C, 1-methyl-4-phenylpiperidine-~~
- 28 ~~4-carboxylic acid.~~
- 29 ~~(w) Phenazocine.~~
- 30 ~~(x) Piminodine.~~
- 31 ~~(y) Racemethorphan.~~
- 32 ~~(z) Racemorphan.~~
- 33 ~~(aa) Remifentanil.~~
- 34 ~~(bb) Sufentanil.~~
- 35 ~~(cc) Tapentadol.~~
- 36 ~~3. Any material, compound, mixture or preparation which contains~~
- 37 ~~any quantity of the following substances having a potential for abuse~~
- 38 ~~associated with a stimulant effect on the central nervous system:~~
- 39 ~~(a) Amphetamine and its salts, optical isomers and salts of its~~
- 40 ~~optical isomers.~~
- 41 ~~(b) Methamphetamine, including its salts, isomers and salts of~~
- 42 ~~isomers.~~
- 43 ~~(c) Phemmetrazine and its salts.~~
- 44 ~~(d) Methylphenidate.~~

1 ~~(e) Phenylacetone (immediate precursor to amphetamine and~~
2 ~~methamphetamine).~~

3 ~~(f) Lisdexamfetamine, and its salts, isomers and salts of isomers.~~

4 ~~4. Any material, compound, mixture or preparation which contains~~
5 ~~any quantity of the following substances having a potential for abuse~~
6 ~~associated with a depressant effect on the central nervous system,~~
7 ~~including its salts, isomers and salts of isomers whenever the existence~~
8 ~~of such salts, isomers and salts of isomers is possible within the~~
9 ~~specific chemical designation:~~

10 ~~(a) Amobarbital.~~

11 ~~(b) Glutethimide.~~

12 ~~(c) Pentobarbital.~~

13 ~~(d) Phencyclidine.~~

14 ~~(e) Phencyclidine immediate precursors:~~

15 ~~(i) 1-phenylcyclohexylamine.~~

16 ~~(ii) 1-piperidinocyclohexanecarbonitrile (PCC).~~

17 ~~(f) Secobarbital.~~

18 ~~5. Nabilone (hallucinogenic substance).~~

19 A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE II CONTROLLED
20 SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.12 AND
21 SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN THE
22 SCHEDULE II CONTROLLED SUBSTANCE DESIGNATIONS.

23 B. The board may except by rule any compound, mixture or
24 preparation containing any substance ~~listed in~~ ADOPTED IN RULE PURSUANT TO
25 this section from the application of all or any part of this chapter if
26 the compound, mixture or preparation contains one or more active medicinal
27 ingredients and if the admixtures are included therein in combinations,
28 quantity, proportion or concentration that vitiates the potential for
29 abuse.

30 Sec. 15. Section 36-2514, Arizona Revised Statutes, is amended to
31 read:

32 36-2514. Substances in schedule III; rules; definition

33 ~~A. The following controlled substances, unless specifically~~
34 ~~excepted, are included in schedule III:~~

35 ~~1. Any material, compound, mixture or preparation which contains~~
36 ~~any quantity of the following substances having a potential for abuse~~
37 ~~associated with a stimulant effect on the central nervous system,~~
38 ~~including its salts, isomers, whether optical, position or geometric, and~~
39 ~~salts of such isomers whenever the existence of such salts, isomers and~~
40 ~~salts of isomers is possible within the specific chemical designation:~~

41 ~~(a) Benzphetamine.~~

42 ~~(b) Chlorphentermine.~~

43 ~~(c) Clortermine.~~

44 ~~(d) Phendimetrazine.~~

1 ~~2. Any material, compound, mixture or preparation which contains~~
2 ~~any quantity of the following substances having a potential for abuse~~
3 ~~associated with a depressant effect on the central nervous system:~~

4 ~~(a) Any compound, mixture or preparation containing amobarbital,~~
5 ~~secobarbital, pentobarbital or any salt thereof and one or more other~~
6 ~~active medicinal ingredients which are not listed in any schedule:~~

7 ~~(b) Any suppository dosage form containing amobarbital,~~
8 ~~secobarbital, pentobarbital or any salt of any of these drugs and approved~~
9 ~~by the federal act for marketing only as a suppository:~~

10 ~~(c) Any substance which contains any quantity of a derivative of~~
11 ~~barbituric acid or any salt thereof:~~

12 ~~(d) Chlorhexadol:~~

13 ~~(e) Embutramide:~~

14 ~~(f) Any drug product containing gamma hydroxybutyric acid,~~
15 ~~including its salts, isomers and salts of isomers, for which an~~
16 ~~application is approved under section 505 of the federal food, drug, and~~
17 ~~cosmetic act:~~

18 ~~(g) Ketamine, and its salts, isomers and salts of isomers:~~

19 ~~(h) Lysergic acid:~~

20 ~~(i) Lysergic acid amide:~~

21 ~~(j) Methyprylon:~~

22 ~~(k) Perampanel, and its salts, isomers and salts of isomers:~~

23 ~~(l) Sulfondiethylmethane:~~

24 ~~(m) Sulfomethylmethane:~~

25 ~~(n) Sulfomethane:~~

26 ~~(o) Tiletamine/zolazepam (telazol) or any salt thereof:~~

27 ~~3. Any material, compound, mixture or preparation containing the~~
28 ~~narcotic drug nalorphine or any of its salts:~~

29 ~~4. Any material, compound, mixture or preparation containing the~~
30 ~~narcotic drug buprenorphine or any of its salts:~~

31 ~~5. Any material, compound, mixture or preparation containing~~
32 ~~limited quantities of any of the following narcotic drugs or any salts~~
33 ~~thereof, calculated as the free anhydrous base or alkaloid:~~

34 ~~(a) Not more than one point eight grams of codeine, or any of its~~
35 ~~salts, per one hundred milliliters or not more than ninety milligrams per~~
36 ~~dosage unit with an equal or greater quantity of an isoquinoline alkaloid~~
37 ~~of opium:~~

38 ~~(b) Not more than one point eight grams of codeine, or any of its~~
39 ~~salts, per one hundred milliliters or not more than ninety milligrams per~~
40 ~~dosage unit with one or more active, nonnarcotic ingredients in recognized~~
41 ~~therapeutic amounts:~~

42 ~~(c) Not more than one point eight grams of dihydrocodeine, or any~~
43 ~~of its salts, per one hundred milliliters or not more than ninety~~
44 ~~milligrams per dosage unit with one or more active, nonnarcotic~~
45 ~~ingredients in recognized therapeutic amounts:~~

1 ~~(d) Not more than three hundred milligrams of ethylmorphine, or any~~
2 ~~of its salts, per one hundred milliliters or not more than fifteen~~
3 ~~milligrams per dosage unit with one or more active, nonnarcotic~~
4 ~~ingredients in recognized therapeutic amounts.~~

5 ~~(e) Not more than five hundred milligrams of opium per one hundred~~
6 ~~milliliters or per one hundred grams or not more than twenty-five~~
7 ~~milligrams per dosage unit with one or more active, nonnarcotic~~
8 ~~ingredients in recognized therapeutic amounts.~~

9 ~~(f) Not more than fifty milligrams of morphine, or any of its~~
10 ~~salts, per one hundred milliliters or per one hundred grams with one or~~
11 ~~more active, nonnarcotic ingredients in recognized therapeutic amounts.~~

12 ~~6. Any material, compound, mixture or preparation containing any of~~
13 ~~the following anabolic steroids but not including an anabolic steroid that~~
14 ~~is expressly intended for administration through implants to cattle or~~
15 ~~other nonhuman species and that has been approved by the United States~~
16 ~~food and drug administration for such administration:~~

17 ~~(a) 3beta, 17-dihydroxy-5a-androstane.~~

18 ~~(b) 3alpha, 17beta-dihydroxy-5a-androstane.~~

19 ~~(c) 5alpha-androstan-3, 17-dione.~~

20 ~~(d) 3beta, 17beta-dihydroxy-5alpha-androst-1-ene.~~

21 ~~(e) 3alpha, 17beta-dihydroxy-5alpha-androst-1-ene.~~

22 ~~(f) 4-androstenediol.~~

23 ~~(g) 5-androstenediol.~~

24 ~~(h) 1-androstenedione.~~

25 ~~(i) 4-androstenedione.~~

26 ~~(j) 5-androstenedione.~~

27 ~~(k) Bolasterone.~~

28 ~~(l) Boldenone.~~

29 ~~(m) Boldione.~~

30 ~~(n) Calusterone.~~

31 ~~(o) Clostebo1.~~

32 ~~(p) Dehydrochloromethyltestosterone.~~

33 ~~(q) Desoxymethyltestosterone.~~

34 ~~(r) Delta1-dihydrotestosterone.~~

35 ~~(s) 4-dihydrotestosterone.~~

36 ~~(t) Drostanolone.~~

37 ~~(u) Ethylestrenol.~~

38 ~~(v) Fluoxymesterone.~~

39 ~~(w) Formebolone.~~

40 ~~(x) Furazabol.~~

41 ~~(y) 13beta-ethyl-17beta-hydroxygon-4-en-3-one.~~

42 ~~(z) 4-hydroxytestosterone.~~

43 ~~(aa) 4-hydroxy-19-nortestosterone.~~

44 ~~(bb) Mestanolone.~~

45 ~~(cc) Mesterolone.~~

- 1 ~~(dd) Methandienone.~~
- 2 ~~(ee) Methandriol.~~
- 3 ~~(ff) Methasterone.~~
- 4 ~~(gg) Methenolone.~~
- 5 ~~(hh) 17alpha-methyl-3beta, 17beta-dihydroxy-5a-androstane.~~
- 6 ~~(ii) 17alpha-methyl-3alpha, 17beta-dihydroxy-5a-androstane.~~
- 7 ~~(jj) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene.~~
- 8 ~~(kk) 17alpha-methyl-4-hydroxymandrolone.~~
- 9 ~~(ll) Methyldienolone.~~
- 10 ~~(mm) Methyltrienolone.~~
- 11 ~~(nn) Methyltestosterone.~~
- 12 ~~(oo) Mibolone.~~
- 13 ~~(pp) 17alpha-methyl-delta1-dihydrotestosterone.~~
- 14 ~~(qq) Nandrolone.~~
- 15 ~~(rr) 3beta, 17beta-dihydroxyestr-4-ene.~~
- 16 ~~(ss) 3alpha, 17beta-dihydroxyestr-4-ene.~~
- 17 ~~(tt) 3beta, 17beta-dihydroxyestr-5-ene.~~
- 18 ~~(uu) 3alpha, 17beta-dihydroxyestr-5-ene.~~
- 19 ~~(vv) 19-nor-4,9(10)-androstadienedione.~~
- 20 ~~(ww) 19-nor-4-androstenedione.~~
- 21 ~~(xx) 19-nor-5-androstenedione.~~
- 22 ~~(yy) Norboletone.~~
- 23 ~~(zz) Norclostebol.~~
- 24 ~~(aaa) Norethandrolone.~~
- 25 ~~(bbb) Normethandrolone.~~
- 26 ~~(ccc) Oxandrolone.~~
- 27 ~~(ddd) Oxymesterone.~~
- 28 ~~(eee) Oxymetholone.~~
- 29 ~~(fff) Prostanazol.~~
- 30 ~~(ggg) Stanozolol.~~
- 31 ~~(hhh) Stenbolone.~~
- 32 ~~(iii) Testolactone.~~
- 33 ~~(jjj) Testosterone.~~
- 34 ~~(kkk) Tetrahydrogestrinone.~~
- 35 ~~(lll) Trenbolone.~~
- 36 ~~(mmm) Any salt, ester or isomer of a drug or substance described or~~
- 37 ~~listed in this paragraph, if that salt, ester or isomer promotes muscle~~
- 38 ~~growth.~~

39 ~~7. Dronabinol, (synthetic delta-9-tetrahydrocannabinol) in sesame~~
 40 ~~oil and encapsulated in a soft gelatin capsule in a United States food and~~
 41 ~~drug administration approved product (hallucinogenic substance).~~

42 A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE III CONTROLLED
 43 SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTIONS 1300.01 AND
 44 1308.13 AND SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN
 45 THE SCHEDULE III CONTROLLED SUBSTANCE DESIGNATIONS.

1 B. If any person prescribes, dispenses or distributes an anabolic
2 steroid for human use that has been approved by the United States food and
3 drug administration for the express intent of administration through
4 implants to cattle or other nonhuman species, the person shall be
5 considered to have prescribed, dispensed or distributed an anabolic
6 steroid within the meaning of this section.

7 C. The board may except by rule any compound, mixture or
8 preparation containing any substance ~~listed in~~ ADOPTED BY RULE PURSUANT TO
9 this section from the application of all or any part of this chapter if
10 the compound, mixture or preparation contains one or more active medicinal
11 ingredients and if the admixtures are included therein in combinations,
12 quantity, proportion or concentration that vitiates the potential for
13 abuse.

14 D. For the purposes of this section, "anabolic steroid" means
15 ~~a growth promoting~~ ANY drug or hormonal substance that is chemically or
16 pharmacologically related to testosterone, other than estrogens,
17 progestins, corticosteroids and dehydroepiandrosterone.

18 Sec. 16. Section 36-2515, Arizona Revised Statutes, is amended to
19 read:

20 36-2515. Substances in schedule IV; rules

21 ~~A. The following controlled substances, unless specifically~~
22 ~~excepted, are included in schedule IV:~~

23 ~~1. Any material, compound, mixture or preparation that contains any~~
24 ~~quantity of the following substances having a potential for abuse~~
25 ~~associated with a stimulant effect on the central nervous system,~~
26 ~~including its salts, isomers, whether optical, position or geometric, and~~
27 ~~salts of such isomers whenever the existence of such salts, isomers and~~
28 ~~salts of isomers is possible within the specific chemical designation:~~

29 ~~(a) Cathine (+(4)-norpseudoephedrine):~~

30 ~~(b) Diethylpropion:~~

31 ~~(c) Fencamfamin:~~

32 ~~(d) Fenproporex:~~

33 ~~(e) Mazindol:~~

34 ~~(f) Mefenorex:~~

35 ~~(g) Modafinil:~~

36 ~~(h) Pemoline (including organometallic complexes and chelates~~
37 ~~thereof):~~

38 ~~(i) Phentermine:~~

39 ~~(j) Pipradrol:~~

40 ~~(k) Sibutramine:~~

41 ~~(l) SPA((-)-1-dimethylamino-1, 2-diphenylethane):~~

42 ~~2. Any material, compound, mixture or preparation that contains any~~
43 ~~quantity of the following substances having a potential for abuse~~
44 ~~associated with a depressant effect on the central nervous system,~~
45 ~~including its salts, isomers and salts of isomers whenever the existence~~

- 1 ~~of such salts, isomers and salts of isomers is possible within the~~
2 ~~specific chemical designation:~~
- 3 ~~(a) Alfaxalone.~~
 - 4 ~~(b) Alprazolam.~~
 - 5 ~~(c) Barbitat.~~
 - 6 ~~(d) Bromazepam.~~
 - 7 ~~(e) Camazepam.~~
 - 8 ~~(f) Carisoprodoł.~~
 - 9 ~~(g) Chlorat betaine.~~
 - 10 ~~(h) Chlorat hydrate.~~
 - 11 ~~(i) Chlordiazepoxide.~~
 - 12 ~~(j) Clonazam.~~
 - 13 ~~(k) Clonazepam.~~
 - 14 ~~(l) Clorazepate.~~
 - 15 ~~(m) Clotiazepam.~~
 - 16 ~~(n) Cloxazolam.~~
 - 17 ~~(o) Delorazepam.~~
 - 18 ~~(p) Diazepam.~~
 - 19 ~~(q) Dichloralphenazome.~~
 - 20 ~~(r) Estazolam.~~
 - 21 ~~(s) Ethchlorvynol.~~
 - 22 ~~(t) Ethinamate.~~
 - 23 ~~(u) Ethyl loflazepate.~~
 - 24 ~~(v) Fludiazepam.~~
 - 25 ~~(w) Flunitrazepam.~~
 - 26 ~~(x) Flurazepam.~~
 - 27 ~~(y) Fospropofol.~~
 - 28 ~~(z) Halazepam.~~
 - 29 ~~(aa) Haloxazolam.~~
 - 30 ~~(bb) Ketazolam.~~
 - 31 ~~(cc) Loprazolam.~~
 - 32 ~~(dd) Lorazepam.~~
 - 33 ~~(ee) Lormetazepam.~~
 - 34 ~~(ff) Mebutamate.~~
 - 35 ~~(gg) Medazepam.~~
 - 36 ~~(hh) Meprobamate.~~
 - 37 ~~(ii) Methohexital.~~
 - 38 ~~(jj) Methylphenobarbitat (methobarbitat).~~
 - 39 ~~(kk) Midazolam.~~
 - 40 ~~(ll) Nimetazepam.~~
 - 41 ~~(mm) Nitrazepam.~~
 - 42 ~~(nn) Nordiazepam.~~
 - 43 ~~(oo) Oxazepam.~~
 - 44 ~~(pp) Oxazolam.~~
 - 45 ~~(qq) Paraldehyde.~~

- 1 ~~(rr) Petrichloral.~~
- 2 ~~(ss) Phenobarbital.~~
- 3 ~~(tt) Pinazepam.~~
- 4 ~~(uu) Prazepam.~~
- 5 ~~(vv) Quazepam.~~
- 6 ~~(ww) Suvorexant.~~
- 7 ~~(xx) Temazepam.~~
- 8 ~~(yy) Tetrazepam.~~
- 9 ~~(zz) Triazolam.~~
- 10 ~~(aaa) Zaleplon.~~
- 11 ~~(bbb) Zolpidem.~~
- 12 ~~(ccc) Zopiclone.~~

13 ~~3. Fenfluramine, and its salts, isomers, whether optical, position~~
 14 ~~or geometric, and its salts of isomers, whenever the existence of such~~
 15 ~~salts, isomers and salts of isomers is possible.~~

16 ~~4. Any material, compound, mixture or preparation containing any of~~
 17 ~~the following narcotic drugs, or their salts, calculated as the free~~
 18 ~~anhydrous base or alkaloid, in limited quantities as set forth below:~~

19 ~~(a) Not more than one milligram of difenoxin and not less than~~
 20 ~~twenty-five micrograms of atropine sulfate per dosage unit.~~

21 ~~(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-~~
 22 ~~methyl-2-propionoxybutane).~~

23 ~~(c) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)~~
 24 ~~cyclohexanol, and its salts, optical and geometric isomers, and its salts~~
 25 ~~of isomers.~~

26 ~~5. Any material, compound, mixture or preparation that contains any~~
 27 ~~quantity of the following substances, including its salts:~~

28 ~~(a) Pentazocine.~~

29 ~~(b) Butorphanol, including its optical isomers.~~

30 ~~6. Lorcaserin, and its salts, isomers and salts of isomers,~~
 31 ~~whenever the existence of such salts, isomers and salts of isomers is~~
 32 ~~possible.~~

33 A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE IV CONTROLLED
 34 SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.14 AND
 35 SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN THE
 36 SCHEDULE IV CONTROLLED SUBSTANCE DESIGNATIONS.

37 B. The board may except by rule any compound, mixture or
 38 preparation containing any substance ~~listed in~~ ADOPTED BY RULE PURSUANT TO
 39 this section from the application of all or any part of this chapter if
 40 the compound, mixture or preparation contains one or more active medicinal
 41 ingredients and if the admixtures are included therein in combinations,
 42 quantity, proportion or concentration that vitiates the potential for
 43 abuse.

1 Sec. 17. Section 36-2516, Arizona Revised Statutes, is amended to
2 read:

3 36-2516. Substances in schedule V; rules

4 ~~The following controlled substances or controlled substance~~
5 ~~precursors are included in schedule V:~~

6 ~~1. Any compound, mixture or preparation containing limited~~
7 ~~quantities of any of the following narcotic drugs or their salts,~~
8 ~~calculated as the free anhydrous base or alkaloid, which also contains one~~
9 ~~or more nonnarcotic active medicinal ingredients in sufficient proportion~~
10 ~~to confer upon the compound, mixture or preparation valuable medicinal~~
11 ~~qualities other than those possessed by the narcotic drug alone:~~

12 ~~(a) Not more than two hundred milligrams of codeine, or any of its~~
13 ~~salts, per one hundred milliliters or per one hundred grams.~~

14 ~~(b) Not more than one hundred milligrams of dihydrocodeine, or any~~
15 ~~of its salts, per one hundred milliliters or per one hundred grams.~~

16 ~~(c) Not more than one hundred milligrams of ethylmorphine, or any~~
17 ~~of its salts, per one hundred milliliters or per one hundred grams.~~

18 ~~(d) Not more than 2.5 milligrams of diphenoxylate and not less than~~
19 ~~twenty-five micrograms of atropine sulfate per dosage unit.~~

20 ~~(e) Not more than one hundred milligrams of opium per one hundred~~
21 ~~milliliters or per one hundred grams.~~

22 ~~(f) Not more than 0.5 milligram of difenoxin and not less than~~
23 ~~twenty-five micrograms of atropine sulfate per dosage unit.~~

24 ~~2. Unless specifically excepted or listed in another schedule, any~~
25 ~~material, compound, mixture or preparation containing pyrovalerone.~~

26 A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE V CONTROLLED
27 SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.15 AND
28 SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN THE
29 SCHEDULE V CONTROLLED SUBSTANCE DESIGNATIONS.

30 ~~3.~~ B. Any compound or preparation containing the single active
31 ingredient ephedrine or any of its salts **IS INCLUDED IN SCHEDULE V.**

32 ~~4. Unless specifically excepted or listed in another schedule in~~
33 ~~this article, any material, compound, mixture or preparation that contains~~
34 ~~any quantity of the following substances having a depressant effect on the~~
35 ~~central nervous system, including its salts:~~

36 ~~(a) Ezogabine.~~

37 ~~(b) Lacosamide.~~

38 ~~(c) Pregabalin.~~

39 Sec. 18. Section 36-2531, Arizona Revised Statutes, is amended to
40 read:

41 36-2531. Prohibited acts; classification

42 A. It is unlawful for any person:

43 1. Who is subject to article 3 of this chapter to intentionally or
44 knowingly distribute or dispense a controlled substance in violation of
45 section 36-2525.

1 2. Who is a registrant to intentionally or knowingly manufacture a
2 controlled substance not authorized by that person's registration or to
3 intentionally or knowingly distribute or dispense a controlled substance
4 not authorized by that person's registration to another registrant or
5 other authorized person.

6 3. To intentionally or knowingly refuse or fail to make, keep or
7 furnish any record, notification, order form, statement, invoice or
8 information required under this chapter.

9 4. To intentionally or knowingly refuse ~~an~~ entry into any premises
10 for any inspection authorized by this chapter.

11 5. To knowingly dispense or deliver anabolic steroids without a
12 written prescription or for a nontherapeutic use.

13 6. To intentionally or knowingly sell, buy, exchange or give away
14 any preparation subject to section 36-2516 **OR THE RULES ADOPTED PURSUANT**
15 **TO SECTION 36-2516**, unless the preparation is to be used for a legitimate
16 medical purpose and in compliance with this chapter.

17 B. Notwithstanding any other law, any person who violates any
18 provision of subsection A of this section is guilty of a class 4 felony.

19 C. It is unlawful for any person intentionally or knowingly:

20 1. To distribute as a registrant a controlled substance classified
21 in schedule I or II, except pursuant to an order form as required by
22 section 36-2524.

23 2. To furnish false or fraudulent material information in, or omit
24 any material information from, any application, report or other document
25 required to be kept or filed under this chapter or any record required to
26 be kept by this chapter.

27 D. A person who violates any provision of subsection C of this
28 section is guilty of a class 4 felony.

29 E. A person shall not provide a false prescription for a controlled
30 substance or knowingly or intentionally acquire or obtain possession of a
31 controlled substance by means of forgery, fraud, deception or subterfuge,
32 including the forgery or falsification of a prescription or the
33 nondisclosure of a material fact. A person who violates this subsection
34 is guilty of a class 4 felony.

35 F. Controlled substances, vehicles and items used or intended for
36 use in violation of this chapter are subject to seizure and forfeiture in
37 the manner provided in title 13, chapter 39.

38 Sec. 19. Section 36-2608, Arizona Revised Statutes, is amended to
39 read:

40 **36-2608. Reporting requirements; waiver; exceptions**

41 A. If a medical practitioner dispenses a controlled substance
42 listed in section 36-2513, 36-2514, 36-2515 or 36-2516 **OR THE RULES**
43 **ADOPTED PURSUANT TO CHAPTER 27, ARTICLE 2 OF THIS TITLE**, or if a
44 prescription for a controlled substance listed in any of those sections is
45 dispensed by a pharmacy in this state, a health care facility in this

1 state for outpatient use or a board-permitted nonresident pharmacy for
2 delivery to a person residing in this state, the medical practitioner,
3 health care facility or pharmacy must report the following information as
4 applicable and as prescribed by the board by rule:

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

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

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

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

15 5. The date the prescription was dispensed.

16 6. The number of refills, if any, authorized by the medical
17 practitioner.

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

23 C. The board shall allow the reporter to transmit the required
24 information by electronic data transfer if feasible or, if not feasible,
25 on reporting forms as prescribed by the board. The reporter shall submit
26 the required information once each day.

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

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

37 F. The reporting requirements of this section do not apply to the
38 following:

39 1. A controlled substance **THAT IS** administered directly to a
40 patient.

41 2. A controlled substance **THAT IS** dispensed by a medical
42 practitioner at a health care facility licensed by this state if the
43 quantity dispensed is limited to an amount adequate to treat the patient
44 for a maximum of seventy-two hours with not more than two seventy-two-hour
45 cycles within any fifteen-day period.

1 3. A controlled substance sample.

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

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