Senate Engrossed

controlled substances; schedule designations

State of Arizona Senate Fifty-fifth Legislature First Regular Session 2021

SENATE BILL 1088

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, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2518; AMENDING SECTIONS 36-2525, 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 A. The 6 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 practice or employment, and not on his own account. 23 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 substances authorized by title 36, chapter 27 OR THE RULES ADOPTED 28 29 PURSUANT TO TITLE 36, CHAPTER 27. 8. The receipt, possession or use, of a controlled substance 30 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. B. In any complaint, information or indictment and in any action or 35 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. C. In addition to other exceptions to the physician-patient 39 40 privilege, information communicated to a physician in an effort to procure 41 unlawfully a prescription-only, dangerous or narcotic drug, or to procure privileged 42 unlawfully the administration of such drug, is not a 43 communication.

1	Sec. 2. Section 13–3412.01, Arizona Revised Statutes, is amended to
2	read:
3	13-3412.01. Prescribing controlled substances included in
4	<u>schedule I for seriously ill and terminally ill</u>
5	<u>patients</u>
6	A. Notwithstanding any law to the contrary, any medical doctor
7	licensed to practice in this state may prescribe a controlled substance
8	included in schedule I as prescribed by section 36–2512 OR THE RULES
9	ADOPTED PURSUANT TO SECTION 36-2512 to treat a disease, or to relieve the
10	pain and suffering of a seriously ill patient or terminally ill patient,
11	subject to the provisions of this section. In prescribing such a
12	controlled substance, the medical doctor shall comply with professional
13	medical standards.
14	B. Notwithstanding any law to the contrary, a medical doctor shall
15	document that scientific research exists that supports the use of a
16	controlled substance listed in schedule I as prescribed by section 36-2512
17	OR THE RULES ADOPTED PURSUANT TO SECTION 36–2512 to treat a disease, or to
18	relieve the pain and suffering of a seriously ill patient or a terminally
19	ill patient before prescribing the controlled substance. A medical doctor
20	prescribing a controlled substance included in schedule I as prescribed by
21	section 36-2512 OR THE RULES ADOPTED PURSUANT TO SECTION 36-2512 to treat
22	a disease, or to relieve the pain and suffering of a seriously ill patient
23	or terminally ill patient, shall obtain the written opinion of a second
24 25	medical doctor that prescribing the controlled substance is appropriate to
25 26	treat a disease or to relieve the pain and suffering of a seriously ill patient or terminally ill patient. The written opinion of the second
27	medical doctor shall be kept in the patient's official medical file.
28	Before prescribing the controlled substance included in schedule I as
29	prescribed by section 36-2512 OR THE RULES ADOPTED PURSUANT TO SECTION
30	36-2512, the medical doctor shall receive in writing the consent of the
31	patient.
32	C. Any failure to comply with the provisions of this section may be
33	the subject of investigation and appropriate disciplining action by the
34	Arizona medical board.
35	Sec. 3. Section 13-3451, Arizona Revised Statutes, is amended to
36	read:
37	13-3451. <u>Definitions</u>
38	In this chapter, unless the context otherwise requires:
39	1. "Controlled substance" means a drug, substance or immediate
40	precursor in schedules I through V of title 36, chapter 27 OR THE RULES
41	ADOPTED PURSUANT TO TITLE 36, CHAPTER 27, or a dangerous drug or a
42	narcotic drug listed in section 13–3401.
43	2. "Counterfeit preparation" means a preparation that has an
44	appearance which imitates another preparation but that, in fact, is a
45	different preparation.

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.

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

18 6. "Imitation prescription-only drug" means a drug, substance or immediate precursor which does or does not contain a prescription-only 19 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 reasonable person to believe that the substance lead a is a 24 prescription-only drug but it is a counterfeit preparation.

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

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

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

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32-1401. Definitions

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In this chapter, unless the context otherwise requires:

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

2. "Adequate records" means legible medical records, produced by hand or electronically, containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment. 1 3. "Advisory letter" means a nondisciplinary letter to notify a 2 licensee that either:

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

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(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 disciplinary action, the board believes that repetition of the activities 10 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 program" means a program at a hospital that at the time the training 14 occurred was legally incorporated and that had a program that was approved 15 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 offering a course of study that, on successful completion, results in the 23 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.

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"Board" means the Arizona medical board. 6.

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

33 8. "Direct supervision" means that a physician, physician assistant licensed pursuant to chapter 25 of this title or nurse practitioner 34 certified pursuant to chapter 15 of this title is within the same room or 35 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.

9. "Dispense" means the delivery by a doctor of medicine of a 39 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.

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

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

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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.

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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.

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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, treat or correct any and all human diseases, injuries, ailments, 10 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 to test the basic medical competence of physicians who are applying for 23 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 program" means that the hospital is incorporated and has an internship, 28 29 fellowship or residency training program that is accredited by the accreditation council for graduate medical education, the American medical 30 31 association, the association of American medical colleges, the royal college of physicians and surgeons of Canada or a similar body in the 32 United States or Canada that is approved by the board and whose function 33 34 is that of approving hospitals for internship, fellowship or residency 35 training.

36 "Teaching license" means a valid license to practice medicine 26. 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.

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(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.

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

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

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

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(1) 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.

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

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

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

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

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(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.

(bb) Procuring or attempting to procure a license to practice medicine or a license renewal by fraud, by misrepresentation or by 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.

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

26 (gg) Knowingly failing to disclose to a patient on a form that is prescribed by the board and that is dated and signed by the patient or 27 28 guardian acknowledging that the patient or guardian has read and 29 understands that the doctor has a direct financial interest in a separate diagnostic or treatment agency or in nonroutine goods or services that the 30 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 a referral by one doctor of medicine to another doctor of medicine within 33 34 a group of doctors of medicine practicing together.

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

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(i) Adequate informed patient consent.

(ii) Conforming to generally accepted experimental criteria,
 including protocols, detailed records, periodic analysis of results and
 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 (11) 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.

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

(pp) Failing to report in writing to the Arizona medical board or the Arizona regulatory board of physician assistants any evidence that a doctor of medicine or a physician assistant is or may be medically incompetent, guilty of unprofessional conduct or mentally or physically 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 director or the medical chief of staff of a health care institution, 28 29 failing to report in writing to the board that the hospital privileges of a doctor of medicine have been denied, revoked, suspended, supervised or 30 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 unprofessional conduct or is or may be unable to engage safely in the 33 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.

(ss) Failing to make patient medical records in the physician's 37 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 receipt of proper authorization to do so from the patient, a minor 42 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 prescription а 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.

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(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.

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

(vi) Prescriptions written or prescription medications issued for administration of immunizations or vaccines listed in the United States centers for disease control and prevention's recommended immunization 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.

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

42 (uu) Performing office based surgery using sedation in violation of43 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. means legible medical 10 3. "Adequate medical records" 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 to assume continuity of the patient's care at any point in the course of 15 16 treatment. 17 "Approved clinical training program" or "clinical training 4. 18 program" means a program for naturopathic medical students in which the training occurred or is being conducted by or in conjunction with an 19 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 approved for internship training for physicians or for graduates of a 23 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" means that the program in which the training occurred or is being 28 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.

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

"Approved school of naturopathic medicine" or "school 39 8. 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 council on naturopathic medical education, or its successor agency, and 42 43 that offers a course of study that, on successful completion, results in the awarding of the degree of doctor of naturopathic medicine and whose 44 45 course of study is either of the following:

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

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

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

9 10. "Chelation therapy" means an experimental medical therapy to restore cellular homeostasis through the use of intravenous, metal-binding 10 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 "Completed application" means that the applicant paid the 11. required fees and supplied all documents and information as requested by 15 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 supervised and is available for consultation regarding procedures that the 23 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.

14. "Doctor of naturopathic medicine" or "doctor" means a natural 28 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:

(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 substance that provides nourishment for growth or metabolism and that is 38 manufactured and supplied for intravenous use by a manufacturer registered 39 40 with the United States food and drug administration or compounded by a 41 pharmacy licensed by the Arizona state board of pharmacy.

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

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

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(c) Cancer chemotherapeutics classified as legend drugs.

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(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 support disciplinary action the board believes that the person should 14 modify or eliminate certain practices and that continuation of 15 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.

22. "Medically incompetent" means a person who is licensed, certified or registered pursuant to this chapter and who lacks sufficient naturopathic medical knowledge or skills, or both, to a degree that is 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 naturopathic medicine and in clinical. schools of 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:

(a) Intentionally disclosing a professional secret or intentionally
 disclosing a privileged communication except as either of these may
 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.

(g) Impersonating another doctor of naturopathic medicine or anyother 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.

(1) Offering, undertaking or agreeing to cure or treat a disease,
 injury, ailment or infirmity by a secret means, method, treatment,
 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.

(n) Giving or receiving, or aiding or abetting the giving or
 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.

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

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

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

(s) Failing to observe any federal, state, county or municipal law
 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.

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

(bb) Delegating professional duties and responsibilities to a
 person if the person has not been approved or qualified by licensure or by
 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.

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

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

(ii) Engaging in conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm or death 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 preceptorship or a clinical training program to report in writing to the 19 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 (11) 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 refusing, denying, revoking or suspending a license, otherwise limiting, 34 35 restricting or monitoring a licensee or placing a licensee on probation by 36 that licensing or regulatory board.

(mm) Having sanctions imposed by an agency of the federal government, including restricting, suspending, limiting or removing a person from the practice of naturopathic medicine or restricting that 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 а 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 complexity of the service and the skill required to perform the service 10 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.

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

(uu) Prescribing, dispensing or administering anabolic androgenic
 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 а 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 person or has previously established a doctor-patient relationship. The 30 31 physical examination may be conducted during a real-time telemedicine encounter with audio and video capability unless the examination is for 32 the purpose of obtaining a written certification from the physician for 33 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.

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

or an act of bioterrorism. For the purposes of this item, "bioterrorism"
 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.

medical 11 (xx) If 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 or legal guardian and that indicates that the patient or the patient's 14 parent or legal guardian has been informed of the risk of any treatment to 15 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.

(iii) The patient's profile on the Arizona board of pharmacycontrolled 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. <u>Definitions</u> In this chapter, unless the context otherwise requires:

In this chapter, unless the context otherwise requires: 1. "Administer" means the direct application of a controlled substance, prescription-only drug, dangerous drug or narcotic drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by a practitioner or by the practitioner's authorized agent or the patient or research subject at the direction of the practitioner.

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

42 3. "Advisory letter" means a nondisciplinary letter to notify a43 licensee or permittee that either:

44 (a) While there is insufficient evidence to support disciplinary45 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.

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

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

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

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

(b) Dispense or deliver a prescription or refill that has been
 prepared by or on behalf of the pharmacy that oversees the automated
 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's33 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:

(a) Is any dye, pigment or other substance made by a process of
synthesis or similar artifice, or extracted, isolated or otherwise
derived, with or without intermediate or final change of identity, from
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 "Compounding" means the preparation, mixing, 11. 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 analysis or for administration by a medical practitioner to the medical 10 11 practitioner's patient and not for sale or dispensing. Compounding does 12 not include the preparation of commercially available products from bulk 13 or the preparation of drugs for sale to compounds 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.

14. "Compressed medical gas order" means an order for compressed
 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.

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

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

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

20. "Day" means a business day.

42

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

5

4 23. "Deputy director" means a pharmacist who is employed by the 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, including their components, parts and accessories, including all such 10 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 other animals. 15

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 present. If relating to the sale of certain items, direct supervision of 19 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 subject by or pursuant to the lawful order of a practitioner, including 23 24 prescribing, administering, packaging, labeling or compounding the 25 necessary to prepare for that delivery.

28. "Dispenser" means a practitioner who dispenses.

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

29

26

"Distributor" means a person who distributes. 30.

"Drug" means:

30 31.

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, treatment or prevention of disease in the human body or other animals. 34

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

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

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. preparation, propagation or processing of a drug or device, either 44 45 directly or indirectly, by extraction from substances of natural origin or

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

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

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39. "Full service wholesale permittee":

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

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

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

37 41. "Highly toxic" means any substance that falls within any of the38 following categories:

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

(b) Produces death within fourteen days in half or more than half
of a group of ten or more laboratory white rats each weighing between two
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 million by volume or less of gas or vapor or two milligrams per liter by 2 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.

If the board finds that available data on human experience with any 10 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 "Hospital" means any institution for the care and treatment of 42. the sick and injured that is approved and licensed as a hospital by the 15 16 department of health services.

17

"Intern" means a pharmacy intern. 43.

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

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

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.

47. "Label" means a display of written, printed or graphic matter 27 28 on the immediate container of any article that, unless easily legible 29 through the outside wrapper or container, also appears on the outside wrapper or container of the article's retail package. For the purposes of 30 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 public document issued by the board and that informs a licensee or 37 permittee that the licensee's or permittee's conduct violates state or 38 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.

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1 51. "Manufacture" or "manufacturer": (a) Means every person who prepares, derives, produces, compounds, 2 3 processes, packages or repackages or labels any drug in a place, other 4 than a pharmacy, that is devoted to manufacturing the drug. Includes a virtual manufacturer as defined in rule by the (b) board. 7 "Marijuana" has the same meaning prescribed in section 13-3401. 52. 8 53. "Medical practitioner" means any medical doctor, doctor of 9 osteopathic medicine, dentist, podiatrist, veterinarian or other person who is licensed and authorized by law to use and prescribe drugs and 10 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 "Medication order" means a written or verbal order from a 54. medical practitioner or that person's authorized agent to administer a 15 16 drug or device. 17 "Narcotic drug" has the same meaning prescribed in section 55. 18 13-3401. 19 "New drug" means either: 56. 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. (b) Any drug the composition of which is such that the drug, as a 25 26 result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but that has not, other 27 28 than in the investigations, been used to a material extent or for a 29 material time under those conditions. 57. "Nonprescription drug" or "over-the-counter drug" means any 30 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. (b) A controlled substance. 38 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 Includes a virtual wholesaler as defined in rule by the board. (b)

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.

60. "Nutritional supplementation" means vitamins, minerals and 4 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, the District of Columbia, the Commonwealth of Puerto Rico or a territory 10 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 device in a container for the purpose or intent of dispensing or 15 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 person is unable to receive adequate fluids or feedings by mouth or by 19 20 enteral feeding.

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

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

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

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

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

36 37 71. "Pharmacy": (a) Means:

(i) Any place where drugs, devices, poisons or related hazardous 38 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.

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

(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 licensed18 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:

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

- 27
- (b) A toxic substance.

28

- (c) A highly toxic substance.
- 29
- (d) A corrosive substance. (e) An irritant.
- 30 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 hazardous substance. This subdivision does not apply to radioactive 38 substances, economic poisons subject to the federal insecticide, fungicide 39 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 substance or article that is not itself an economic poison within the 44 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 5 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.

(iv) Participating in drug selection and drug utilization reviews,
 drug administration, drug or drug-related research and drug therapy
 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.

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

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

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

77. "Practitioner" means any physician, dentist, veterinarian, 32 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 control of which is necessary to prevent, curtail or limit the 6 manufacture. 7 (b) Listed in section 13-3401, paragraph 26 or 27. 80. "Prescription" means either a prescription 8 order or а 9 prescription medication. "Prescription medication" means any drug, including label and 10 81. 11 container according to context, that is dispensed pursuant to a 12 prescription order. 13 "Prescription-only device" includes: 82. Any device that is limited by the federal act to use under the 14 (a) 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.

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

87. "Remote dispensing site pharmacy" means a pharmacy where a
 pharmacy technician or pharmacy intern prepares, compounds or dispenses
 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.

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

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

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

1 92. "Symbol" means the characteristic symbols that have 2 historically identified pharmacy, including show globes and mortar and 3 pestle, and the sign "Rx".

4 93. "Third-party logistics provider" means an entity that provides 5 or coordinates warehousing or other logistics services for a prescription 6 or over-the-counter dangerous drug or dangerous device in intrastate or interstate commerce on behalf of a manufacturer, wholesaler or dispenser 7 8 of the prescription or over-the-counter dangerous drug or dangerous device 9 but that does not take ownership of the prescription or over-the-counter dangerous drug or dangerous device or have responsibility to direct its 10 11 sale or disposition.

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

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

19 Sec. 7. Section 32–1969, Arizona Revised Statutes, is amended to 20 read:

21 22 32-1969. <u>Filling foreign prescription orders: records:</u> <u>exception</u>

A. This chapter does not prohibit a pharmacist or an intern under a pharmacist's supervision from filling a new written prescription order for a drug or device issued by a medical practitioner licensed by the appropriate licensing board of a foreign country.

B. The proprietor, manager or pharmacist in charge of a pharmacy
shall keep a separate record of prescriptions filled pursuant to this
section.

C. A pharmacist or intern shall not fill a prescription order issued by a medical practitioner licensed by the appropriate licensing board of a foreign country for a controlled substance as defined pursuant to title 36, chapter 27, article 2 OR THE RULES ADOPTED PURSUANT TO TITLE 36, CHAPTER 27, ARTICLE 2.

35 Sec. 8. Section 32-2901, Arizona Revised Statutes, is amended to 36 read:

37 38 32-2901. <u>Definitions</u>

In this chapter, unless the context otherwise requires:

39 1. "Acupuncture" means a medical therapy in which ailments are 40 diagnosed and treated by the specific application of needles, heat or 41 physical and electromagnetic impulses or currents to specific anatomic 42 points on the body through any of the following:

43 (a) The diagnosis and treatment of ailments according to the44 systematic principles of traditional Asian medicine.

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.

3. "Approved internship" means that the applicant has completed 15 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 section 32-2912, subsection A, means a school or college that offers a 25 26 course of study that on successful conclusion results in a degree of doctor of medicine or doctor of osteopathy OSTEOPATHIC MEDICINE and that 27 offers a course of study that is approved or accredited by the association 28 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.

6. "Chelation therapy" means an experimental medical therapy to restore cellular homeostasis through the use of intravenous, metal-binding and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation therapy is not an experimental therapy if it is used to treat heavy metal poisoning. 7. "Controlled substance" means a drug or substance or a drug's or
 substance's immediate precursor that is defined or listed in title 36,
 chapter 27, article 2 OR THE RULES ADOPTED PURSUANT TO TITLE 36, CHAPTER
 27, ARTICLE 2.

5 6

8. "Drug" means a medication or substance that is any of the 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.

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

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.

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

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

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

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

16. "Medical incompetence" means the lack of sufficient medical knowledge or skill by a licensee to a degree that is likely to endanger a patient's health. Medical incompetence includes the range of knowledge expected for basic licensure pursuant to this chapter or as a medical or osteopathic physician in any professional regulatory jurisdiction of the United States and additional knowledge of homeopathic treatments and 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 trigger points, tendons, ligaments and scars and the subcutaneous 10 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.

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

36

22. "Practice of homeopathic medicine":

37 (a) For the purposes of a person who is licensed pursuant to section 32-2912, subsection A, means the practice of medicine in which a 38 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 surgery, neuromuscular integration, nutrition, orthomolecular minor 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.

(c) A potentially harmful drug if its labeling does not contain 15 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 can be shown to the board's satisfaction that accepted practices are 23 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, unnecessary suffering or death. 29

30 26. "Special purpose licensing examination" means an examination 31 developed by the national board of medical examiners on behalf of the federation of state medical boards for use by state licensing boards to 32 test the basic medical competence of physicians who are applying for 33 licensure and who have been in practice in another jurisdiction of the 34 United States and to determine the competence of a physician under 35 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, "unprofessional conduct" includes the following acts, whether occurring in 41 42 this state or elsewhere:

43 1. Performing an invasive surgical procedure not specifically permitted by this chapter or by board rules or pursuant to a license 44 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.

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

Prescribing a controlled substance for other than accepted
 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.

9. Acting or assuming to act as a member of the board if this isnot 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.

12. Representing that a manifestly incurable disease, injury, ailment or infirmity can be permanently cured or that a curable disease, injury, ailment or infirmity can be cured within a stated time if this is 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 or44 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 with an act of unprofessional conduct prescribed by this section. The 10 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.

19. Committing any conduct or practice contrary to recognized 15 16 standards of ethics of the homeopathic medical profession, any conduct or practice that does or might constitute a danger to the health, welfare or 17 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 request and receipt of proper authorization. 23

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.

23. Using a controlled substance unless it is prescribed by a 28 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.

26. Prescribing, dispensing or administering schedule II controlled 34 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 a period in excess of thirty days in any one year, or the for 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 disclosure that the form of diagnosis and treatment to be used is 44 45 experimental and without conforming to generally accepted experimental

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

3

29. Engaging in sexual intimacies with a patient.

30. Using the designation "M.D." or "D.O." in a way that would lead the public to believe that a person is licensed by the Arizona medical board or the ARIZONA board of osteopathic examiners in medicine and 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.

Charging a fee for services not rendered or charging and 15 34. 16 collecting a clearly unreasonable fee. In determining the reasonableness of the fee, the board shall consider the fee customarily charged in this 17 18 state for similar services in relation to modifying factors such as the time required, the complexity of the service and the skill required to 19 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.

35. Failing to appropriately direct, collaborate with or supervise
 a licensed, certified or registered health care provider, a homeopathic
 medical assistant or office personnel employed or assigned to the licensee
 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.

37. Failing to furnish legally requested information in a timely
 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.

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

41. Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a comprehensive physical or mental health status examination of that person or has previously established a 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.

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

1 2 3

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

4

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(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.

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

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

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.

3. Prescribing, dispensing or administering a prescription drug.

22 4. Using the title "physician", "medical doctor-homeopathic", "doctor of osteopathy-homeopathic", "doctor of medicine (homeopathic)" or 23 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.

6. Failing to obtain from a patient before an examination or 28 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.

8. Discontinuing or advising a patient to discontinue a physician's 35 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. <u>Heading change</u>

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

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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 "Board" means the Arizona state board of pharmacy. 1. 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 or not, its seeds, the resin extracted from any part of such plant, and 10 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 seeds of such plant, any other compound, manufacture, salt, derivative, 14 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. "Drug dependent person" means a person who is using a controlled 25 5. 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 dependence is characterized by behavioral and other responses which 28 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. 7. "Immediate precursor" means a substance which THAT the board has 35 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 directly or indirectly by extraction from substances of vegetable origin 42

extraction and chemical synthesis:

or independently by means of chemical synthesis or by a combination of

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.

9. "Opiate" means any substance having an addiction-forming or 15 16 addiction-sustaining liability similar to morphine or being capable of 17 conversion into a drug having addiction-forming or addiction-sustaining does 18 liability. Ιt 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.

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

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

14. "Schedule I controlled substances" means the controlled
 substances identified, defined PRESCRIBED or listed in OR ADOPTED BY RULE
 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. "State", when applied to a part of the United States, means any 3 20. 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. B. Words or phrases in this chapter, if not defined in subsection A 7 8 of this section, have the definitions given them in title 32, chapter 18, 9 article 1, unless the context otherwise requires. Sec. 12. Section 36-2511, Arizona Revised Statutes, is amended to 10 11 read: 12 36-2511. Nomenclature The controlled substances listed or to be listed in the schedules in 13 sections 36-2512, 36-2513, 36-2514, 36-2515, 36-2516 and 36-2517 OR THE 14 15 RULES ADOPTED PURSUANT TO THIS ARTICLE are included by whatever official, 16 common, usual, chemical or trade name designated. Sec. 13. Section 36-2512, Arizona Revised Statutes, is amended to 17 18 read: 19 36-2512. Substances in schedule I: rules 20 A. The following controlled substances, unless specifically 21 excepted, are included in schedule I: 22 1. Any of the following, including opiates and their isomers, 23 esters, ethers, salts and salts of isomers, esters and ethers, unless 24 specifically excepted, whenever the existence of these isomers, esters, 25 ethers and salts is possible within the specific chemical designation: 26 (a) Acetyl-alpha-methylfentanyl. 27 (b) Acetylmethadol. 28 (c) Allylprodine. 29 (d) Alphacetylmethadol, except levo-alphacetylmethadol or LAAM. 30 (e) Alphameprodine. 31 (f) Alphamethadol. 32 (g) Alpha-methylfentanyl. 33 (h) Alpha-methylthiofentanyl. 34 (i) Benzethidine. 35 (j) Betacetylmethadol. 36 (k) Beta-hydroxyfentanyl. 37 (1) Beta-hydroxy-3-methylfentanyl. 38 (m) Betameprodine. 39 (n) Betamethadol. 40 (o) Betaprodine. 41 (p) Clonitazene. 42 (q) Dextromoramide. 43 (r) Diampromide. 44 (s) 3, 4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide

45 (U-47700).

1	(t) Diethylthiambutene.
2	(u) Difenoxin.
3	(v) Dimenoxadol.
4	(w) Dimepheptanol.
5	(x) Dimethylthiambutene.
6	(y) Dioxaphetyl butyrate.
7	(z) Dipipanone.
8	(aa) Ephenidine.
9	(bb) Ethylmethylthiambutene.
10	(cc) Etonitazene.
11	(dd) Etoxeridine.
12	(ee) Furethidine.
13	(ff) Hydroxypethidine.
14	(gg) Isophenidine.
15	(hh) Ketobemidone.
16	(ii) Lefetamine.
17	(jj) Levomoramide.
18	(kk) Levophenacylmorphan.
19	(11) 3-methylfentanyl.
20	(mm) 3-methylthiofentanyl.
21	(nn) Morpheridine.
22	(oo) MPPP(1-methyl-4-phenyl-4-propionoxypiperidine).
23	(pp) Noracymethadol.
24	(qq) Norlevorphanol.
25	(rr) Normethadone.
26	(ss) Norpipanone.
27	(tt) Para-fluorofentanyl.
28	(uu) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).
29	(vv) Phenadoxone.
30	(ww) Phenampromide.
31	(xx) Phenomorphan.
32	(yy) Phenoperidine.
33	(zz) Piritramide.
34	(aaa) Proheptazine.
35	(bbb) Properidine.
36	(ccc) Propiram.
37	(ddd) Racemoramide.
38	(eee) Thiofentanyl.
39	(fff) Tilidine.
40	(ggg) Trimeperidine.
41	2. Any of the following opium derivatives and their salts, isomers
42	and salts of isomers, unless specifically excepted, whenever the existence
43	of these salts, isomers and salts of isomers is possible within the
44 45	specific chemical designation:
45	(a) Acetorphine.

1	(b) Acetyldihydrocodeine.
2	(c) Benzylmorphine.
3	(d)
4	benzenesulfonamide (W-18).
5	(e) 4-chloro-n-[1-(2-pheylethyl)-2-piperidinylidene]
6	benzenesulfonamide (W-15).
7	(f) Codeine methylbromide.
8	(g) Codeine-n-oxide.
9	(h) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
10	(i) Cyprenorphine.
11	(j) Desomorphine.
12	(k) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]
13	methyl)-benzamide (AH-7921).
14	(1) Dihydromorphine.
15	(m) Drotebanol.
16	(n) Etorphine, except hydrochloride salt.
17	(o) Heroin.
18	(p) Hydromorphinol.
19	(q) Methyldesorphine.
20	(r) Methyldihydromorphine.
21	(s) Morphine methylbromide.
22	(t) Morphine methylsulfonate.
23	(u) Morphine-n-oxide.
24	(v) Myrophine.
25	(w) Nicocodeine.
26	(x) Nicomorphine.
27	(y) Normorphine.
28	(z) Pholcodine.
29	(aa) Thebacon.
30	3. Any material, compound, mixture or preparation that contains any
31	quantity of the following hallucinogenic substances and their salts,
32	isomers and salts of isomers, unless specifically excepted or unless
33	listed in another schedule, whenever the existence of these salts, isomers
34 25	and salts of isomers is possible within the specific chemical designation
35	(for the purposes of this paragraph, "isomer" includes the optical,
36	position and geometric isomers):
37	(a) Alpha-ethyltryptamine (AET).
38	(b) 4-bromo-2, 5-dimethoxyamphetamine.
39	(c) 4-bromo-2,5-dimethoxyphenethylamine (2C-B, Nexus).
40	(d) 2, 5-dimethoxyamphetamine.
41	(e) 2,5-dimethoxy-4-ethylamphetamine (DOET).
42	(f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).
43	(g) 4-methoxyamphetamine.
44 45	(h) 5-methoxy-3, 4-methylenedioxyamphetamine.
45	(i) 4-methyl-2, 5-dimethoxyamphetamine.

1	(j) 3,4-methylenedioxy amphetamine.
2	(k) 3, 4-methylenedioxymethamphetamine (MDMA).
3	(1) 3, 4-methylenedioxy-N-ethylamphetamine (N-ethyl MDA, MDE,
4	MDEA).
5	(m) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy MDA).
6	(n) 3, 4, 5-trimethoxy amphetamine.
7	(o) 5-methoxy-N,N,-dimethyltryptamine (5-MeO-DMT).
8	(p) Alpha-methyltryptamine (AMT).
9	(q) Bufotenine.
10	(r) Diethyltryptamine.
11	(s) Dimethyltryptamine.
12	(t) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT).
13	(u) Ibogaine.
14	(v) Lysergic acid diethylamide.
15	(w) Cannabis, except the synthetic isomer of delta-9-
16	tetraydrocannabinol.
17	(x) Mescaline.
18	(y) Parahexyl.
19	(z) Peyote.
20	(aa) N-ethyl-3-piperidyl benzilate.
21	(bb) N-methyl-3-piperidyl benzilate.
22	(cc) Psilocybin.
23	(dd) Psilocyn.
24	(ee) Ethylamine analog of phencyclidine.
25	(ff) Pyrrolidine analog of phencyclidine.
26	(gg) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine.
27	(hh) Thiophene analog of phencyclidine.
28	(ii) 4-methylmethcathinone (Mephedrone).
29	(jj) 3,4-methylenedioxypyrovalerone (MDPV).
30	(kk) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E).
31	(]]) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D).
32	(mm) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
33	(nn) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
34	(oo) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
35	(pp) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
36	(qq) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H).
37	(rr) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
38	(ss) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
39	(tt) 3,4,-methylenedioxy-N-methylcathinone (Methylone).
40	(uu) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
41	(25I-NBOMe, Cimbi-5).
42	(vv) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-
43	<pre>methoxybenzyl)ethanamine (25C-NBOMe, Cimbi-82).</pre>
44	(ww) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2- methoxybenzyl)ethanamine
45	(25B-NBOMe, Cimbi-36).

1 (xx) (2-ethylaminopropyl)-benzofuran (EAPB). 2 (yy) (2-methylaminopropyl)-benzofuran (MAPB). 3 (zz) Diphenidine (DEP). 4 (aaa) Methoxphenidine (MXP). 5 4. Any material, compound, mixture or preparation which contains 6 any quantity of cannabimimetic substances and their salts, isomers, 7 whether optical, positional or geometric, and salts of isomers, unless 8 specifically excepted, whenever the existence of such salts, isomers and 9 salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means 10 11 any substances within the following structural classes: 12 (a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 13 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 14 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, 15 16 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667. 17 (b) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by 18 substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted on the indazole ring to any extent, 19 20 whether or not substituted on the naphthoyl ring to any extent. 21 Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole 22 generic definition include THJ2201 and THJ-018. 23 (c) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by 24 substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not 25 26 substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, 27 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, 28 29 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, 30 31 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, 32 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, 33 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, 34 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, 35 36 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415. 37 (d) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of 38 the pyrrole ring, whether or not further substituted in the pyrrole ring 39 to any extent, whether or not substituted on the naphthoyl ring to any 40 extent. Substances in the 3-(naphthoyl)pyrrole generic definition include 41 JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,

42 JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,
43 JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,

44 JWH-373 and JWH-392.

1 (e) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring 2 3 to any extent, whether or not substituted on the naphthyl ring to any 4 extent. Substances in the 1-(naphthylmethylene)indene generic definition 5 include JWH-176. 6 (f) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at 7 the nitrogen atom of the indole ring, whether or not further substituted 8 in the indole ring to any extent, whether or not substituted on the phenyl 9 ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, 10 11 JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, 12 JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, 13 JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 14 and SR-19. (g) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) 15 16 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole 17 18 ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 19 20 3-(cyclopropylmethanone) indole generic definition include UR-144, 21 Fluoro-UR-144 and XLR-11. 22 (h) Other substances: (i) (6ar,10ar)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-23 24 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210). 25 (ii) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA. 26 AKB48). 27 (iii) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22). (iv) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate 28 29 (5F-PB-22). 30 (v) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-inda 31 zole-3-carboxamide (AB-FUBINACA). (vi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-32 3-carboxamide (ADB-PINACA). 33 34 (i) Indole-3-carboxamide or indazole-3-carboxamide with substitution at the nitrogen atom of the indole ring or by substitution at 35 36 one or both of the nitrogen atoms of the indazole ring, whether or not further substituted on the indole ring or the indazole ring to any extent, 37 whether or not substituted on the nitrogen of the carboxamide to any 38 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide 39 40 generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA, 41 AB-FUBINACA, ABICA AND ADBICA. (j) 8-Quinolinyl-indole-3-carboxylate or 8-quinolinyl-42 43 indazole-3-carboxylate by substitution at the nitrogen atom of the indole 44 ring or by substitution at one or both of the nitrogen atoms of the 45 indazole ring, whether or not further substituted in the indole ring or 1 indazole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate 2 3 or the 8-quinolinyl-indazole-3-carboxylate generic definition include 4 PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22. 5

(k) Naphthalenyl-indole-3-carboxylate or naphthalenyl-

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 or 9 indazole ring to any extent, whether or not substituted on the naphthalenyl ring to any extent. Substances in the naphthalenyl-indole-3-10 11 carboxylate or naphthalenyl-indazole-3-carboxylate generic definition 12 include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.

5. Any of the following substances having a depressant effect on 13 the central nervous system, including their salts, isomers and salts of 14 isomers, unless specifically excepted or listed in another schedule, 15 16 whenever the existence of such salts, isomers and salts of isomers is 17 possible within the specific chemical designation:

18 (a) Etizolam.

19 (b) Mecloqualone.

20 (c) Methaqualone.

21 6. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound, 22 derivative or preparation of gamma-hydroxybutyric acid, including any 23 isomers, esters and ethers and salts of isomers, esters and ethers of 24 gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of 25 the isomers, esters and salts is possible within the specific chemical 26 designation. Notwithstanding any other provision of the federal food, drug, and cosmetic act, for purposes of security requirements imposed by 27 28 law or regulation on registered distributors and registered manufacturers, 29 this substance if manufactured, distributed or processed in accordance with an exemption approved under section 505 of the federal food, drug, 30 31 and cosmetic act is a controlled substance in schedule III pursuant to 32 section 36-2514.

7. Any of the following stimulants including their salts, isomers 33 34 and salts of isomers, unless specifically excepted or listed in another 35 schedule, whenever the existence of these salts, isomers and salts of 36 isomers is possible within the specific chemical designation:

37 (a) Alpha-methylaminovalerophenone (Pentedrone).

38 (b) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

39 (c) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

40 (d) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

41 (e) Aminorex.

42 (f) N-benzylpiperazine (BZP).

43 (g) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

(h) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone). 44

1	<u>(i) Ochlingeninghis substances which are substances deviced. Com</u>
1 2	(i) Cathinomimetic substances which are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the
2	phenyl ring, any substitution at the 3 position, any substitution at the
4	nitrogen atom or any combination of the above substitutions.
5	(j) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-
6	oxazolamine).
7	(k) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
8	(1) Dimethylcathinone (Metamfepramone).
9	(m) Ethcathinone.
10	(n) Fenethylline.
11	(o) 3-fluoro-N-methylcathinone (3-FMC).
12	(p) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone).
13	(q) Methcathinone.
14	(r) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
15	(s) Methoxyphenethylamine mimetic substances which are any
16	substances derived from 2, 5-dimethoxy-phenethylamine by any substitution
17	at the phenyl ring, any substitution at the nitrogen atom or any
18	combination of the above substitutions.
19	(t) Methyl-a-pyrrolidinobutiophenone (MPBP).
20	(u) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).
21	(v) 4-methyl-N-ethylcathinone (4-MEC).
22	(w) Methylenedioxy-alphapyrrolidinopropiophenone (MDPPP).
23	(x) Methylenedioxyethcathinone (Ethylone).
24	(y) N-ethylamphetamine.
25	(z) Naphthypyrovalerone (Naphyrone).
26	(aa) N,N-dimethylamphetamine.
27	A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE I CONTROLLED
28	SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.11 AND
29	SECTION 13-3401 AND SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY
30	CHANGES IN THE SCHEDULE I CONTROLLED SUBSTANCE DESIGNATIONS.
31	B. The board may except by rule any compound, mixture or
32	preparation containing any substance listed in this section ADOPTED BY
33	RULE PURSUANT TO THIS SECTION from the application of all or any part of
34	this chapter if the compound, mixture or preparation contains one or more
35	active medicinal ingredients and if the admixtures are included therein in
36	combinations, quantity, proportion or concentration that vitiates the
37	potential for abuse.
38	Sec. 14. Section 36–2513, Arizona Revised Statutes, is amended to
39	read:
40	36–2513. <u>Substances in schedule II; rules</u>
41	A. The following controlled substances, unless specifically
42	excepted, are included in schedule II:
43	1. Any of the following substances, whether produced directly or
44	indirectly by extraction from substances of vegetable origin or

1	
1	independently by means of chemical synthesis or by combination of
2 3	extraction and chemical synthesis: (a) Opium and opiate and any salt, compound, derivative or
4	preparation of opium or opiate, excluding apomorphine, thebaine-derived
5	butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone
6	and their respective salts, but including the following:
7	(i) Raw opium.
8	(ii) Opium extracts.
9	(iii) Opium fluid extracts.
10	(iv) Powdered opium.
11	(v) Granulated opium.
12	(vi) Tincture of opium.
13	(vii) Codeine.
14	(viii) Dihydroetorphine.
15	(ix) Ethylmorphine.
16	(x) Etorphine hydrochloride.
17	(xi) Hydrocodone.
18	(xii) Hydromorphone.
19	(xiii) Metopon.
20	(xiv) Morphine.
21	(xv) Oripavine.
22	(xvi) Oxycodone.
23	(xvii) Oxymorphone.
24	(xviii) Thebaine.
25	(b) Any salt, compound, derivative or preparation thereof which is
26	chemically equivalent or identical with any of the substances referred to
27	in subdivision (a) of this paragraph, except that these substances shall
28	not include the isoquinoline alkaloids of opium.
29 30	(c) Opium poppy and poppy straw.
30 31	(d) Coca leaves and any salt, compound, derivative or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers,
32	derivatives and salts of isomers and derivatives, and any salt, compound,
33	derivative or preparation thereof which is chemically equivalent or
33 34	identical with any of these substances, except that the substances shall
35	not include decocainized coca leaves or extraction of coca leaves, which
36	extractions do not contain cocaine or ecgonine.
37	(e) Concentrate of poppy straw (the crude extract of poppy straw in
38	either liquid, solid or powder form which contains the phenanthrene
39	alkaloids of the opium poppy).
40	2. Any of the following opiates, including isomers, esters, ethers,
41	salts and salts of isomers, esters and ethers, whenever the existence of
42	these isomers, esters, ethers and salts is possible within the specific
43	chemical designation, dextrorphan and levopropoxyphene excepted:
44	(a) Alfentanil.
45	(b) Alphaprodine.

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

1 4. 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 including its salts, isomers and salts of isomers whenever the existence 5 of such salts, isomers and salts of isomers is possible within the 6 specific chemical designation: 7 (a) Amobarbital. 8 (b) Glutethimide. 9 (c) Pentobarbital. (d) Phencyclidine. 10 11 (e) Phencyclidine immediate precursors: 12 (i) 1-phenylcyclohexylamine. 13 (ii) 1-piperidinocyclohexanecarbonitrile (PCC). 14 (f) Secobarbital. 5. Nabilone (hallucinogenic substance). 15 16 A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE II CONTROLLED 17 SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.12 AND 18 SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN THE 19 SCHEDULE II CONTROLLED SUBSTANCE DESIGNATIONS. 20 B. The board may except by rule any compound, mixture or 21 preparation containing any substance listed in ADOPTED BY RULE PURSUANT TO 22 this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal 23 24 ingredients and if the admixtures are included therein in combinations, 25 quantity, proportion or concentration that vitiates the potential for 26 abuse. 27 Sec. 15. Section 36-2514, Arizona Revised Statutes, is amended to 28 read: 29 36-2514. Substances in schedule III; rules; definition 30 A. The following controlled substances, unless specifically 31 excepted, are included in schedule III: 32 1. Any material, compound, mixture or preparation which contains 33 any quantity of the following substances having a potential for abuse 34 associated with a stimulant effect on the central nervous system, 35 including its salts, isomers, whether optical, position or geometric, and 36 salts of such isomers whenever the existence of such salts, isomers and 37 salts of isomers is possible within the specific chemical designation: 38 (a) Benzphetamine. 39 (b) Chlorphentermine. 40 (c) Clortermine. 41 (d) Phendimetrazine. 42 2. Any material, compound, mixture or preparation which contains 43 any quantity of the following substances having a potential for abuse

44 associated with a depressant effect on the central nervous system:

1	(a) Any compound, mixture or preparation containing amobarbital,
2	secobarbital, pentobarbital or any salt thereof and one or more other
3	active medicinal ingredients which are not listed in any schedule.
4	(b) Any suppository dosage form containing amobarbital,
5	secobarbital, pentobarbital or any salt of any of these drugs and approved
6	by the federal act for marketing only as a suppository.
7	(c) Any substance which contains any quantity of a derivative of
8	barbituric acid or any salt thereof.
9	(d) Chlorhexadol.
10	(e) Embutramide.
11	(f) Any drug product containing gamma hydroxybutyric acid,
12	including its salts, isomers and salts of isomers, for which an
13	application is approved under section 505 of the federal food, drug, and
14	cosmetic act.
15	(y) Ketamine, and its salts, isomers and salts of isomers.
16	(h) Lysergic acid.
17	(i) Lysergic acid amide.
18	(j) Methyprylon.
19	(k) Perampanel, and its salts, isomers and salts of isomers.
20	(1) Sulfondiethylmethane.
21	(m) Sulfonethylmethane.
22	(n) Sulfonmethane.
23	(o) Tiletamine/zolazepam (telazol) or any salt thereof.
24	3. Any material, compound, mixture or preparation containing the
25	narcotic drug nalorphine or any of its salts.
26	4. Any material, compound, mixture or preparation containing the
27	narcotic drug buprenorphine or any of its salts.
28	5. Any material, compound, mixture or preparation containing
29	limited quantities of any of the following narcotic drugs or any salts
30	thereof, calculated as the free anhydrous base or alkaloid:
31	(a) Not more than one point eight grams of codeine, or any of its
32	salts, per one hundred milliliters or not more than ninety milligrams per
33	dosage unit with an equal or greater quantity of an isoquinoline alkaloid
34	of opium.
35	(b) Not more than one point eight grams of codeine, or any of its
36	salts, per one hundred milliliters or not more than ninety milligrams per
37	dosage unit with one or more active, nonnarcotic ingredients in recognized
38	therapeutic amounts.
39	(c) Not more than one point eight grams of dihydrocodeine, or any
40	of its salts, per one hundred milliliters or not more than ninety
41	milligrams per dosage unit with one or more active, nonnarcotic
42	ingredients in recognized therapeutic amounts.
43	(d) Not more than three hundred milligrams of ethylmorphine, or any
44	of its salts, per one hundred milliliters or not more than fifteen

1	milligrams per dosage unit with one or more active, nonnarcotic
2	ingredients in recognized therapeutic amounts.
3	(e) Not more than five hundred milligrams of opium per one hundred
4	milliliters or per one hundred grams or not more than twenty-five
5	milligrams per dosage unit with one or more active, nonnarcotic
6	ingredients in recognized therapeutic amounts.
7	(f) Not more than fifty milligrams of morphine, or any of its
8	salts, per one hundred milliliters or per one hundred grams with one or
9	more active, nonnarcotic ingredients in recognized therapeutic amounts.
10	6. Any material, compound, mixture or preparation containing any of
11	the following anabolic steroids but not including an anabolic steroid that
12	is expressly intended for administration through implants to cattle or
13	other nonhuman species and that has been approved by the United States
14	food and drug administration for such administration:
15	(a) 3beta, 17-dihydroxy-5a-androstane.
16	(b) 3alpha, 17beta-dihydroxy-5a-androstane.
17	(c) 5alpha-androstan-3, 17-dione.
18	(d) 3beta, 17beta-dihydroxy-5alpha-androst-1-ene.
19	(e) 3alpha, 17beta-dihydroxy-5alpha-androst-1-ene.
20	(f) 4-androstenediol.
21	(g) 5-androstenediol.
22	(h) 1-androstenedione.
23	(i) 4-androstenedione.
24	(j) 5-androstenedione.
25	(k) Bolasterone.
26	(1) Boldenone.
27	(m) Boldione.
28	(n) Calusterone.
29	(o) Clostebol.
30	(p) Dehydrochlormethyltestosterone.
31	(q) Desoxymethyltestosterone.
32	(r) Deltal-dihydrotestosterone.
33	(s) 4-dihydrotestosterone.
34	(t) Drostanolone.
35	(u) Ethylestrenol.
36	(v) Fluoxymesterone.
37	(w) Formebolone.
38	(x) Furazabol.
39	(y) 13beta-ethyl-17beta-hydroxygon-4-en-3-one.
40	(z) 4-hydroxytestosterone.
41	(aa) 4-hydroxy-19-nortestosterone.
42	(bb) Mestanolone.
43	(cc) Mesterolone.
44	(dd) Methandienone.

45 (ee) Methandriol.

1	(ff) Methasterone.
2	(rr) Methasterone. (gg) Methenolone.
3	(h) 17alpha-methyl-3beta, 17beta-dihydroxy-5a-androstane.
4	(ii) 17alpha-methyl-Salpha, 17beta-dihydroxy-Sa-androstane.
5	(jj) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene.
6	(jj) i/alpha methyl sbeta, i/beta alhydroxyandrost 4 ene. (kk) 17alpha-methyl-4-hydroxynandrolone.
7	(KK) 17arpha-methyl-4-nydroxynandrorone. (11) Methyldienolone.
8	
9	(mm) Methyltrienolone. (nn) Methyltestosterone.
10	
10	
12	
12	(qq) Nandrolone.
13 14	(rr) 3beta, 17beta-dihydroxyestr-4-ene.
	(ss) <u>Salpha, 17beta-dihydroxyestr-4-ene.</u>
15	(tt) 3beta, 17beta-dihydroxyestr-5-ene.
16	(uu) 3alpha, 17beta-dihydroxyestr-5-ene.
17	(vv) 19-nor-4,9(10)-androstadienedione.
18	(ww) 19-nor-4-androstenedione.
19 20	(xx) 19-nor-5-androstenedione.
20	(yy) Norbolethone.
21	(zz) Norclostebol. (aaa) Norethandrolone.
22	
23	(bbb) Normethandrolone.
24	(ccc) Oxandrolone.
25	(ddd) Oxymesterone.
26	(eee) Oxymetholone.
27	(fff) Prostanozol.
28	(ggg) Stanozolol.
29	(hhh) Stenbolone.
30	(iii) Testolactone.
31	(jjj) Testosterone.
32	(kkk) Tetrahydrogestrinone.
33	(111) Trenbolone.
34	(mmm) Any salt, ester or isomer of a drug or substance described or
35	listed in this paragraph, if that salt, ester or isomer promotes muscle
36	growth.
37	7. Dronabinol, (synthetic delta-9-tetrahyrocannabinol) in sesame
38	oil and encapsulated in a soft gelatin capsule in a United States food and
39	drug administration approved product (hallucinogenic substance).
40	A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE III CONTROLLED
41	SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTIONS 1300.01 AND
42	1308.13 AND SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN
43	THE SCHEDULE III CONTROLLED SUBSTANCE DESIGNATIONS.
44	B. If any person prescribes, dispenses or distributes an anabolic
45	steroid for human use that has been approved by the United States food and

С 45 steroid for human use that has been approved by the United States food and 1 drug administration for the express intent of administration through 2 implants to cattle or other nonhuman species, the person shall be 3 considered to have prescribed, dispensed or distributed an anabolic 4 steroid within the meaning of this section.

5 C. The board may except by rule any compound, mixture or 6 preparation containing any substance listed in ADOPTED BY RULE PURSUANT TO 7 this section from the application of all or any part of this chapter if 8 the compound, mixture or preparation contains one or more active medicinal 9 ingredients and if the admixtures are included therein in combinations, 10 quantity, proportion or concentration that vitiates the potential for 11 abuse.

12 D. For the purposes of this section, "anabolic steroid" means 13 a growth promoting ANY drug or hormonal substance that is chemically or 14 pharmacologically related to testosterone, other than estrogens, 15 progestins, corticosteroids and dehydroepiandrosterone.

16 Sec. 16. Section 36-2515, Arizona Revised Statutes, is amended to 17 read:

18

36-2515. <u>Substances in schedule IV: rules</u>

19 A. The following controlled substances, unless specifically 20 excepted, are included in schedule IV:

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

- 27 (a) Cathine (+(4)-norpseudoephedrine).
- 28 (b) Diethylpropion.
- 29 (c) Fencamfamin.
- 30 (d) Fenproporex.
- 31 (e) Mazindol.
- 32 (f) Mefenorex.
- 33 (g) Modafinil.
- 34 (h) Pemoline (including organometallic complexes and chelates 35 thereof).
- 36 (i) Phentermine.
- 37 (j) Pipradrol.
- 38 (k) Sibutramine.
- 39 (1) SPA((-)-1-dimethylamino-1, 2-diphenylethane).

40 2. Any material, compound, mixture or preparation that contains any 41 quantity of the following substances having a potential for abuse 42 associated with a depressant effect on the central nervous system, 43 including its salts, isomers and salts of isomers whenever the existence 44 of such salts, isomers and salts of isomers is possible within the 45 specific chemical designation:

1	(a) Alfaxalone.
2	(b) Alprazolam.
3	(c) Barbital.
4	(d) Bromazepam.
5	(e) Camazepam.
6	(f) Carisoprodol.
7	(g) Chloral betaine.
8	(h) Chloral hydrate.
9	(i) Chlordiazepoxide.
10	(j) Clobazam.
11	(k) Clonazepam.
12	(1) Clorazepate.
13	(m) Clotiazepam.
14	(n) Cloxazolam.
15	(o) Delorazepam.
16	(p) Diazepam.
17	(q) Dichloralphenazone.
18	(r) Estazolam.
19	(s) Ethchlorvynol.
20	(t) Ethinamate.
21	(u) Ethyl loflazepate.
22	(v) Fludiazepam.
23	(w) Flunitrazepam.
24	(x) Flurazepam.
25	(y) Fospropofol.
26	(z) Halazepam.
27	(aa) Haloxazolam.
28	(bb) Ketazolam.
29	(cc) Loprazolam.
30	(dd) Lorazepam.
31	(ee) Lormetazepam.
32	(ff) Mebutamate.
33	(gg) Medazepam.
34	(hh) Meprobamate.
35	(ii) Methohexital.
36	(jj) Methylphenobarbital (methobarbital).
37	(kk) Midazolam.
38	(11) Nimetazepam.
39	(mm) Nitrazepam.
40	(nn) Nordiazepam.
41	(oo) Oxazepam.
42	(pp) Oxazolam.
43	(qq) Paraldehyde.
44	(rr) Petrichloral.
45	(ss) Phenobarbital.

1	(tt) Pinazepam.
2	(uu) Prazepam.
3	(vv) Quazepam.
4	(ww) Suvorexant.
5	(xx) Temazepam.
6	(yy) Tetrazepam.
7	(zz) Triazolam.
8	(aaa) Zaleplon.
9	(bbb) Zolpidem.
10	(ccc) Zopiclone.
11	3. Fenfluramine, and its salts, isomers, whether optical, position
12	or geometric, and its salts of isomers, whenever the existence of such
13	salts, isomers and salts of isomers is possible.
14	4. Any material, compound, mixture or preparation containing any of
15	the following narcotic drugs, or their salts, calculated as the free
16	anhydrous base or alkaloid, in limited quantities as set forth below:
17	(a) Not more than one milligram of difenoxin and not less than
18	twenty-five micrograms of atropine sulfate per dosage unit.
19	(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-
20	methyl-2-propionoxybutane).
21	(c) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)
22	cyclohexanol, and its salts, optical and geometric isomers, and its salts
23	of isomers.
24	5. Any material, compound, mixture or preparation that contains any
25	quantity of the following substances, including its salts:
26	(a) Pentazocine.
27	(b) Butorphanol, including its optical isomers.
28	6. Lorcaserin, and its salts, isomers and salts of isomers,
29	whenever the existence of such salts, isomers and salts of isomers is
30	possible.
31	A. THE BOARD SHALL ADOPT BY RULE THE SCHEDULE IV CONTROLLED
32	SUBSTANCES LISTED IN 21 CODE OF FEDERAL REGULATIONS SECTION 1308.14 AND
33	SHALL AMEND THE RULES, AS NECESSARY, TO REFLECT ANY CHANGES IN THE
34	SCHEDULE IV CONTROLLED SUBSTANCE DESIGNATIONS.
35	B. The board may except by rule any compound, mixture or
36	preparation containing any substance listed in ADOPTED BY RULE PURSUANT TO
37	this section from the application of all or any part of this chapter if
38	the compound, mixture or preparation contains one or more active medicinal
39	ingredients and if the admixtures are included therein in combinations,
40	quantity, proportion or concentration that vitiates the potential for
11	

40 quantity, 41 abuse.

1	Sec. 17. Section 36-2516, Arizona Revised Statutes, is amended to
2	read:
3	36-2516. <u>Substances in schedule V; rules</u>
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. Title 36, chapter 27, article 2, Arizona Revised Statutes,
40	is amended by adding section 36–2518, to read:
41	36-2518. <u>Schedule exemptions: rules</u>
42	THE RULES ADOPTED BY THE BOARD PURSUANT TO SECTIONS 36-2512,
43	36-2513, 36-2514, 36-2515 AND 36-2516 MAY NOT INCLUDE ANY MATERIAL,
44	COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY QUANTITY OF A
45	CONTROLLED SUBSTANCE AND THAT IS LISTED AS AN EXEMPT SUBSTANCE IN 21 CODE

1 OF FEDERAL REGULATIONS SECTION 1308.22, 1308.24, 1308.26, 1308.32 OR 2 1308.34.

3 Sec. 19. Section 36-2525, Arizona Revised Statutes, is amended to 4 read:

5

36-2525. <u>Prescription orders; labels; packaging; definition</u>

6 A. In addition to the requirements of section 32-1968 pertaining to 7 prescription orders for prescription-only drugs, the prescription order 8 for a controlled substance shall bear the name, address and federal 9 registration number of the prescriber. A prescription order for a schedule II controlled substance drug other than a hospital drug order for 10 11 a hospital inpatient shall contain only one drug order per prescription 12 blank. If authorized verbally by the prescriber, the pharmacist may make 13 changes to a written or electronic schedule II controlled substance 14 prescription order, except for any of the following:

15 16

1. The patient's name.

The prescriber's name.
 The drug name.

17

18 B. The pharmacist must document on the original prescription order 19 the changes that were made pursuant to the verbal authorization and record 20 the time and date the authorization was granted.

21 C. A person who is registered to dispense controlled substances 22 under this chapter must keep and maintain prescription orders for 23 controlled substances as follows:

Prescription orders for controlled substances listed in
 schedules I and II must be maintained in a separate prescription file for
 controlled substances listed in schedules I and II only.

27 2. Prescription orders for controlled substances listed in schedules III, IV and V must be maintained either in a separate 28 29 prescription file for controlled substances listed in schedules III, IV 30 and V only or in a form that allows them to be readily retrievable from 31 the other prescription records of the registrant. For the purposes of this paragraph, "readily retrievable" means that, when the prescription is 32 initially filed, the face of the prescription is stamped in red ink in the 33 34 lower right corner with the letter "C" in a font that is not less than one inch high and that the prescription is filed in the usual consecutively 35 36 numbered prescription file for noncontrolled substance prescriptions. The 37 requirement to stamp the hard copy prescription with a red "C" is waived 38 if a registrant employs an electronic data processing system or other 39 electronic recordkeeping system for prescriptions that permits 40 identification by prescription number and retrieval of original documents 41 by the prescriber's name, patient's name, drug dispensed and date filled.

D. Except in emergency situations in conformity with subsection E of this section, under the conditions specified in subsections F and G of this section or when dispensed directly by a medical practitioner to an ultimate user, a controlled substance in schedule II shall not be

1 dispensed without either the written prescription order in ink or 2 indelible pencil or typewritten and manually signed by the medical 3 practitioner or an electronic prescription order as prescribed by federal Beginning January 1, 2020, a schedule II controlled 4 law or regulation. 5 substance that is an opioid may be dispensed only with an electronic 6 prescription order as prescribed by federal law or regulation. A 7 prescription order for a schedule II controlled substance shall not be 8 dispensed more than ninety days after the date on which the prescription 9 Notwithstanding any other provision of this section, a order was issued. 10 pharmacy may sell and dispense a schedule II controlled substance 11 prescribed by a medical practitioner who is located in another county in 12 this state or in another state if the prescription was issued to the 13 patient according to and in compliance with the applicable laws of the 14 state of the prescribing medical practitioner and federal law. A prescription order for a schedule II controlled substance shall not be 15 16 refilled. A pharmacist is not in violation of this subsection and may 17 dispense a prescription order in the following circumstances:

18 1. During any time period in which an established electronic 19 prescribing system or a pharmacy management system is not operational or 20 available in a timely manner. If the electronic prescribing system or a 21 pharmacy management system is not operational or available, the pharmacist 22 may dispense a prescription order that is written for a schedule II controlled substance that is an opioid. The pharmacist must maintain a 23 24 record, for a period of time prescribed by the board, of when the 25 electronic prescribing system or pharmacy management system is not 26 operational or available in a timely manner.

27 2. The prescription order for a schedule II controlled substance 28 that is an opioid is in writing and indicates that the medical 29 practitioner who issued the prescription order provided care for the 30 patient in a veterans administration facility, a health facility on a 31 military base, an Indian health services hospital or other Indian health 32 service facility, or a tribal-owned clinic.

E. In emergency situations, emergency quantities of schedule II 33 34 controlled substances may be dispensed on an oral prescription order of a 35 medical practitioner. Such an emergency prescription order shall be 36 immediately reduced to writing by the pharmacist and shall contain all the 37 information required for schedule II controlled substances except for the 38 manual signing of the order by the medical practitioner. Within seven 39 days after authorizing an emergency oral prescription order, the 40 prescribing medical practitioner shall cause a written prescription order manually signed for the emergency quantity prescribed to be delivered to 41 42 the dispensing pharmacist or an electronic prescription order to be 43 transmitted to the dispensing pharmacist. In addition to conforming to 44 other requirements for prescription orders for schedule II controlled 45 substances, the prescription order shall indicate electronically or have

1 written on its face "authorization for emergency dispensing" and the date of the oral order. If the prescribing medical practitioner fails to 2 deliver such an emergency prescription order within seven days in 3 4 conformance with board rules, the pharmacist shall notify the board. 5 Failure of the pharmacist to notify the board voids the authority 6 conferred by this subsection to dispense without a prescription order of a 7 medical practitioner that is electronic or that is written and manually 8 signed.

9 F. Notwithstanding subsections D and N of this section, a patient's 10 medical practitioner or the medical practitioner's agent may transmit to a 11 pharmacy by fax a prescription order written for a schedule II controlled 12 substance, including opioids, if the prescription order is any of the 13 following:

To be compounded for the direct administration to a patient by
 parenteral, intravenous, intramuscular, subcutaneous or intraspinal
 infusion.

17

2. For a resident of a long-term care facility.

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

23 G. A fax transmitted pursuant to subsection F of this section is 24 the original written prescription order for purposes of this section and 25 must be maintained as required by subsection C of this section.

26 H. Except when dispensed directly by a medical practitioner to an 27 ultimate user, a controlled substance included in schedule III or IV that 28 requires a prescription order as determined under state or federal laws 29 shall not be dispensed without a written or oral prescription order of a medical practitioner or an electronic prescription order as prescribed by 30 31 federal law or regulation. The prescription order shall not be filled or 32 refilled more than six months after the date on which the prescription 33 order was issued. A prescription order authorized to be refilled shall 34 not be refilled more than five times. Additional quantities may only be authorized by the prescribing medical practitioner through issuance of a 35 36 new prescription order that shall be treated by the pharmacist as a new 37 and separate prescription order.

I. Except when dispensed directly by a medical practitioner to an ultimate user, a controlled substance that is included in schedule V and that requires a prescription order as determined under state or federal laws shall not be dispensed without a written or oral prescription order of a medical practitioner. The prescription order may be refilled as authorized by the prescribing medical practitioner but shall not be filled or refilled more than one year after the date of issuance. J. A controlled substance that is listed in schedule III, IV or V and that does not require a prescription order as determined under state or federal laws may be dispensed at retail by a pharmacist or a pharmacy intern under the pharmacist's supervision without a prescription order to a purchaser who is at least eighteen years of age if all of the following are true:

7

1. It is for a legitimate medical purpose.

8 2. Not more than two hundred forty cubic centimeters (eight ounces) 9 of any such controlled substance containing opium, nor more than one 10 hundred twenty cubic centimeters (four ounces) of any other such 11 controlled substance, nor more than forty-eight dosage units of any such 12 controlled substance containing opium, nor more than twenty-four dosage 13 units of any other controlled substance may be dispensed at retail to the 14 same purchaser in any given forty-eight-hour period.

15 3. No more than one hundred dosage units of any single active 16 ingredient ephedrine preparation may be sold, offered for sale, bartered 17 or given away to any one person in any one thirty-day period.

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

21 5. A bound record book for dispensing controlled substances under 22 this subsection is maintained by the pharmacist and contains the name and 23 address of the purchaser, the name and quantity of the controlled 24 substance purchased, the date of each purchase and the name or initials of 25 the pharmacist or pharmacy intern who dispensed the substance to the 26 purchaser. The book shall be maintained in conformity with the 27 recordkeeping requirements of section 36-2523.

28 K. In the absence of a law requiring a prescription for a schedule 29 V controlled substance, the board, by rules, may require, or remove the 30 requirement of, a prescription order for a schedule V controlled 31 substance.

32 L. The label on a container of a controlled substance that is 33 directly dispensed by a medical practitioner or pharmacist and that is not 34 for the immediate administration to the ultimate user, such as a bed 35 patient in a hospital, shall bear the name and address of the dispensing 36 medical practitioner or pharmacist, the serial number, the date of dispensing, the name of the prescriber, the name of the patient or, if an 37 38 animal, the name of the owner of the animal and the species of the animal, 39 the directions for use and cautionary statements, if any, contained in the 40 prescription order or required by law. If the controlled substance is 41 included in schedule II, III or IV, the label shall bear a transfer warning to the effect: "Caution: federal law prohibits the transfer of 42 43 this drug to any person other than the patient for whom it was prescribed". The container of a schedule II controlled substance that is 44 45 an opioid that is directly dispensed by a pharmacist and that is not for

the immediate administration to the ultimate user shall have a red cap and a warning label prescribed by the board about potential addiction. The board or the executive director, if delegated by the board, may waive the red cap requirement if implementing the requirement is not feasible because of the specific dosage form or packaging type.

6 M. Controlled substances in schedules II, III, IV and V may be 7 dispensed as electronically transmitted prescriptions if the prescribing 8 medical practitioner is all of the following:

9 1. Properly registered by the United States drug enforcement 10 administration.

12 2. Licensed in good standing in the United States jurisdiction in 12 which the medical practitioner practices.

Authorized to issue such prescriptions in the jurisdiction in
 which the medical practitioner is licensed.

N. Notwithstanding any other provision of this section, beginning January 1, 2020, each prescription order, except a prescription order under subsection F of this section, that is issued by a medical practitioner for a schedule II controlled substance that is an opioid shall be transmitted electronically to the dispensing pharmacy. A medical practitioner is not in violation of this subsection:

21 During any time in which an established electronic prescribing 1. 22 system or a pharmacy management system is not operational or available in 23 a timely manner. If the electronic prescribing system or a pharmacy 24 management system is not operational or available, the medical practitioner may write a prescription order for a schedule II controlled 25 26 substance that is an opioid. The medical practitioner shall indicate on 27 the written prescription order that the electronic prescribing system or 28 pharmacy management system is not operational or available. The medical 29 practitioner must maintain a record, for a period of time prescribed by 30 the board, of when the electronic prescribing system or pharmacy 31 management system is not operational or available in a timely manner.

2. If the medical practitioner writes a prescription order for a schedule II controlled substance that is an opioid that will be dispensed for the patient from a veterans administration facility, a health facility on a military base, an Indian health services hospital or other Indian health service facility, or a tribal-owned clinic.

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

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

43 Q. In consultation with the task force established pursuant to 44 section 36-2603, the board may prescribe by rule additional exceptions to 1 the electronic prescribing requirements specified in this section for both 2 pharmacists and medical practitioners.

R. Notwithstanding subsections D and N of this section, a medical 3 4 practitioner who is licensed pursuant to title 32, chapter 21 is not 5 required to comply with the electronic prescribing requirements of 6 subsections D and N of this section until the Arizona state veterinary 7 medical examining board determines that electronic prescribing software is 8 widely available for veterinarians and notifies the Arizona state board of 9 pharmacy of that determination.

10 S. For the purposes of this section. "medication-assisted 11 treatment" has the same meaning prescribed in section 32-3201.01.

12 Sec. 20. Section 36-2531, Arizona Revised Statutes, is amended to 13 read:

14

15

36-2531. Prohibited acts: classification

A. It is unlawful for any person:

16 1. Who is subject to article 3 of this chapter to intentionally or 17 knowingly distribute or dispense a controlled substance in violation of 18 section 36-2525.

19 2. Who is a registrant to intentionally or knowingly manufacture a 20 controlled substance not authorized by that person's registration or to 21 intentionally or knowingly distribute or dispense a controlled substance 22 not authorized by that person's registration to another registrant or 23 other authorized person.

24 3. To intentionally or knowingly refuse or fail to make, keep or 25 furnish any record, notification, order form, statement, invoice or 26 information required under this chapter.

27 4. To intentionally or knowingly refuse an entry into any premises for any inspection authorized by this chapter. 28

29 5. To knowingly dispense or deliver anabolic steroids without a 30 written prescription or for a nontherapeutic use.

31 6. To intentionally or knowingly sell, buy, exchange or give away any preparation subject to section 36-2516 OR THE RULES ADOPTED PURSUANT 32 33 TO SECTION 36-2516, unless the preparation is to be used for a legitimate 34 medical purpose and in compliance with this chapter.

35 B. Notwithstanding any other law, any person who violates any 36 provision of subsection A of this section is guilty of a class 4 felony.

37

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

1. To distribute as a registrant a controlled substance classified 38 39 in schedule I or II, except pursuant to an order form as required by 40 section 36-2524.

41 2. To furnish false or fraudulent material information in, or omit 42 any material information from, any application, report or other document 43 required to be kept or filed under this chapter or any record required to 44 be kept by this chapter.

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

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

9 F. Controlled substances, vehicles and items used or intended for 10 use in violation of this chapter are subject to seizure and forfeiture in 11 the manner provided in title 13, chapter 39.

12 Sec. 21. Section 36-2608, Arizona Revised Statutes, is amended to 13 read:

14

36-2608. <u>Reporting requirements: waiver: exceptions</u>

A. If a medical practitioner dispenses a controlled substance 15 listed in section 36-2513, 36-2514, 36-2515 or 36-2516 OR THE RULES 16 17 ADOPTED PURSUANT TO CHAPTER 27, ARTICLE 2 OF THIS TITLE, or if a 18 prescription for a controlled substance listed in any of those sections is dispensed by a pharmacy in this state, a health care facility in this 19 20 state for outpatient use or a board-permitted nonresident pharmacy for 21 delivery to a person residing in this state, the medical practitioner, 22 health care facility or pharmacy must report the following information as applicable and as prescribed by the board by rule: 23

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

27 2. The name, address and date of birth of the person for whom the 28 prescription is written.

29 3. The name, address, telephone number and United States drug 30 enforcement administration controlled substance registration number of the 31 prescribing medical practitioner.

32 4. The name, strength, quantity, dosage and national drug code33 number of the schedule II, III, IV or V controlled substance dispensed.

34

5. The date the prescription was dispensed.

35 6. The number of refills, if any, authorized by the medical 36 practitioner.

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

43 C. The board shall allow the reporter to transmit the required 44 information by electronic data transfer if feasible or, if not feasible, on reporting forms as prescribed by the board. The reporter shall submit
 the required information once each day.

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

9 E. The board by rule may prescribe the prescription form to be used 10 in prescribing a schedule II, III, IV or V controlled substance if the 11 board determines that this would facilitate the reporting requirements of 12 this section.

13 F. The reporting requirements of this section do not apply to the 14 following:

15 1. A controlled substance THAT IS administered directly to a 16 patient.

17 2. A controlled substance THAT IS dispensed by a medical 18 practitioner at a health care facility licensed by this state if the 19 quantity dispensed is limited to an amount adequate to treat the patient 20 for a maximum of seventy-two hours with not more than two seventy-two-hour 21 cycles within any fifteen-day period.

22

3. A controlled substance sample.

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

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