REFERENCE TITLE: pharmacy; compounding; terminally ill patients

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

SB 1418

Introduced by
Senator Barto

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1971; RELATING TO THE ARIZONA STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes, is amended by adding section 32-1971, to read:

32-1971. Compounding pharmacies; certain medications; requirements; definitions

A. CHRONICALLY ILL PATIENTS AND TERMINALLY ILL PATIENTS HAVE THE RIGHT TO DETERMINE, WITH THE ASSISTANCE AND GUIDANCE OF THEIR HEALTH CARE PROVIDERS, INDIVIDUAL COURSES OF TREATMENT THROUGH THE USE OF MEDICATIONS AND TREATMENTS OBTAINED FROM A COMPOUNDING PHARMACY.

B. COMPOUNDING PHARMACIES THAT ARE LICENSED IN THIS STATE SHALL HAVE ACCESS TO ACTIVE PHARMACEUTICAL INGREDIENTS, INCLUDING ANY MEDICATIONS, DIETARY SUPPLEMENTS AND AMINO ACIDS, THAT MEET UNITED STATES PHARMACOPEIA MONOGRAPHS AND THAT MAY BE RESTRICTED FROM USE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN ORDER TO PROVIDE CHRONICALLY ILL PATIENTS AND TERMINALLY ILL PATIENTS WITH THE PRESCRIBED INDIVIDUAL COURSE OF TREATMENT.

C. COMPOUNDING PHARMACIES THAT OPERATE PURSUANT TO THIS SECTION SHALL COMPLY WITH THE REPORTING REQUIREMENTS PRESCRIBED IN THE RIGHT TO TRY ACT OF 2017 (P.L. 115-176; 132 STAT. 1372; 21 UNITED STATES CODE SECTION 360bbb-0a).

D. FOR THE PURPOSES OF THIS SECTION:

1. "CHRONICALLY ILL PATIENT" MEANS A PATIENT WHOSE PHYSICIAN HAS DIAGNOSED THE PATIENT AS HAVING A LONG-TERM HEALTH CONDITION THAT MAY NOT HAVE A CURE AND WHO MIGHT BENEFIT FROM INDIVIDUALIZED OR SPECIALIZED MEDICATION THAT IS NOT COMMERCIALLY AVAILABLE.

2. "COMPOUNDING PHARMACY" MEANS A PHARMACY THAT IS CLASSIFIED AS A 503A PHARMACY BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

3. "MONOGRAPHS" MEANS QUALITY STANDARDS FOR PRESCRIPTION MEDICINES AND DIETARY SUPPLEMENTS THAT ARTICULATE THE QUALITY EXPECTATIONS FOR A MEDICINE OR DIETARY SUPPLEMENT, INCLUDING ITS IDENTITY, STRENGTH, PURITY AND PERFORMANCE.

4. "TERMINALLY ILL PATIENT" MEANS A PATIENT WHOSE PHYSICIAN HAS DIAGNOSED THE PATIENT WITH A DISEASE THAT, TAKING INTO ACCOUNT THE PATIENT'S MEDICAL CIRCUMSTANCES, WILL CAUSE THE PATIENT'S DEATH IN A REASONABLY FORESEEABLE TIME.