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House: HHS DP 8-1-0-0 | 3rd Read 46-0-14-0

SB 1469: controlled substances monitoring; search warrants

Sponsor: Senator Barto, LD 15

Transmitted to the Governor

Overview

Permits the Arizona State Board of Pharmacy (Board) to release Controlled Substances Prescription Monitoring Program (CSPMP) data to law enforcement agencies and criminal justice agencies only if they provide a valid search warrant.

History

The CSPMP program includes a computerized central database tracking system to track the prescribing, dispensing and consumption of schedule II, III, IV and V controlled substances dispensed from a medical practitioner or a pharmacy that holds a valid license or permit. The database includes data from the Department of Health Services that identifies Arizona residents who possess a registry identification card issued. The tracking system does not interfere with the legal use of a controlled substance for managing severe or intractable pain ([A.R.S. § 36-2602](#)).

The Board or its designee must review CSPMP prescription information. If the Board or its designee suspects an act of illegal or unprofessional conduct has occurred, they must notify the appropriate professional licensing board or law enforcement or criminal justice agency and provide the prescription information required for an investigation. The Board must provide CSPMP data requested by a local, state, federal law enforcement or criminal justice agency only if the agency states in writing that the information is necessary for an open investigation or complaint ([A.R.S. § 36-2604](#)).

Provisions

1. Allows the Board to release collected CSPMP data only if the requesting local, state, federal law enforcement or criminal justice agency has a valid search warrant and is using the information for an open investigation or complaint. (Sec. 1)
2. Removes the requirement that if the Board or its designee has reason to believe that an act of unprofessional or illegal conduct has occurred then they must notify law enforcement or criminal justice agency and provide CSPMP information required for an investigation. (Sec. 1)
3. Permits an investigator to refer a prescriber to the applicable professional licensing board for investigation if, after reviewing CSPMP data, the investigator finds no evidence of a statutory crime but suspects the prescriber is inappropriately prescribing controlled substances in manner or amount. (Sec. 1)
4. Forbids the investigator from arresting or undertaking criminal proceedings against a medical practitioner. (Sec. 1)
5. Makes conforming changes. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note