

REFERENCE TITLE: pharmacists; prescribing; naloxone; reporting

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1211

Introduced by
Senator Shope

AN ACT

AMENDING SECTIONS 32-1968, 32-1979 AND 36-2608, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1968, Arizona Revised Statutes, is amended to
3 read:

4 32-1968. Dispensing prescription-only drug; prescription
5 orders; refills; labels; misbranding; dispensing
6 soft contact lenses; opioid antagonists

7 A. A prescription-only drug shall be dispensed only under one of
8 the following conditions:

9 1. By a medical practitioner in conformance with section 32-1921.

10 2. On a written prescription order bearing the prescribing medical
11 practitioner's manual signature.

12 3. On an electronically transmitted prescription order containing
13 the prescribing medical practitioner's electronic or digital signature.

14 4. On a written prescription order generated from electronic media
15 containing the prescribing medical practitioner's electronic or manual
16 signature. A prescription order that contains only an electronic
17 signature must be applied to paper that uses security features that will
18 ensure the prescription order is not subject to any form of copying or
19 alteration.

20 5. On an oral prescription order that is reduced promptly to
21 writing and filed by the pharmacist.

22 6. By refilling any written, electronically transmitted or oral
23 prescription order if a refill is authorized by the prescriber either in
24 the original prescription order, by an electronically transmitted refill
25 order that is documented promptly and filed by the pharmacist or by an
26 oral refill order that is documented promptly and filed by the pharmacist.

27 7. On a prescription order that the prescribing medical
28 practitioner or the prescribing medical practitioner's agent transmits by
29 fax or e-mail.

30 8. On a prescription order that the patient transmits by fax or by
31 e-mail if the patient presents a written prescription order bearing the
32 prescribing medical practitioner's manual signature when the
33 prescription-only drug is picked up at the pharmacy.

34 B. A prescription order shall not be refilled if it is either:

35 1. Ordered by the prescriber not to be refilled.

36 2. More than one year since it was originally ordered.

37 C. A prescription order shall contain the date it was issued, the
38 name and address of the person for whom or owner of the animal for which
39 the drug is ordered, refills authorized, if any, the legibly printed name,
40 address and telephone number of the prescribing medical practitioner, the
41 name, strength, dosage form and quantity of the drug ordered and
42 directions for its use.

43 D. Any drug dispensed in accordance with subsection A of this
44 section is exempt from the requirements of section 32-1967, except section
45 32-1967, subsection A, paragraphs 1, 10 and 11 and the packaging

requirements of section 32-1967, subsection A, paragraphs 7 and 8, if the drug container bears a label containing the name and address of the dispenser, the serial number, the date of dispensing, the name of the prescriber, the name of the patient, or, if an animal, the name of the owner of the animal and the species of the animal, directions for use and cautionary statements, if any, contained in the order. This exemption does not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or the internet or to a drug dispensed in violation of subsection A of this section.

E. The board by rule also may require additional information on the label of prescription medication that the board believes to be necessary for the best interest of the public's health and welfare.

F. A prescription-only drug or a controlled substance that requires a prescription order is deemed to be misbranded if, at any time before dispensing, its label fails to bear the statement "Rx only". A drug to which subsection A of this section does not apply is deemed to be misbranded if, at any time before dispensing, its label bears the caution statement quoted in this subsection.

G. A pharmacist may fill a prescription order for soft contact lenses only as provided in this chapter.

H. A pharmacist may dispense naloxone hydrochloride or any other opioid antagonist that is approved by the United States food and drug administration on the receipt of a standing order ~~and according to protocols adopted by the board pursuant to section 32-1979. For the purposes of this subsection, "standing order" means a signed prescription order that authorizes the pharmacist to dispense naloxone hydrochloride or any other opioid antagonist for emergency purposes and that is issued by a medical practitioner licensed in this state or a state or county health officer who is a medical practitioner licensed in this state~~ PURSUANT TO SECTION 36-2266. NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST THAT IS DISPENSED IN ACCORDANCE WITH SUBSECTION A OF THIS SECTION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 32-1967.

Sec. 2. Section 32-1979, Arizona Revised Statutes, is amended to read:

32-1979. Pharmacists; dispensing opioid antagonists; immunity

A. A pharmacist may dispense, pursuant to a standing order issued pursuant to section 36-2266 ~~and according to protocols adopted by the board~~, naloxone hydrochloride or any other opioid antagonist that is approved by the United States food and drug administration for ~~use according to the protocols specified by board rule to~~ a person who is at risk of experiencing an opioid-related overdose or to a family member or community member who is in a position to assist that person.

B. A pharmacist who dispenses naloxone hydrochloride or any other opioid antagonist pursuant to subsection A of this section shall ~~:-~~

~~1. Document the dispensing consistent with board rules.~~

1 ~~2.~~ instruct the individual to whom the opioid antagonist is
2 dispensed to summon emergency services as soon as practicable after
3 administering the opioid antagonist.

4 C. This section does not affect the authority of a pharmacist to
5 fill or refill a prescription for naloxone hydrochloride or any other
6 opioid antagonist that is approved by the United States food and drug
7 administration.

8 D. A pharmacist who dispenses an opioid antagonist pursuant to this
9 section is immune from professional liability and criminal prosecution for
10 any decision made, act or omission or injury that results from that act if
11 the pharmacist acts with reasonable care and in good faith, except in
12 cases of wanton or wilful neglect.

13 Sec. 3. Section 36-2608, Arizona Revised Statutes, is amended to
14 read:

15 36-2608. Reporting requirements; waiver; exceptions

16 A. If a medical practitioner dispenses a controlled substance
17 listed in section 36-2513, 36-2514, 36-2515 or 36-2516 or the rules
18 adopted pursuant to chapter 27, article 2 of this title, or if a
19 prescription for a controlled substance listed in any of those sections ~~or~~
20 ~~naloxone hydrochloride or any other opioid antagonist~~ that is approved by
21 the United States food and drug administration is dispensed by a pharmacy
22 in this state, a health care facility in this state for outpatient use or
23 a board-permitted nonresident pharmacy for delivery to a person residing
24 in this state, the medical practitioner, health care facility or pharmacy
25 must report the following information as applicable and as prescribed by
26 the board by rule:

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

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

32 3. The name, address, telephone number and United States drug
33 enforcement administration controlled substance registration number of the
34 prescribing medical practitioner.

35 4. The name, strength, quantity, dosage and national drug code
36 number of the schedule II, III, IV or V controlled substance ~~or naloxone~~
37 ~~hydrochloride or other opioid antagonist~~ dispensed.

38 5. The date the prescription was dispensed.

39 6. The number of refills, if any, authorized by the medical
40 practitioner.

41 B. Except as provided in subsection D of this section, a dispenser
42 must use the latest version of the standard implementation guide for
43 prescription monitoring programs published by the American society for
44 automation in pharmacy to report the required information.

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

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

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

15 F. The reporting requirements of this section do not apply to the
16 following:

17 1. A controlled substance that is administered directly to a
18 patient.

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

24 3. A controlled substance sample.

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

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

32 ~~G. A pharmacist who dispenses naloxone hydrochloride or another~~
33 ~~opioid antagonist to an individual pursuant to section 32-1979 shall~~
34 ~~report the information listed in subsection A, paragraphs 1, 2, 3 and 5 of~~
35 ~~this section and the name, strength, quantity, dosage and national drug~~
36 ~~code number as prescribed by the board by rule pursuant to subsection A of~~
37 ~~this section.~~

38 ~~H. Naloxone hydrochloride or any other opioid antagonist shall not~~
39 ~~be viewable in the patient utilization report.~~

40 Sec. 4. Emergency

41 This act is an emergency measure that is necessary to preserve the
42 public peace, health or safety and is operative immediately as provided by
43 law.