REFERENCE TITLE: fentanyl; manufacturing drugs; machines

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

SB 1447

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 13-3401, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3404.02; AMENDING SECTIONS 13-3459, 15-712 AND 32-1901, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 13-3401, Arizona Revised Statutes, is amended to read:

13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Alpha-methyltryptamine.

(iii) (2-aminopropyl) benzofuran (APB).

(iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).

(v) Aminorex.

(vi) 4-bromo-2, 5-dimethoxyphenethylamine.

(vii) 4-bromo-2, 5-dimethoxyamphetamine.

(viii) Bufotenine.

(ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
(x) Diethyltryptamine.
(xi) 2, 5-dimethoxyamphetamine.
(xii) Dimethyltryptamine.
(xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
(xiv) 5-methoxy-alpha-methyltryptamine.
(xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
(xvi) 4-methyl-2, 5-dimethoxyamphetamine.
(xvii) (2-methylaminopropyl)-benzofuran (MAPB).
(xviii) Ibogaine.
(xix) Lysergic acid amide.
(xx) Lysergic acid diethylamide.
(xxi) Mescaline.
(xxii) 4-methoxyamphetamine.
(xxiii) Methoxymethylenedioxyamphetamine (MMDA).
(xxiv) Methylenedioxyamphetamine (MDA).
(xxv) 3, 4-methylenedioxymethamphetamine.
(xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
(xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
(xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
(xxix) N-methyl-3-piperidyl benzilate (JB-336).
(xxx) N-methyltryptamine mimetic substances that are any substances derived from N-methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
(xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
(xxxii) Nabilone.
(xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
(xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
(xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
(xxxvi) Para-methoxyamphetamine (PMA).
(xxxvii) Psilacetin.
(xxxviii) Psilocybin.
(xxxix) Psilocyn.
(xl) Synhexyl.
(xli) Trifluoromethylphenylpiperazine (TFMPP).
(xlii) Trimethoxyamphetamine (TMA).
(xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
(xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
(xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).

(xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).

(xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200 and isomers).

(xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).

(xlix) (2-methyl-1-propyl-1H-indol-3-YL)-1-naphthalenyl-methanone (JWH-015 and isomers).

(l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-YL)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210).

(li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol

(CP 47,497 and isomers).

(lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol

(cannabicyclohexanol, CP-47,497 C8 homologue and isomers).

(b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

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

(ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, 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, 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, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by 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, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole generic definition include THJ2201 and THJ-018.

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

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

(vi) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl 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, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH--237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

(viii) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantoylindole generic definition include AB-001.

(ix) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.

(x) Indole-3-carboxamide or indazole-3-carboxamide with substitution at the nitrogen atom of the indole ring or by substitution at 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, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide

generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA, AB-FUBINACA, ABICA and ADBICA.

(xi) 8-Quinolinyl-indole-3-carboxylate or 8-quinolinyl-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole ring or indazole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate or the 8-quinolinyl-indazole-3-carboxylate generic definition include PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22.

(xii) Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole or indazole ring to any extent, whether or not substituted on the naphthalenyl ring to any extent. Substances in the naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-carboxylate generic definition include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.

(c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

(i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

(ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

(iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

(iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).

(v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.

(vi) Amphetamine.

(vii) Benzphetamine.

(viii) Benzylpiperazine (BZP).

(ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

(x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

(xi) Butorphanol.

(xii) Cathine ((+)-norpseudoephedrine).

(xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

(xiv) Cathinone.

(xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

(xvi) Chlorphentermine.
(xvii) Clortermine.
(xviii) Diethylpropion.
(xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
(xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
(xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
(xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
(xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
(xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
(xxv) Dimethylcathinone (Metamfepramone).
(xxvi) Ethcathinone.
(xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
(xxviii) Fencamfamin.
(xxix) Fenethylline.
(xxx) Fenproporex.
(xxxi) Fluoroamphetamine.
(xxxii) Fluoromethamphetamine.
(xxxiii) Fluoromethcathinone.
(xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
(xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine(2C-T-4).
(xxxvi) Mazindol.
(xxxvii) Mefenorex.
(xxxviii) Methamphetamine.
(xxxix) Methcathinone.
(xl) Methiopropamine.
(xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
(xlii) Methoxymethcathinone (methedrone).
(xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.
(xliv) 4-methylaminorex.
(xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
(xlvi) Methylenedioxy-alphapyrrolidinopropiophenone (MDPPP).
(xlvii) Methylenedioxyethcathinone (Ethylone).
(xlviii) Methylenedioxymethcathinone (Methylone).
(xlix) Methylenedioxypyrovalerone (MDPV).
(l) Methylmethcathinone (Mephedrone).
(li) Methylphenidate.
(lii) Modafinil.
(liii) Naphthylpyrovalerone (Naphyrone).
(liv) N-ethylamphetamine.
(lv) N, N-dimethylamphetamine.

(lvi) Pemoline.
(lvii) Phendimetrazine.
(lviii) Phenmetrazine.
(lix) Phentermine.
(lx) Pipradol.
(lxi) Propylhexedrine.
(lxii) Pyrovalerone.
(lxiii) Sibutramine.
(lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).

(d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted.
(ii) Alprazolam.
(iii) Bromazepam.
(iv) Camazepam.
(v) Carisoprodol.
(vi) Chloral betaine.
(vii) Chloral hydrate.
(viii) Chlordiazepoxide.
(ix) Chlorhexadol.
(x) Clobazam.
(xi) Clonazepam.
(xii) Clorazepate.
(xiii) Clotiazepam.
(xiv) Cloxazolam.
(xv) Delorazepam.
(xvi) Diazepam.
(xvii) Dichloralphenazone.
(xviii) Estazolam.
(xix) Ethchlorvynol.
(xx) Ethinamate.
(xxi) Ethyl loflazepate.
(xxii) Etizolam.
(xxiii) Fenfluramine.
(xxiv) Fludiazepam.
(xxv) Flunitrazepam.
(xxvi) Flurazepam.
(xxvii) Gamma hydroxy butyrate.
(xxviii) Glutethimide.
(xxix) Halazepam.
(xxx) Haloxazolam.
(xxxi) Hydroxyphencyclidine (HO-PCP).

(xxxii) Ketamine.
(xxxiii) Ketazolam.
(xxxiv) Loprazolam.
(xxxv) Lorazepam.
(xxxvi) Lormetazepam.
(xxxvii) Lysergic acid.
(xxxviii) Mebutamate.
(xxxix) Mecloqualone.
(xl) Medazepam.
(xli) Meprobamate.
(xlii) Methaqualone.
(xliii) Methohexital.
(xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone (Methoxetamine).
(xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone (Methoxyketamine).
(xlvi) Methoxyphencyclidine(MeO-PCP).
(xlvii) Methyprylon.
(xlviii) Midazolam.
(xlix) Nimetazepam.
(l) Nitrazepam.
(li) Nordiazepam.
(lii) Oxazepam.
(liii) Oxazolam.
(liv) Paraldehyde.
(lv) Petrichloral.
(lvi) Phencyclidine (PCP).
(lvii) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the above. Substances in the phenylcyclohexylpiperidine generic definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP, Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM, PCPY, TCP and TCPY.
(lviii) Pinazepam.
(lix) Prazepam.
(lx) Scopolamine.
(lxi) Sulfondiethylmethane.
(lxii) Sulfonethylmethane.
(lxiii) Sulfonmethane.
(lxiv) Quazepam.
(lxv) Temazepam.
(lxvi) Tetrazepam.
(lxvii) Tiletamine.

(lxviii) Triazolam.
(lxix) Zaleplon.
(lxx) Zolazepam.
(lxxi) Zolpidem.
(lxxii) Zopiclone.

(e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:

(i) Boldenone.
(ii) Clostebol (4-chlorotestosterone).
(iii) Dehydrochloromethyltestosterone.
(iv) Drostanolone.
(v) Ethylestrenol.
(vi) Fluoxymesterone.
(vii) Formebulone (formebolone).
(viii) Mesterolone.
(ix) Methandriol.
(x) Methandrostenolone (methandienone).
(xi) Methenolone.
(xii) Methyltestosterone.
(xiii) Mibolerone.
(xiv) Nandrolone.
(xv) Norethandrolon.
(xvi) Oxandrolone.
(xvii) Oxymesterone.
(xviii) Oxymetholone.
(xix) Stanolone (4-dihydrotestosterone).
(xx) Stanozolol.
(xxi) Testolactone.
(xxii) Testosterone.
(xxiii) Trenbolone.

7. "Deliver" means the actual, constructive or attempted exchange from one person to another, whether or not there is an agency relationship.

8. "Director" means the director of the department of health services.

9. "Dispense" means distribute, leave with, give away, dispose of or deliver.

10. "Drug court program" means a program that is established pursuant to section 13-3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

11. "Drug dependent person" means a person who is using a substance that is listed in paragraph 6, ~~19,~~ 20, 21, 22 or ~~28~~ 30 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

12. "ENCAPSULATING MACHINE":

(a) MEANS ANY MANUAL, SEMIAUTOMATIC OR FULLY AUTOMATIC EQUIPMENT THAT MAY BE USED TO FILL SHELLS OR CAPSULES WITH ANY POWDERED, GRANULAR, SEMISOLID OR LIQUID MATERIAL.

(b) INCLUDES ALL MACHINE PARTS AND COMPONENTS THAT ARE SOLD, SHIPPED OR ADVERTISED AS PART OF AN ENCAPSULATING MACHINE WHETHER OR NOT THE MACHINE IS ASSEMBLED.

~~12.~~ 13. "Federal act" has the same meaning prescribed in section 32-1901.

~~13.~~ 14. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such substance, by whatever trade name designated.

~~14.~~ 15. "Isonipecaine" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

~~15.~~ 16. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

~~16.~~ 17. "Licensed" or "permitted" means authorized by the laws of this state to do certain things.

~~17.~~ 18. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

~~18.~~ 19. "Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

~~19.~~ 20. "Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.

~~20.~~ 21. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

(a) Acetyl-alpha-methylfentanyl.

(b) Acetylmethadol.

(c) Alfentanil.
(d) Allylprodine.
(e) Alphacetylmethadol.
(f) Alphameprodine.
(g) Alphamethadol.
(h) Alpha-methylfentanyl.
(i) Alpha-methylthiofentanyl.
(j) Alphaprodine.
(k) Amidone (methadone).
(l) Anileridine.
(m) Benzethidine.
(n) Benzylfentanyl.
(o) Betacetylmethadol.
(p) Beta-hydroxyfentanyl.
(q) Beta-hydroxy-3-methylfentanyl.
(r) Betameprodine.
(s) Betamethadol.
(t) Betaprodine.
(u) Bezitramide.
(v) Buprenorphine and its salts.
(w) Cannabis.
(x) Carfentanil.
(y) 4-chloro-n-[-1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benzenesulfonamide (W-18).
(z) 4-chloro-n-[1-(2-pheylethyl)-2-piperidinylidene] benzenesulfonamide (W-15).
(aa) Clonitazene.
(bb) Coca leaves.
(cc) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
(dd) Dextromoramide.
(ee) Dextropropoxyphene.
(ff) Diampromide.
(gg) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-benzamide (AH-7921).
(hh) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700).
(ii) Diethylthiambutene.
(jj) Difenoxin.
(kk) Dihydrocodeine.
(ll) Dimenoxadol.
(mm) Dimepheptanol.
(nn) Dimethylthiambutene.
(oo) Dioxaphetyl butyrate.
(pp) Diphenidine (DEP).
(qq) Diphenoxylate.

(rr) Dipipanone.
(ss) Ephenidine.
(tt) Ethylmethylthiambutene.
(uu) Etonitazene.
(vv) Etoxeridine.
(ww) Fentanyl.
(xx) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group, any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.
(yy) Furethidine.
(zz) Hydroxypethidine.
(aaa) Isoamidone (isomethadone).
(bbb) Isophenidine.
(ccc) Pethidine (meperidine).
(ddd) Ketobemidone.
(eee) Lefetamine.
(fff) Levomethorphan.
(ggg) Levomoramide.
(hhh) Levophenacylmorphan.
(iii) Levorphanol.
(jjj) Metazocine.
(kkk) Methoxphenidine (MXP).
(lll) 3-methylfentanyl.
(mmm) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
(nnn) 3-methylthiofentanyl.
(ooo) Morpheridine.
(ppp) Noracymethadol.
(qqq) Norlevorphanol.
(rrr) Normethadone.
(sss) Norpipanone.
(ttt) Opium.
(uuu) Para-fluorofentanyl.
(vvv) Pentazocine.
(www) Phenadoxone.
(xxx) Phenampromide.
(yyy) Phenazocine.
(zzz) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
(aaaa) Phenomorphan.
(bbbb) Phenoperidine.
(cccc) Piminodine.
(dddd) Piritramide.
(eeee) Proheptazine.
(ffff) Properidine.

(gggg) Propiram.
(hhhh) Racemethorphan.
(iiii) Racemoramide.
(jjjj) Racemorphan.
(kkkk) Remifentanil.
(llll) Sufentanil.
(mmmm) Thenylfentanyl.
(nnnn) Thiofentanyl.
(oooo) Tilidine.
(pppp) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl) cyclohexanol, and its salts, optical and geometric isomers, and its salts of isomers.
(qqqq) Trimeperidine.

~~21.~~ 22. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

(a) Acetorphine.
(b) Acetyldihydrocodeine.
(c) Benzylmorphine.
(d) Codeine.
(e) Codeine methylbromide.
(f) Codeine-N-oxide.
(g) Cyprenorphine.
(h) Desomorphine.
(i) Dihydromorphine.
(j) Drotebanol.
(k) Ethylmorphine.
(l) Etorphine.
(m) Heroin.
(n) Hydrocodone.
(o) Hydromorphinol.
(p) Hydromorphone.
(q) Levo-alphacetylmethadol.
(r) Methyldesorphine.
(s) Methyldihydromorphine.
(t) Metopon.
(u) Morphine.
(v) Morphine methylbromide.
(w) Morphine methylsulfonate.
(x) Morphine-N-oxide.
(y) Myrophine.
(z) Nalorphine.
(aa) Nicocodeine.
(bb) Nicomorphine.
(cc) Normorphine.

(dd) Oxycodone.
(ee) Oxymorphone.
(ff) Pholcodine.
(gg) Thebacon.
(hh) Thebaine.

~~22.~~ 23. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

(a) Approved for sale under the federal act.

(b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.

(c) Either:

(i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenlypropanolamine and that is packaged in blister packs containing not more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.

(ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

~~23.~~ 24. "Peyote" means any part of a plant of the genus lophophora, known as the mescal button.

~~24.~~ 25. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

26. "PILL TABLETING MACHINE":

(a) MEANS ANY MANUAL, SEMIAUTOMATIC OR FULLY AUTOMATIC EQUIPMENT THAT MAY BE USED FOR COMPACTING OR MOLDING POWDERED OR GRANULAR SOLIDS OR SEMISOLID MATERIALS TO PRODUCE COHERENT SOLID TABLETS.

(b) INCLUDES ALL MACHINE PARTS AND COMPONENTS THAT ARE SOLD, SHIPPED OR ADVERTISED AS PART OF A PILL TABLETING MACHINE WHETHER OR NOT THE MACHINE IS ASSEMBLED.

~~25.~~ 27. "Practitioner" means a person licensed to prescribe and administer drugs.

~~26.~~ 28. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

(a) N-acetylanthranilic acid.
(b) Anthranilic acid.
(c) Ephedrine.
(d) Ergotamine.
(e) Isosafrole.
(f) Lysergic acid.
(g) Methylamine.
(h) N-ethylephedrine.

(i) N-ethylpseudoephedrine.
(j) N-methylephedrine.
(k) N-methylpseudoephedrine.
(l) Norephedrine.
(m) (-)-Norpseudoephedrine.
(n) Phenylacetic acid.
(o) Phenylpropanolamine.
(p) Piperidine.
(q) Pseudoephedrine.

~~27.~~ 29. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

(a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
(b) 4-cyano-1-methyl-4-phenylpiperidine.
(c) Chlorephedrine.
(d) Chlorpseudoephedrine.
(e) Ethyl-4-phenylpiperidine-4-carboxylate.
(f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
(g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(h) N-formyl amphetamine.
(i) N-formyl methamphetamine.
(j) Phenyl-2-propanone.
(k) 1-piperidinocyclohexane carbonitrile.
(l) 1-pyrrolidinocyclohexane carbonitrile.
(m) 4-ANILINO-N-PHENETHYLPIPERIDINE (ANPP) (C19H24N2).
(n) N-PHENETHYL-4-PIPERIDONE (NPP) (C13H17NO).
(o) 4-ANILINOPIPERIDINE (4AP) (C11H16N2).
(p) 4-ANILINOPIPERIDINE (4AP) (C11H16N2).
(q) BENZYLFENTANYL (C21H26N2O).
(r) NORFENTANYL (C14H20N2O).

~~28.~~ 30. "Prescription-only drug" does not include a dangerous drug or narcotic drug but means:

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

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

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

(d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".

~~29.~~ 31. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

~~30.~~ 32. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:

(a) Acetic anhydride.

(b) Hypophosphorous acid.

(c) Iodine.

(d) Sodium acetate.

(e) Red phosphorus.

(f) Gamma butyrolactone (GBL).

(g) 1, 4-butanediol.

(h) Butyrolactone.

(i) 1, 2 butanolide.

(j) 2-oxanalone.

(k) Tetrahydro-2-furanone.

(l) Dihydro-2(3H)-furanone.

(m) Tetramethylene glycol.

~~31.~~ 33. "Retailer" means either:

(a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.

~~32.~~ 34. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

~~33.~~ 35. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

~~34.~~ 36. "Scientific purpose" means research, teaching or chemical analysis.

~~35.~~ 37. "Suspicious transaction" means a transaction to which any of the following applies:

(a) A report is required under the federal act.

(b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.

(c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than $200.

(d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product.

~~36.~~ 38. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

(a) One gram of heroin.

(b) Nine grams of cocaine.

(c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.

(d) Four grams or 50 milliliters of PCP.

(e) Nine grams of methamphetamine, including methamphetamine in liquid suspension.

(f) Nine grams of amphetamine, including amphetamine in liquid suspension.

(g) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.

(h) Two pounds of marijuana.

(i) Nine grams of fentanyl or fentanyl mimetic substances.

(j) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (i) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

(k) For any unlawful substance not listed in subdivisions (a) through (i) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (i) of this paragraph, a value of at least $1,000.

~~37.~~ 39. "Transfer" means furnish, deliver or give away.

~~38.~~ 40. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:

(a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.

(b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.

(c) Ethylene dichloride.

(d) Pentachlorophenol.

(e) Chloroform.

(f) Methylene chloride.

(g) Trichloroethylene.

(h) Difluoroethane.

(i) Tetrafluoroethane.

(j) Aldehydes, including formaldehyde.
(k) Acetates, including ethyl acetate and butyl acetate.
(l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.
(m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.
(n) Ether, including Diethyl ether and petroleum ether.
(o) Nitrous oxide.
(p) Amyl nitrite.
(q) Isobutyl nitrite.

~~39.~~ 41. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

~~40.~~ 42. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

Sec. 2. Title 13, chapter 34, Arizona Revised Statutes, is amended by adding section 13-3404.02, to read:

13-3404.02. Sale or purchase of regulated pill tableting and encapsulating machines; report; classification

A. A MANUFACTURER, WHOLESALER, RETAILER OR OTHER PERSON WHO SELLS, TRANSFERS, FURNISHES, PURCHASES, RECEIVES OR RESELLS ANY REGULATED PILL TABLETING MACHINE OR ENCAPSULATING MACHINE AND ITS PARTS IN THIS STATE SHALL SUBMIT A REPORT TO THE DEPARTMENT OF PUBLIC SAFETY OF ALL THOSE TRANSACTIONS AND PURCHASES.

B. THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE A COMMON REPORTING FORM THAT CONTAINS AT LEAST THE FOLLOWING INFORMATION:

1. THE MANUFACTURER'S NAME AND ADDRESS AND THE MODEL, SERIAL NUMBER AND ORIGIN OF THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE.

2. THE NAME AND ADDRESS OF THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE SELLER.

3. THE SHIPPING CARRIER INFORMATION, INCLUDING TRACKING INFORMATION, NAMES AND ADDRESSES OF THE SENDER AND RECEIVER FOR EACH PIECE ASSOCIATED WITH THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE.

4. THE NUMBER OF PIECES SHIPPED AND THE MANIFESTED DESCRIPTION OF EACH ITEM WHETHER SHIPPED TOGETHER OR SEPARATE.

5. THE DATE OF PURCHASE, SALE PRICE AND METHOD OF PAYMENT, INCLUDING THE FULL NAME OF THE PAYEE.

C. AN ENTITY THAT IS REQUIRED TO SUBMIT A REPORT OF A SALE OR TRANSFER PURSUANT TO SUBSECTION A OF THIS SECTION SHALL SUBMIT A REPORT OF THE TRANSACTION TO THE DEPARTMENT OF PUBLIC SAFETY NOT LESS THAN TEN DAYS BEFORE DELIVERY OF THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE. AN ENTITY THAT IS REQUIRED TO SUBMIT A REPORT OF A PURCHASE OR RECEIVERSHIP UNDER SUBSECTION A OF THIS SECTION SHALL SUBMIT A REPORT OF THE TRANSACTION TO THE DEPARTMENT OF PUBLIC SAFETY NOT LESS THAN THREE BUSINESS DAYS AFTER PAYMENT, IN PART OR IN FULL, FOR THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE OR ANY PART OF THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE.

D. AN ENTITY THAT IS REQUIRED TO SUBMIT A REPORT PURSUANT TO SUBSECTION A OF THIS SECTION SHALL INCLUDE WITH THE REPORT TO THE DEPARTMENT OF PUBLIC SAFETY ANY KNOWN OR INTENDED SUBSEQUENT TRANSFERS AFTER COMPLETION OF THE SALE OR PURCHASE OF THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE.

E. A MANUFACTURER, WHOLESALER, RETAILER OR OTHER PERSON WHO SELLS, TRANSFERS OR OTHERWISE FURNISHES ANY PILL TABLETING MACHINE OR ENCAPSULATING MACHINE TO ANY PERSON OR ENTITY IN THIS STATE IN A SUSPICIOUS TRANSACTION SHALL REPORT IT TO THE DEPARTMENT OF PUBLIC SAFETY.

F. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY DO ANY OF THE FOLLOWING:

1. FAIL TO SUBMIT A REPORT THAT IS REQUIRED BY THIS SECTION.

2. FURNISH FALSE INFORMATION OR OMIT ANY MATERIAL INFORMATION IN ANY REPORT OR RECORD THAT IS REQUIRED BY THIS SECTION.

3. CAUSE ANOTHER PERSON TO FURNISH FALSE INFORMATION OR TO OMIT ANY MATERIAL INFORMATION IN ANY REPORT OR RECORD THAT IS REQUIRED BY THIS SECTION.

4. PARTICIPATE IN ANY WHOLESALE OR RETAIL TRANSACTION OR SERIES OF TRANSACTIONS THAT ARE STRUCTURED BY A PERSON WITH THE INTENT TO AVOID THE FILING BY ANY PARTY TO THE TRANSACTION OF ANY REPORT THAT IS REQUIRED BY THIS SECTION.

G. A PHARMACIST THAT IS LICENSED IN THIS STATE, OR AN EMPLOYEE ACTING ON BEHALF OF A PHARMACIST THAT IS LICENSED IN THIS STATE, THAT IS REGISTERED AND LICENSED WITH THE DRUG ENFORCEMENT ADMINISTRATION TO DISPENSE SCHEDULED SUBSTANCES AND THAT PURCHASES OR RECEIVES A PILL TABLETING MACHINE OR ENCAPSULATING MACHINE IS EXEMPT FROM THE REPORTING REQUIREMENTS PRESCRIBED BY THIS SECTION UNLESS THE PHARMACIST OR EMPLOYEE

RESELLS, TRANSFERS OR PROVIDES THE PILL TABLETING MACHINE OR ENCAPSULATING MACHINE TO A NONLICENSED ENTITY.

H. A PERSON WHO VIOLATES SUBSECTION F OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, EXCEPT THAT A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION F OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

Sec. 3. Section 13-3459, Arizona Revised Statutes, is amended to read:

13-3459. Manufacture of certain substances and drugs by certain means; prohibited acts; classification

A. It is unlawful for any person to make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device relating to the authorized identification of any controlled substance, prescription-only drug or over-the-counter drug or any likeness of any of the foregoing ~~upon~~ ON any drug or container to intentionally:

1. Counterfeit a controlled substance, prescription-only drug or over-the-counter drug.

2. Duplicate substantially the physical appearance, form, package or label of a controlled substance, prescription-only drug or over-the-counter drug.

B. A person who violates ~~any provision of subsection A~~ THIS SECTION is guilty of a class ~~1 misdemeanor~~ 5 FELONY.

Sec. 4. Section 15-712, Arizona Revised Statutes, is amended to read:

15-712. Instruction on alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs; chemical abuse prevention programs; definitions

A. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on the human system and instruction on the laws related to the control of these substances and the nonuse and prevention of use and abuse of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs may be included in the courses of study in common and high schools, with emphasis on grades four through nine. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on a human fetus may be included in the courses of study in grades six through twelve. The instruction may be integrated into existing health, science, citizenship or similar studies and shall meet the criteria for chemical abuse prevention education programs developed pursuant to subsection C of this section.

B. At the request of a school district, the department of education shall provide technical assistance to school districts that choose to implement programs to prevent chemical abuse.

C. The department of education and the department of health services~~, in consultation with the committee established pursuant to section 41-617,~~ shall establish an interagency committee to coordinate their assistance to school districts.

D. The state board of education may accept gifts and grants and shall distribute them and monies appropriated for chemical abuse prevention programs to school districts to assist with the costs of programs designed to prevent chemical abuse by pupils in kindergarten programs and grades one through twelve. School districts ~~which~~ THAT have approved chemical abuse prevention policies and procedures as prescribed in section 15-345 are eligible for a maximum of ~~one dollar~~ $1 for each pupil or ~~one thousand dollars~~ $1,000, whichever is more. If sufficient monies are not available to meet all requests, the state board shall determine which school districts to fund based on need, availability of other programs or sources of revenue and the likelihood of the school district's proposed program successfully meeting needs identified by the school district. A school district shall include the monies it receives for chemical abuse prevention programs under this section in the special projects section of the budget as provided in section 15-903, subsection F.

E. For the purpose of this section:

1. "Date rape drug" means a drug ~~prescribed~~ LISTED in section 13-3401, paragraph ~~30~~ 32, subdivisions (f) through (m).

2. "Narcotic drug", "marijuana" and "dangerous drug" have the same ~~meaning~~ MEANINGS prescribed in section 13-3401.

Sec. 5. Section 32-1901, Arizona Revised Statutes, is amended to read:

32-1901. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means directly applying 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 that are 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.

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

(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 or permittee.

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

(c) While the licensee or permittee has demonstrated substantial compliance through rehabilitation, remediation or reeducation that has mitigated the need for disciplinary action, the board believes that repeating the activities that led to the investigation may result in 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.

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

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

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

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

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

(b) If added or applied to a drug, or to the human body or any part of the human body, is capable of imparting color, except that color additive does not include any material that has been or may be exempted under the federal act. Color includes black, white and intermediate grays.

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

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

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

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

15. "Compressed medical gas supplier" means a person that holds a current permit issued by the board to supply compressed medical gases pursuant to a compressed medical gas order and only to the consumer or the 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.

17. "Corrosive" means any substance that when it comes in contact with living tissue will cause destruction of the 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 that in fact manufactured, distributed or dispensed that drug.

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

20. "Day" means a business day.

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.

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

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

24. "Device", except as used in paragraph 18 of this section, section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph 15 and subsection C, means an instrument, apparatus or contrivance, including its components, parts and accessories, including all such items under the federal act, that is intended either:

(a) For use in diagnosing, curing, mitigating, treating or preventing disease in the human body or other animals.

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

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

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

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

28. "Dispenser" means a practitioner who dispenses.

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

30. "Distributor" means a person who distributes.

31. "Drug" means:

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

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

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

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

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

33. "Drug or device manufacturing" means producing, preparing, propagating or processing a drug or device, either 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 promoting and marketing the same. Drug or device manufacturing does not include compounding.

34. "Durable medical equipment" means technologically sophisticated medical equipment as prescribed by the board in rule that a patient or consumer may use in a home or residence and that may be a prescription-only device.

35. "Durable medical equipment distributor":

(a) Means a person that stores or distributes durable medical equipment other than to the patient or consumer.

(b) Includes a virtual durable medical equipment distributor as prescribed in rule by the board.

36. "Durable medical equipment supplier":

(a) Means a person that sells, leases or supplies durable medical equipment to the patient or consumer.

(b) Includes a virtual durable medical equipment supplier as prescribed in rule by the board.

37. "Economic poison" means any substance that alone, in chemical combination with or in formulation with one or more other substances is a pesticide within the meaning of the laws of this state or the federal insecticide, fungicide and rodenticide act and that is used in producing, storing or transporting raw agricultural commodities.

38. "Enteral feeding" means nourishment that is provided by means of a tube inserted into the stomach or intestine.

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

(a) The applicable official name.

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

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

40. "Executive director" means the executive director of the board of pharmacy.

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

42. "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.

43. "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.

44. "Highly toxic" means any substance that falls within any of the 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 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 volume or less of mist or dust, provided the concentration is likely to be encountered by humans if the substance is used in any reasonably foreseeable manner.

(c) Produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, if administered by continuous contact with the bare skin for twenty-four hours or less. If the board finds that available data on human experience with any substance indicate results different from those obtained on animals in the dosages or concentrations prescribed in this paragraph, the human data shall take precedence.

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

46. "Intern" means a pharmacy intern.

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

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

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

50. "Label" means a display of written, printed or graphic matter on the immediate container of any article that, unless easily legible

through the outside wrapper or container, also appears on the outside wrapper or container of the article's retail package. For the purposes of this paragraph, the immediate container does not include package liners.

51. "Labeling" means all labels and other written, printed or graphic matter that either:

(a) Is on any article or any of its containers or wrappers.

(b) Accompanies that article.

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

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

54. "Manufacture" or "manufacturer":

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

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

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

56. "Medical practitioner" means any medical doctor, doctor of osteopathic medicine, dentist, podiatrist, veterinarian or other person who is licensed and authorized by law to use and prescribe drugs and devices to treat sick and injured human beings or animals or to diagnose or prevent sickness in human beings or animals in this state or any state, territory or district of the United States.

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

58. "Narcotic drug" has the same meaning prescribed in section 13-3401.

59. "New drug" means either:

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

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

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

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

(b) A controlled substance.

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

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

61. "Nonprescription drug wholesale permittee":

(a) Means a permittee who may distribute only over-the-counter drugs and devices to pharmacies or other lawful 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.

62. "Notice" means personal service or the mailing of a copy of the notice by certified mail and email addressed either to the person at the person's latest address of record in the board office or to the person and the person's attorney using the most recent information provided to the board in the board's licensing database.

63. "Nutritional supplementation" means vitamins, minerals and caloric supplementation. Nutritional supplementation does not include medication or drugs.

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

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

66. "Package" means a receptacle that is defined or described in the United States pharmacopeia and the national formulary as adopted by the board.

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

68. "Parenteral nutrition" means intravenous feeding that provides an individual with fluids and essential nutrients the individual needs while the individual is unable to receive adequate fluids or feedings by mouth or by enteral feeding.

69. "Person" means an individual, partnership, corporation and association, and their duly authorized agents.

70. "Pharmaceutical care" means the provision of drug therapy and other pharmaceutical patient care services.

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

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

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

74. "Pharmacy" means:

(a) Any place where drugs, devices, poisons or related hazardous substances are offered for sale at retail or where prescription orders are dispensed by a licensed pharmacist.

(b) Any place that displays on or in the place or that displays a sign on the place the words "pharmaceutical chemist", "apothecary", "druggist", "pharmacy", "drugstore", "drugs" or "drug sundries", any combination of these words, or any words of similar meaning in any language.

(c) Any place where the characteristic symbol of pharmacy or the characteristic prescription sign "Rx" is exhibited.

(d) Any building or other structure or portion of a building or other structure that is leased, used or controlled by a permittee to conduct the business authorized by the board at the address specified on the permit issued to the permittee.

(e) A remote dispensing site pharmacy.

(f) A remote hospital-site pharmacy.

(g) A satellite pharmacy.

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

76. "Pharmacy technician" means a person who is licensed pursuant to this chapter.

77. "Pharmacy technician trainee" means a person who is ~~licensed~~ REGISTERED pursuant to this chapter.

78. "Poison" or "hazardous substance" includes any of the following if intended and suitable for household use or use 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.

(b) A toxic substance.

(c) A highly toxic substance.

(d) A corrosive substance.

(e) An irritant.

(f) A strong sensitizer.

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

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

79. "Practice of pharmacy":

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

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

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

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

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

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

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

(vii) Maintaining required records of drugs and devices.

(viii) Offering or performing acts, services, operations or transactions that are necessary to conduct, operate, manage and control a pharmacy.

(ix) Providing patient care services pursuant to a collaborative practice 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.

80. "Practitioner" means any physician, dentist, veterinarian, scientific investigator or other person who is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state, or any pharmacy, hospital or other institution that is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

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

82. "Precursor chemical" means a substance that is:

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

(b) Listed in section 13-3401, paragraph ~~26 or 27~~ 28 OR 29.

83. "Prescription" means either a prescription order or a prescription medication.

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

85. "Prescription-only device" includes:

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

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

86. "Prescription-only drug" does not include a controlled substance but does include:

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

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

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

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

87. "Prescription order" means any of the following:

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

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

(c) An order that is initiated by a pharmacist pursuant to a collaborative practice agreement with a provider as outlined in section 32-1970, or immunizations or vaccines administered by a pharmacist pursuant to section 32-1974.

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

88. "Professionally incompetent" means:

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

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

89. "Radioactive substance" means a substance that emits ionizing radiation.

90. "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.

91. "Remote hospital-site pharmacy" means a pharmacy located in a satellite facility that operates under the license issued by the department of health services to the hospital of which it is a satellite.

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

93. "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.

94. "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.

95. "Satellite facility" has the same meaning prescribed in section 36-422.

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

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

98. "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistics services for the following items, but that does not take ownership of the items, and that distributes those items as directed by a manufacturer, wholesaler, dispenser or durable medical equipment supplier that is permitted by the board:

(a) Narcotic drugs or other controlled substances.

(b) Dangerous drugs as defined in section 13-3401.

(c) Prescription-only drugs and devices.

(d) Nonprescription drugs and devices.

(e) Precursor chemicals.

(f) Regulated chemicals as defined in section 13-3401.

99. "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.

100. "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.