

Senate Engrossed

fentanyl; manufacturing drugs; machines

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

# SENATE BILL 1447

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)

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

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

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

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

8 2. "Amidone" means any substance identified chemically as  
9 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance,  
10 by whatever trade name designated.

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

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

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

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

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

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

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

37 (i) Alpha-ethyltryptamine.

38 (ii) Alpha-methyltryptamine.

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

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

41 (v) Aminorex.

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

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

44 (viii) Bufotenine.

- 1 (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
- 2 (x) Diethyltryptamine.
- 3 (xi) 2, 5-dimethoxyamphetamine.
- 4 (xii) Dimethyltryptamine.
- 5 (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
- 6 (xiv) 5-methoxy-alpha-methyltryptamine.
- 7 (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 8 (xvi) 4-methyl-2, 5-dimethoxyamphetamine.
- 9 (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- 10 (xviii) Ibogaine.
- 11 (xix) Lysergic acid amide.
- 12 (xx) Lysergic acid diethylamide.
- 13 (xxi) Mescaline.
- 14 (xxii) 4-methoxyamphetamine.
- 15 (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- 16 (xxiv) Methylenedioxyamphetamine (MDA).
- 17 (xxv) 3, 4-methylenedioxymethamphetamine.
- 18 (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- 19 (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- 20 (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 21 (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- 22 (xxx) N-methyltryptamine mimetic substances that are any substances
- 23 derived from N-methyltryptamine by any substitution at the nitrogen, any
- 24 substitution at the indole ring, any substitution at the alpha carbon, any
- 25 substitution at the beta carbon or any combination of the above.
- 26 N-methyltryptamine mimetic substances do not include melatonin
- 27 (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine
- 28 generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT,
- 29 DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT,
- 30 MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- 31 (xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 32 (xxxii) Nabilone.
- 33 (xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 34 (xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 35 (xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 36 (xxxvi) Para-methoxyamphetamine (PMA).
- 37 (xxxvii) Psilacetin.
- 38 (xxxviii) Psilocybin.
- 39 (xxxix) Psilocyn.
- 40 (xl) Synhexyl.
- 41 (xli) Trifluoromethylphenylpiperazine (TFMPP).
- 42 (xlii) Trimethoxyamphetamine (TMA).
- 43 (xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 44 (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 45 (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).

1 (xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).  
2 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200  
3 and isomers).  
4 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and  
5 isomers).  
6 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone  
7 (JWH-015 and isomers).  
8 (l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-  
9 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).  
10 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol  
11 (CP 47,497 and isomers).  
12 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol  
13 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).  
14 (b) Any material, compound, mixture or preparation that contains  
15 any quantity of cannabimimetic substances and their salts, isomers,  
16 whether optical, positional or geometric, and salts of isomers, unless  
17 specifically excepted, whenever the existence of such salts, isomers and  
18 salts of isomers is possible within the specific chemical designation.  
19 For the purposes of this subdivision, "cannabimimetic substances" means  
20 any substances within the following structural classes:  
21 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the  
22 5-position of the phenolic ring by alkyl or alkenyl, whether or not  
23 substituted on the cyclohexyl ring to any extent. Substances in the  
24 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,  
25 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.  
26 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by  
27 substitution at the nitrogen atom of the indole ring, whether or not  
28 further substituted on the indole ring to any extent, whether or not  
29 substituted on the naphthoyl or naphthyl ring to any extent. Substances  
30 in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,  
31 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,  
32 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,  
33 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,  
34 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,  
35 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,  
36 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,  
37 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,  
38 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,  
39 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.  
40 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by  
41 substitution at one or both of the nitrogen atoms of the indazole ring,  
42 whether or not further substituted on the indazole ring to any extent,  
43 whether or not substituted on the naphthoyl ring to any extent.  
44 Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole  
45 generic definition include THJ2201 and THJ-018.

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

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

14 (vi) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at  
15 the nitrogen atom of the indole ring, whether or not further substituted  
16 in the indole ring to any extent, whether or not substituted on the phenyl  
17 ring to any extent. Substances in the 3-(phenylacetyl)indole generic  
18 definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203,  
19 JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH--237, JWH-248,  
20 JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306,  
21 JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18  
22 and SR-19.

23 (vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)  
24 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen  
25 atom of the indole ring, whether or not further substituted in the indole  
26 ring to any extent, whether or not substituted on the cyclopropyl,  
27 cyclobutyl or cyclopentyl rings to any extent. Substances in the  
28 3-(cyclopropylmethanone) indole generic definition include UR-144,  
29 fluoro-UR-144 and XLR-11.

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

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

40 (x) Indole-3-carboxamide or indazole-3-carboxamide with  
41 substitution at the nitrogen atom of the indole ring or by substitution at  
42 one or both of the nitrogen atoms of the indazole ring, whether or not  
43 further substituted on the indole ring or the indazole ring to any extent,  
44 whether or not substituted on the nitrogen of the carboxamide to any  
45 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide

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

3 (xi) 8-Quinolinyln-indole-3-carboxylate or 8-quinolinyln-indazole-3-  
4 carboxylate by substitution at the nitrogen atom of the indole ring or by  
5 substitution at one or both of the nitrogen atoms of the indazole ring,  
6 whether or not further substituted in the indole ring or indazole ring to  
7 any extent, whether or not substituted on the quinoline ring to any  
8 extent. Substances in the 8-quinolinyln-indole-3-carboxylate or the  
9 8-quinolinyln-indazole-3-carboxylate generic definition include PB-22,  
10 fluoro-PB-22, NPB-22 and fluoro-NPB-22.

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

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

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

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

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

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

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

33 (vi) Amphetamine.

34 (vii) Benzphetamine.

35 (viii) Benzylpiperazine (BZP).

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

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

38 (xi) Butorphanol.

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

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

44 (xiv) Cathinone.

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

- 1 (xvi) Chlorphentermine.
- 2 (xvii) Clortermine.
- 3 (xviii) Diethylpropion.
- 4 (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
- 5 (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 6 (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 7 (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- 8 (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 9 (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 10 (xxv) Dimethylcathinone (Metamfepramone).
- 11 (xxvi) Ethcathinone.
- 12 (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- 13 (xxviii) Fencamfamin.
- 14 (xxix) Fenethylamine.
- 15 (xxx) Fenproporex.
- 16 (xxxi) Fluoroamphetamine.
- 17 (xxxii) Fluoromethamphetamine.
- 18 (xxxiii) Fluoromethcathinone.
- 19 (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 20 (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine(2C-T-4).
- 21 (xxxvi) Mazindol.
- 22 (xxxvii) Mefenorex.
- 23 (xxxviii) Methamphetamine.
- 24 (xxxix) Methcathinone.
- 25 (xl) Methiopropamine.
- 26 (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 27 (xlii) Methoxymethcathinone (methedrone).
- 28 (xliii) Methoxyphenethylamine mimetic substances that are any
- 29 substances derived from 2, 5-dimethoxy-phenethylamine by any substitution
- 30 at the phenyl ring, any substitution at the nitrogen atom, any
- 31 substitutions at the carbon atoms of the ethylamine, or any combination of
- 32 the above substitutions.
- 33 (xliv) 4-methylaminorex.
- 34 (xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
- 35 (xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- 36 (xlvii) Methylenedioxyethcathinone (Ethylone).
- 37 (xlviii) Methylenedioxymethcathinone (Methylone).
- 38 (xlix) Methylenedioxypropylone (MDPV).
- 39 (l) Methylmethcathinone (Mephedrone).
- 40 (li) Methylphenidate.
- 41 (lii) Modafinil.
- 42 (liii) Naphthylpyrovalerone (Naphyrone).
- 43 (liv) N-ethylamphetamine.
- 44 (lv) N, N-dimethylamphetamine.

- 1 (lvi) Pemoline.
- 2 (lvii) Phendimetrazine.
- 3 (lviii) Phenmetrazine.
- 4 (lix) Phentermine.
- 5 (lx) Pipradol.
- 6 (lxi) Propylhexedrine.
- 7 (lxii) Pyrovalerone.
- 8 (lxiii) Sibutramine.
- 9 (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 10 (d) Any material, compound, mixture or preparation that contains
- 11 any quantity of the following substances having a potential for abuse
- 12 associated with a depressant effect on the central nervous system:
- 13 (i) Any substance which contains any quantity of a derivative of
- 14 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 15 specifically excepted.
- 16 (ii) Alprazolam.
- 17 (iii) Bromazepam.
- 18 (iv) Camazepam.
- 19 (v) Carisoprodol.
- 20 (vi) Chloral betaine.
- 21 (vii) Chloral hydrate.
- 22 (viii) Chlordiazepoxide.
- 23 (ix) Chlorhexadol.
- 24 (x) Clobazam.
- 25 (xi) Clonazepam.
- 26 (xii) Clorazepate.
- 27 (xiii) Clotiazepam.
- 28 (xiv) Cloxazolam.
- 29 (xv) Delorazepam.
- 30 (xvi) Diazepam.
- 31 (xvii) Dichloralphenazone.
- 32 (xviii) Estazolam.
- 33 (xix) Ethchlorvynol.
- 34 (xx) Ethinamate.
- 35 (xxi) Ethyl loflazepate.
- 36 (xxii) Etizolam.
- 37 (xxiii) Fenfluramine.
- 38 (xxiv) Fludiazepam.
- 39 (xxv) Flunitrazepam.
- 40 (xxvi) Flurazepam.
- 41 (xxvii) Gamma hydroxy butyrate.
- 42 (xxviii) Glutethimide.
- 43 (xxix) Halazepam.
- 44 (xxx) Haloxazolam.
- 45 (xxxi) Hydroxyphencyclidine (HO-PCP).



- 1 (xxxii) Ketamine.
- 2 (xxxiii) Ketazolam.
- 3 (xxxiv) Loprazolam.
- 4 (xxxv) Lorazepam.
- 5 (xxxvi) Lormetazepam.
- 6 (xxxvii) Lysergic acid.
- 7 (xxxviii) Mebutamate.
- 8 (xxxix) Mecloqualone.
- 9 (xl) Medazepam.
- 10 (xli) Meprobamate.
- 11 (xlii) Methaqualone.
- 12 (xliii) Methohexital.
- 13 (xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone
- 14 (Methoxetamine).
- 15 (xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone
- 16 (Methoxyketamine).
- 17 (xlvi) Methoxyphencyclidine(MeO-PCP).
- 18 (xlvii) Methyprylon.
- 19 (xlviii) Midazolam.
- 20 (xlix) Nimetazepam.
- 21 (l) Nitrazepam.
- 22 (li) Nordiazepam.
- 23 (lii) Oxazepam.
- 24 (liii) Oxazolam.
- 25 (liv) Paraldehyde.
- 26 (lv) Petrichloral.
- 27 (lvi) Phencyclidine (PCP).
- 28 (lvii) Phencyclidine mimetic substances that are any substances
- 29 derived from phenylcyclohexylpiperidine by any substitution at the phenyl
- 30 ring, any substitution at the piperidine ring, any substitution at the
- 31 cyclohexyl ring, any replacement of the phenyl ring or any combination of
- 32 the above. Substances in the phenylcyclohexylpiperidine generic
- 33 definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP,
- 34 Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM,
- 35 PCPY, TCP and TCPY.
- 36 (lviii) Pinazepam.
- 37 (lix) Prazepam.
- 38 (lx) Scopolamine.
- 39 (lxi) Sulfondiethylmethane.
- 40 (lxii) Sulfonethylmethane.
- 41 (lxiii) Sulfonmethane.
- 42 (lxiv) Quazepam.
- 43 (lxv) Temazepam.
- 44 (lxvi) Tetrazepam.
- 45 (lxvii) Tiletamine.

1 (lxviii) Triazolam.

2 (lxix) Zaleplon.

3 (lxx) Zolazepam.

4 (lxxi) Zolpidem.

5 (lxxii) Zopiclone.

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

9 (i) Boldenone.

10 (ii) Clostebol (4-chlorotestosterone).

11 (iii) Dehydrochloromethyltestosterone.

12 (iv) Drostanolone.

13 (v) Ethylestrenol.

14 (vi) Fluoxymesterone.

15 (vii) Formebolone (formebolone).

16 (viii) Mesterolone.

17 (ix) Methandriol.

18 (x) Methandrostenolone (methandienone).

19 (xi) Methenolone.

20 (xii) Methyltestosterone.

21 (xiii) Mibolerone.

22 (xiv) Nandrolone.

23 (xv) Norethandrolon.

24 (xvi) Oxandrolone.

25 (xvii) Oxymesterone.

26 (xviii) Oxymetholone.

27 (xix) Stanolone (4-dihydrotestosterone).

28 (xx) Stanozolol.

29 (xxi) Testolactone.

30 (xxii) Testosterone.

31 (xxiii) Trenbolone.

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

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

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

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

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

5           12. "ENCAPSULATING MACHINE":

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

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

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

14          ~~13~~. 14. "Isoamidone" means any substance identified chemically as  
15 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such  
16 substance, by whatever trade name designated.

17          ~~14~~. 15. "Isonipecaine" means any substance identified chemically  
18 as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any  
19 salt of such substance, by whatever trade name designated.

20          ~~15~~. 16. "Ketobemidone" means any substance identified chemically  
21 as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride),  
22 or any salt of such substance, by whatever trade name designated.

23          ~~16~~. 17. "Licensed" or "permitted" means authorized by the laws of  
24 this state to do certain things.

25          ~~17~~. 18. "Manufacture" means produce, prepare, propagate, compound,  
26 mix or process, directly or indirectly, by extraction from substances of  
27 natural origin or independently by means of chemical synthesis, or by a  
28 combination of extraction and chemical synthesis. Manufacture includes  
29 any packaging or repackaging or labeling or relabeling of containers.  
30 Manufacture does not include any producing, preparing, propagating,  
31 compounding, mixing, processing, packaging or labeling done in conformity  
32 with applicable state and local laws and rules by a licensed practitioner  
33 incident to and in the course of his licensed practice.

34          ~~18~~. 19. "Manufacturer" means a person who manufactures a narcotic  
35 or dangerous drug or other substance controlled by this chapter.

36          ~~19~~. 20. "Marijuana" means all parts of any plant of the genus  
37 cannabis, from which the resin has not been extracted, whether growing or  
38 not, and the seeds of such plant. Marijuana does not include the mature  
39 stalks of such plant or the sterilized seed of such plant which is  
40 incapable of germination.

41          ~~20~~. 21. "Narcotic drugs" means the following, whether of natural  
42 or synthetic origin and any substance neither chemically nor physically  
43 distinguishable from them:

44           (a) Acetyl-alpha-methylfentanyl.

45           (b) Acetylmethadol.

- 1 (c) Alfentanil.
- 2 (d) Allylprodine.
- 3 (e) Alphacetylmethadol.
- 4 (f) Alphameprodine.
- 5 (g) Alphamethadol.
- 6 (h) Alpha-methylfentanyl.
- 7 (i) Alpha-methylthiofentanyl.
- 8 (j) Alphaprodine.
- 9 (k) Amidone (methadone).
- 10 (l) Anileridine.
- 11 (m) Benzethidine.
- 12 (n) Benzylfentanyl.
- 13 (o) Betacetylmethadol.
- 14 (p) Beta-hydroxyfentanyl.
- 15 (q) Beta-hydroxy-3-methylfentanyl.
- 16 (r) Betameprodine.
- 17 (s) Betamethadol.
- 18 (t) Betaprodine.
- 19 (u) Bezitramide.
- 20 (v) Buprenorphine and its salts.
- 21 (w) Cannabis.
- 22 (x) Carfentanil.
- 23 (y) 4-chloro-n-[-1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benz  
24 enesulfonamide (W-18).
- 25 (z) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]  
26 benzenesulfonamide (W-15).
- 27 (aa) Clonitazene.
- 28 (bb) Coca leaves.
- 29 (cc) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
- 30 (dd) Dextromoramide.
- 31 (ee) Dextropropoxyphene.
- 32 (ff) Diampromide.
- 33 (gg) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-benzamid  
34 e (AH-7921).
- 35 (hh) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide  
36 (U-47700).
- 37 (ii) Diethylthiambutene.
- 38 (jj) DifenoXin.
- 39 (kk) Dihydrocodeine.
- 40 (ll) Dimenoxadol.
- 41 (mm) Dimepheptanol.
- 42 (nn) Dimethylthiambutene.
- 43 (oo) Dioxaphetyl butyrate.
- 44 (pp) Diphenidine (DEP).
- 45 (qq) Diphenoxylate.

- 1 (rr) Dipipanone.
- 2 (ss) Ephedrine.
- 3 (tt) Ethylmethylthiambutene.
- 4 (uu) Etonitazene.
- 5 (vv) Etoxeridine.
- 6 (ww) Fentanyl.
- 7 (xx) Fentanyl mimetic substances that are any substances derived
- 8 from fentanyl by any substitution in the phenethyl group, any substitution
- 9 in the piperidine ring, any substitution in the aniline ring, any
- 10 replacement of the phenyl portion of the phenethyl group, any replacement
- 11 of the N-propionyl group or any combination of the above.
- 12 (yy) Furethidine.
- 13 (zz) Hydroxypethidine.
- 14 (aaa) Isoamidone (isomethadone).
- 15 (bbb) Isophenidine.
- 16 (ccc) Pethidine (meperidine).
- 17 (ddd) Ketobemidone.
- 18 (eee) Lefetamine.
- 19 (fff) Levomethorphan.
- 20 (ggg) Levomoramide.
- 21 (hhh) Levophenacymorphan.
- 22 (iii) Levorphanol.
- 23 (jjj) Metazocine.
- 24 (kkk) Methoxphenidine (MXP).
- 25 (lll) 3-methylfentanyl.
- 26 (mmm) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 27 (nnn) 3-methylthiofentanyl.
- 28 (ooo) Morpheridine.
- 29 (ppp) Noracymethadol.
- 30 (qqq) Norlevorphanol.
- 31 (rrr) Normethadone.
- 32 (sss) Norpipanone.
- 33 (ttt) Opium.
- 34 (uuu) Para-fluorofentanyl.
- 35 (vvv) Pentazocine.
- 36 (www) Phenadoxone.
- 37 (xxx) Phenampromide.
- 38 (yyy) Phenazocine.
- 39 (zzz) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 40 (aaaa) Phenomorphan.
- 41 (bbbb) Phenoperidine.
- 42 (cccc) Piminodine.
- 43 (dddd) Piritramide.
- 44 (eeee) Proheptazine.
- 45 (ffff) Properidine.

- 1 (gggg) Propiram.
- 2 (hhhh) Racemethorphan.
- 3 (iiii) Racemoramide.
- 4 (jjjj) Racemorphan.
- 5 (kkkk) Remifentanil.
- 6 (llll) Sufentanil.
- 7 (mmmm) Thenylfentanyl.
- 8 (nnnn) Thiofentanyl.
- 9 (oooo) Tilidine.
- 10 (pppp) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)
- 11 cyclohexanol, and its salts, optical and geometric isomers, and its salts
- 12 of isomers.
- 13 (qqqq) Trimeperidine.
- 14 ~~21.~~ 22. "Opium" means any compound, manufacture, salt, isomer,
- 15 salt of isomer, derivative, mixture or preparation of the following, but
- 16 does not include apomorphine or any of its salts:
- 17 (a) Acetorphine.
- 18 (b) Acetyldihydrocodeine.
- 19 (c) Benzylmorphine.
- 20 (d) Codeine.
- 21 (e) Codeine methylbromide.
- 22 (f) Codeine-N-oxide.
- 23 (g) Cyprenorphine.
- 24 (h) Desomorphine.
- 25 (i) Dihydromorphine.
- 26 (j) Drotebanol.
- 27 (k) Ethylmorphine.
- 28 (l) Etorphine.
- 29 (m) Heroin.
- 30 (n) Hydrocodone.
- 31 (o) Hydromorphinol.
- 32 (p) Hydromorphone.
- 33 (q) Levo-alphaacetylmethadol.
- 34 (r) Methyldesorphine.
- 35 (s) Methyldihydromorphine.
- 36 (t) Metopon.
- 37 (u) Morphine.
- 38 (v) Morphine methylbromide.
- 39 (w) Morphine methylsulfonate.
- 40 (x) Morphine-N-oxide.
- 41 (y) Myrophine.
- 42 (z) Nalorphine.
- 43 (aa) Nicocodeine.
- 44 (bb) Nicomorphine.
- 45 (cc) Normorphine.

- 1 (dd) Oxycodone.
- 2 (ee) Oxymorphone.
- 3 (ff) Pholcodine.
- 4 (gg) Thebacon.
- 5 (hh) Thebaine.

6 ~~22.~~ 23. "Ordinary ephedrine, pseudoephedrine,  
7 (-)-norpseudoephedrine or phenylpropanolamine product" means a product  
8 that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
9 phenylpropanolamine and that is all of the following:

- 10 (a) Approved for sale under the federal act.
- 11 (b) Labeled, advertised and marketed only for an indication that is  
12 approved by the federal food and drug administration.
- 13 (c) Either:
  - 14 (i) A nonliquid that is sold in package sizes of not more than  
15 three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
16 phenylpropanolamine and that is packaged in blister packs containing not  
17 more than two dosage units or, if the use of blister packs is technically  
18 infeasible, that is packaged in unit dose packets or pouches.
  - 19 (ii) A liquid that is sold in package sizes of not more than three  
20 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
21 phenylpropanolamine.

22 ~~23.~~ 24. "Peyote" means any part of a plant of the genus  
23 Lophophora, known as the mescal button.

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

26 26. "PILL TABLETING MACHINE":  
27 (a) MEANS ANY MANUAL, SEMIAUTOMATIC OR FULLY AUTOMATIC EQUIPMENT  
28 THAT MAY BE USED FOR COMPACTING OR MOLDING POWDERED OR GRANULAR SOLIDS OR  
29 SEMISOLID MATERIALS TO PRODUCE COHERENT SOLID TABLETS.

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

33 ~~25.~~ 27. "Practitioner" means a person licensed to prescribe and  
34 administer drugs.

35 ~~26.~~ 28. "Precursor chemical I" means any material, compound,  
36 mixture or preparation which contains any quantity of the following  
37 substances and their salts, optical isomers or salts of optical isomers:

- 38 (a) N-acetylanthranilic acid.
- 39 (b) Anthranilic acid.
- 40 (c) Ephedrine.
- 41 (d) Ergotamine.
- 42 (e) Isosafrole.
- 43 (f) Lysergic acid.
- 44 (g) Methylamine.
- 45 (h) N-ethylephedrine.

- 1 (i) N-ethylpseudoephedrine.
- 2 (j) N-methylephedrine.
- 3 (k) N-methylpseudoephedrine.
- 4 (l) Norephedrine.
- 5 (m) (-)-Norpseudoephedrine.
- 6 (n) Phenylacetic acid.
- 7 (o) Phenylpropanolamine.
- 8 (p) Piperidine.
- 9 (q) Pseudoephedrine.

10 ~~27.~~ 29. "Precursor chemical II" means any material, compound,  
11 mixture or preparation which contains any quantity of the following  
12 substances and their salts, optical isomers or salts of optical isomers:

- 13 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 14 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 15 (c) Chlorephedrine.
- 16 (d) Chlorpseudoephedrine.
- 17 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 18 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 19 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 20 (h) N-formyl amphetamine.
- 21 (i) N-formyl methamphetamine.
- 22 (j) Phenyl-2-propanone.
- 23 (k) 1-piperidinocyclohexane carbonitrile.
- 24 (l) 1-pyrrolidinocyclohexane carbonitrile.
- 25 (m) 4-ANILINO-N-PHENETHYLPIPERIDINE (ANPP) (C19H24N2 ).
- 26 (n) N-PHENETHYL-4-PIPERIDONE (NPP) (C13H17NO).
- 27 (o) 4-ANILINOPIPERIDINE (4AP) (C11H16N2).
- 28 (p) 4-PIPERIDONE (C5H9NO).
- 29 (q) BENZYL FENTANYL (C21H26N2O).
- 30 (r) NORFENTANYL (C14H20N2O).

31 ~~28.~~ 30. "Prescription-only drug" does not include a dangerous drug  
32 or narcotic drug but means:

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

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

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



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

4 ~~29.~~ 31. "Produce" means grow, plant, cultivate, harvest, dry,  
5 process or prepare for sale.

6 ~~30.~~ 32. "Regulated chemical" means the following substances in  
7 bulk form that are not a useful part of an otherwise lawful product:

- 8 (a) Acetic anhydride.
- 9 (b) Hypophosphorous acid.
- 10 (c) Iodine.
- 11 (d) Sodium acetate.
- 12 (e) Red phosphorus.
- 13 (f) Gamma butyrolactone (GBL).
- 14 (g) 1, 4-butanediol.
- 15 (h) Butyrolactone.
- 16 (i) 1, 2 butanolide.
- 17 (j) 2-oxanalone.
- 18 (k) Tetrahydro-2-furanone.
- 19 (l) Dihydro-2(3H)-furanone.
- 20 (m) Tetramethylene glycol.

21 ~~31.~~ 33. "Retailer" means either:

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

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

28 ~~32.~~ 34. "Sale" or "sell" means an exchange for anything of value  
29 or advantage, present or prospective.

30 ~~33.~~ 35. "Sale for personal use" means the retail sale for a  
31 legitimate medical use in a single transaction to an individual customer,  
32 to an employer for dispensing to employees from first aid kits or medicine  
33 chests or to a school for administration pursuant to section 15-344.

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

36 ~~35.~~ 37. "Suspicious transaction" means a transaction to which any  
37 of the following applies:

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

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

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

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

8 ~~36.~~ 38. "Threshold amount" means a weight, market value or other  
9 form of measurement of an unlawful substance as follows:

10 (a) One gram of heroin.

11 (b) Nine grams of cocaine.

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

14 (d) Four grams or 50 milliliters of PCP.

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

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

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

21 (h) Two pounds of marijuana.

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

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

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

31 ~~37.~~ 39. "Transfer" means furnish, deliver or give away.

32 ~~38.~~ 40. "Vapor-releasing substance containing a toxic substance"  
33 means a material which releases vapors or fumes containing any of the  
34 following:

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

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

39 (c) Ethylene dichloride.

40 (d) Pentachlorophenol.

41 (e) Chloroform.

42 (f) Methylene chloride.

43 (g) Trichloroethylene.

44 (h) Difluoroethane.

45 (i) Tetrafluoroethane.

- 1 (j) Aldehydes, including formaldehyde.
- 2 (k) Acetates, including ethyl acetate and butyl acetate.
- 3 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
- 4 cumene.
- 5 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
- 6 alcohol, butyl alcohol and diacetone alcohol.
- 7 (n) Ether, including Diethyl ether and petroleum ether.
- 8 (o) Nitrous oxide.
- 9 (p) Amyl nitrite.
- 10 (q) Isobutyl nitrite.

11 ~~39.~~ 41. "Weight" unless otherwise specified includes the entire  
12 weight of any mixture or substance that contains a detectable amount of an  
13 unlawful substance. If a mixture or substance contains more than one  
14 unlawful substance, the weight of the entire mixture or substance is  
15 assigned to the unlawful substance that results in the greater offense.  
16 If a mixture or substance contains lysergic acid diethylamide, the offense  
17 that results from the unlawful substance shall be based on the greater  
18 offense as determined by the entire weight of the mixture or substance or  
19 the number of blotter dosage units. For the purposes of this paragraph,  
20 "mixture" means any combination of substances from which the unlawful  
21 substance cannot be removed without a chemical process.

22 ~~40.~~ 42. "Wholesaler" means a person who in the usual course of  
23 business lawfully supplies narcotic drugs, dangerous drugs, precursor  
24 chemicals or regulated chemicals that he himself has not produced or  
25 prepared, but not to a person for the purpose of consumption by the  
26 person, whether or not the wholesaler has a permit that is issued pursuant  
27 to title 32, chapter 18. Wholesaler includes a person who sells, delivers  
28 or dispenses a precursor chemical in an amount or under circumstances that  
29 would require registration as a distributor of precursor chemicals under  
30 the federal act.

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

33 13-3404.02. Sale or purchase of regulated pill tableting and  
34 encapsulating machines; report; classification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 13-3459. Manufacture of certain substances and drugs by  
10 certain means; prohibited acts; classification

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

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

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

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

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

26 15-712. Instruction on alcohol, tobacco, narcotic drugs,  
27 marijuana, date rape drugs and other dangerous  
28 drugs; chemical abuse prevention programs;  
29 definitions

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

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

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

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

21 E. For the purpose of this section:

22 1. "Date rape drug" means a drug ~~prescribed~~ LISTED in section  
23 13-3401, paragraph ~~30~~ 32, subdivisions (f) through (m).

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

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

28 32-1901. Definitions

29 In this chapter, unless the context otherwise requires:

30 1. "Administer" means directly applying a controlled substance,  
31 prescription-only drug, dangerous drug or narcotic drug, whether by  
32 injection, inhalation, ingestion or any other means, to the body of a  
33 patient or research subject by a practitioner or by the practitioner's  
34 authorized agent or the patient or research subject at the direction of  
35 the practitioner.

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

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

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

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

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

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

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

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

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

25 (b) Dispense or deliver a prescription or refill that has been  
26 prepared by or on behalf of the pharmacy that oversees the automated  
27 prescription-dispensing kiosk.

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

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

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

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

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

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

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

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

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

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

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

26           16. "Controlled substance" means a drug, substance or immediate  
27 precursor that is identified, defined or listed in title 36, chapter 27,  
28 article 2 or the rules adopted pursuant to title 36, chapter 27,  
29 article 2.

30           17. "Corrosive" means any substance that when it comes in contact  
31 with living tissue will cause destruction of the tissue by chemical  
32 action.

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

38           19. "Dangerous drug" has the same meaning prescribed in section  
39 13-3401.

40           20. "Day" means a business day.

41           21. "Decree of censure" means an official action that is taken by  
42 the board and that may include a requirement for restitution of fees to a  
43 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.

4           23. "Deputy director" means a pharmacist who is employed by the  
5 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 an instrument, apparatus or contrivance,  
10 including its components, parts and accessories, including all such items  
11 under the federal act, that is intended either:

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

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

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

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

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

27           28. "Dispenser" means a practitioner who dispenses.

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

30           30. "Distributor" means a person who distributes.

31           31. "Drug" means:

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

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

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

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

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

1           33. "Drug or device manufacturing" means producing, preparing,  
2 propagating or processing a drug or device, either directly or indirectly,  
3 by extraction from substances of natural origin or independently by means  
4 of chemical synthesis and includes any packaging or repackaging of  
5 substances or labeling or relabeling of its container and promoting and  
6 marketing the same. Drug or device manufacturing does not include  
7 compounding.

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

12           35. "Durable medical equipment distributor":

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

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

17           36. "Durable medical equipment supplier":

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

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

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

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

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

31           (a) The applicable official name.

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

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

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

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

43           42. "Full-service wholesale permittee":

44           (a) Means a permittee who may distribute prescription-only drugs  
45 and devices, controlled substances and over-the-counter drugs and devices

1 to pharmacies or other legal outlets from a place devoted in whole or in  
2 part to wholesaling these items.

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

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

9 44. "Highly toxic" means any substance that falls within any of the  
10 following categories:

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

15 (b) Produces death within fourteen days in half or more than half  
16 of a group of ten or more laboratory white rats each weighing between two  
17 hundred and three hundred grams, if inhaled continuously for a period of  
18 one hour or less at an atmospheric concentration of two hundred parts per  
19 million by volume or less of gas or vapor or two milligrams per liter by  
20 volume or less of mist or dust, provided the concentration is likely to be  
21 encountered by humans if the substance is used in any reasonably  
22 foreseeable manner.

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

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

34 46. "Intern" means a pharmacy intern.

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

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

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

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

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

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

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

7 (b) Accompanies that article.

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

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

16 54. "Manufacture" or "manufacturer":

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

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

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

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

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

32 58. "Narcotic drug" has the same meaning prescribed in section  
33 13-3401.

34 59. "New drug" means either:

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

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

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

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

9           (b) A controlled substance.

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

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

12          61. "Nonprescription drug wholesale permittee":

13          (a) Means a permittee who may distribute only over-the-counter  
14 drugs and devices to pharmacies or other lawful outlets from a place  
15 devoted in whole or in part to wholesaling these items.

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

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

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

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

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

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

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

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

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

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

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

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

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

10          74. "Pharmacy" means:

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

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

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

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

25           (e) A remote dispensing site pharmacy.

26           (f) A remote hospital-site pharmacy.

27           (g) A satellite pharmacy.

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

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

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

34          78. "Poison" or "hazardous substance" includes any of the following  
35 if intended and suitable for household use or use by children:

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

41           (b) A toxic substance.

42           (c) A highly toxic substance.

43           (d) A corrosive substance.

44           (e) An irritant.

45           (f) A strong sensitizer.

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

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

18 79. "Practice of pharmacy":

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

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

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

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

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

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

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

34 (vii) Maintaining required records of drugs and devices.

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

38 (ix) Providing patient care services pursuant to a collaborative  
39 practice agreement with a provider as outlined in section 32-1970.

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

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

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

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

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

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

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

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

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

24           85. "Prescription-only device" includes:

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

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

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

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

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

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

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

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



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

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

12 (c) An order that is initiated by a pharmacist pursuant to a  
13 collaborative practice agreement with a provider as outlined in section  
14 32-1970, or immunizations or vaccines administered by a pharmacist  
15 pursuant to section 32-1974.

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

20 88. "Professionally incompetent" means:

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

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

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

32 90. "Remote dispensing site pharmacy" means a pharmacy where a  
33 pharmacy technician or pharmacy intern prepares, compounds or dispenses  
34 prescription medications under remote supervision by a pharmacist.

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

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

41 93. "Revocation" or "revoke" means the official cancellation of a  
42 license, permit, registration or other approval authorized by the board  
43 for a period of two years unless otherwise specified by the board. A  
44 request or new application for reinstatement may be presented to the board

1 for review before the conclusion of the specified revocation period upon  
2 review of the executive director.

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

8 95. "Satellite facility" has the same meaning prescribed in section  
9 36-422.

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

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

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

25 (a) Narcotic drugs or other controlled substances.

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

27 (c) Prescription-only drugs and devices.

28 (d) Nonprescription drugs and devices.

29 (e) Precursor chemicals.

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

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

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