

REFERENCE TITLE: public health emergencies; essential medicines

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2489

Introduced by
Representatives Hernandez A: Hernandez C

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARTICLE 9, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-792; RELATING TO PUBLIC HEALTH EMERGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 36, chapter 6, article 9, Arizona Revised Statutes, is amended by adding section 36-792, to read:

36-792. Statewide strategic essential buffer stock; emergencies; essential medications; medical supplies; definitions

A. THE DEPARTMENT OF HEALTH SERVICES, IN COORDINATION WITH THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, THE DEPARTMENT OF EDUCATION, MEDICAL AND HEALTH CARE OPERATIONAL AREA COORDINATORS, REGIONAL DISASTER MEDICAL AND HEALTH CARE COORDINATORS AND OTHER STATE AGENCIES, SHALL ESTABLISH A STATEWIDE STRATEGIC ESSENTIAL BUFFER STOCK FOR EMERGENCY PREPAREDNESS AND DRUG SHORTAGES PREVENTION TO BE USED AND DISPENSED IN THE EVENT OF PUBLIC HEALTH EMERGENCIES, INCLUDING NATURAL DISASTERS, MAN-MADE DISASTERS AND MASS CASUALTY EVENTS AT THE LOCAL AND STATE LEVELS.

B. THE DEPARTMENT OF HEALTH SERVICES, IN COORDINATION WITH THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, SHALL ESTABLISH GUIDELINES FOR PROCURING, MANAGING AND DISTRIBUTING MEDICINES, VACCINES AND MEDICAL SUPPLY ITEMS IN AN ESSENTIAL BUFFER STOCK, INCLUDING A VIRTUALLY SEQUESTERED BUFFER STOCK. THE DEPARTMENT OF HEALTH SERVICES MAY CONTRACT WITH PRIVATE ENTITIES FOR THE PROCUREMENT OF STRATEGIC EMERGENCY READINESS SUPPLIES FOR, AND MANAGEMENT AND DISTRIBUTION OF, THE ESSENTIAL BUFFER STOCK, INCLUDING A VIRTUALLY SEQUESTERED BUFFER STOCK. TO FULFILL THIS REQUIREMENT, THE DEPARTMENT OF HEALTH SERVICES MAY CONTRACT FOR THE RESERVATION OF SUPPLIES STORED BY A PRIVATE VENDOR-MANAGED ENTITY FOR THE ESSENTIAL BUFFER STOCK AND THE DISTRIBUTION OF THOSE SUPPLIES TO LOCATIONS SPECIFIED BY THE DEPARTMENT OF HEALTH SERVICES, CONSISTENT WITH THIS SECTION AND THE POLICIES ESTABLISHED BY THE DEPARTMENT OF HEALTH SERVICES.

C. THE DEPARTMENT OF HEALTH SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, THE DEPARTMENT OF EDUCATION AND OTHER STAKEHOLDERS, AS NECESSARY, SHALL CONDUCT DEMAND PLANNING AND ESSENTIAL BUFFER STOCK MODELING FOR EMERGENCY READINESS SUPPLIES TO BE INCLUDED AT THE DISCRETION OF THE DEPARTMENT OF HEALTH SERVICES. THE DEPARTMENT OF HEALTH SERVICES' PLANNING AND ESSENTIAL BUFFER STOCK MODELING SHALL INCLUDE, AT A MINIMUM:

1. RECOMMENDATIONS FOR THE TYPES OF EMERGENCY SUPPLIES TO BE INCLUDED, ESPECIALLY FOR RURAL AND MEDICALLY UNDERSERVED SETTINGS.

2. THE ANTICIPATED DEMAND FOR EMERGENCY SUPPLIES FOR VARIOUS PUBLIC HEALTH EMERGENCIES AND NATURAL DISASTER SCENARIOS.

3. THE RECOMMENDED QUANTITIES TO BE HELD IN THE ESSENTIAL BUFFER STOCK FOR EACH TYPE OF MEDICAL SUPPLY.

4. DISTRIBUTION GUIDELINES FOR THESE SUPPLIES TO BE DISBURSED TO MUNICIPALITIES AND HEALTH CARE SETTINGS IN THE EVENT OF A LOCAL OR REGIONAL PUBLIC HEALTH EMERGENCY.

5. POSSIBLE LOGISTICAL AND OPERATIONAL STRATEGIES THAT COULD BE USED TO REDUCE THE COSTS OF THESE SUPPLIES, INCLUDING THE USE OF A

1 VIRTUALLY SEQUESTERED BUFFER STOCK PROCURED AND MANAGED BY AN EXTERNAL
2 VENDOR.

3 D. THE GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION B OF THIS
4 SECTION, AT A MINIMUM, SHALL CONSIDER ALL OF THE FOLLOWING:

5 1. THE VARIOUS TYPES OF ITEMS THAT MAY BE REQUIRED DURING AN
6 OUTBREAK OR OTHER PUBLIC HEALTH EMERGENCY, INCLUDING NATURAL DISASTERS,
7 MAN-MADE DISASTERS AND MASS CASUALTY EVENTS.

8 2. THE AMOUNT OF EACH TYPE OF ITEM REQUIRED FOR A SUSTAINED
9 OUTBREAK, PUBLIC HEALTH EMERGENCY, NATURAL DISASTER, MAN-MADE DISASTER OR
10 MASS CASUALTY EVENT.

11 3. AN ACTION PLAN ESTABLISHING POLICIES AND STANDARDS FOR AN
12 ESSENTIAL BUFFER STOCK SURGE CAPACITY, INCLUDING A VIRTUALLY SEQUESTERED
13 BUFFER STOCK, TO ENSURE THAT HOSPITALS, EMERGENCY MEDICAL PROVIDERS AND
14 OTHER DESIGNATED RECIPIENTS HAVE ACCESS TO AN ADEQUATE SUPPLY OF ANY
15 RELEVANT ITEMS DURING AN OUTBREAK OR OTHER PUBLIC HEALTH EMERGENCY.

16 4. THE FEDERAL AND STATE POLICIES AND FUNDING THAT WOULD BE
17 REQUIRED FOR THIS STATE TO ESTABLISH AN ESSENTIAL BUFFER STOCK.

18 5. HOW DISTRIBUTION FROM ANY PROCUREMENT WILL BE PRIORITIZED IF
19 THERE ARE INSUFFICIENT RESOURCES TO MEET THE IDENTIFIED NEEDS OF HEALTH
20 CARE PROVIDERS, HEALTH CARE FACILITIES AND OTHER DESIGNATED RECIPIENTS,
21 INCLUDING CONSIDERATION OF ALL THE FOLLOWING:

22 (a) THE HEALTH CARE PROVIDER, DESIGNATED RECIPIENT OR EMPLOYER IS
23 IN A LOCATION WITH A HIGH SHARE OF RURAL OR UNDERSERVED RESIDENTS.

24 (b) THE HEALTH CARE PROVIDER, DESIGNATED RECIPIENT OR EMPLOYER IS
25 IN A MEDICALLY UNDERSERVED AREA, AS DESIGNATED BY THE UNITED STATES
26 DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES
27 ADMINISTRATION.

28 (c) THE HEALTH CARE PROVIDER, DESIGNATED RECIPIENT OR EMPLOYER
29 DISPROPORTIONATELY SERVES A MEDICALLY UNDERSERVED OR RURAL POPULATION, AS
30 DESIGNATED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
31 HEALTH RESOURCES AND SERVICES ADMINISTRATION.

32 (d) THE HEALTH CARE PROVIDER, DESIGNATED RECIPIENT OR EMPLOYER IS
33 IN A COUNTY WITH A HIGH INFECTION RATE OR HIGH HOSPITALIZATION RATE
34 RELATED TO THE DECLARED EMERGENCY.

35 E. THE DEPARTMENT OF HEALTH SERVICES, IN CONSULTATION WITH OTHER
36 RELEVANT AGENCIES, SHALL DEFINE A LIST OF ENTITIES TO WHICH ESSENTIAL
37 BUFFER STOCK RESOURCES MAY BE DISBURSED IN, PUBLIC HEALTH EMERGENCY,
38 INCLUDING A NATURAL DISASTER, A MAN-MADE DISASTER OR MASS CASUALTY EVENT
39 AT THE LOCAL AND STATE LEVELS.

40 F. IN MAINTAINING AND SECURING SUPPLIES, THE DEPARTMENT SHALL SEEK
41 TO MAXIMIZE AVAILABLE FEDERAL AND STATE FUNDING FOR THE STATEWIDE
42 STRATEGIC ESSENTIAL BUFFER STOCK ESTABLISHED PURSUANT TO THIS SECTION.

43 G. FOR THE PURPOSES OF THIS SECTION:

44 1. "DESIGNATED RECIPIENTS" INCLUDES HEALTH CARE PROVIDERS, HEALTH
45 CARE FACILITIES, STATE DISASTER RELIEF ORGANIZATIONS, STATE-OPERATED

1 FACILITIES AND OTHER ENTITIES THAT STRATEGICALLY RESERVE MEDICAL RESOURCES
2 AND THAT MAY RECEIVE ESSENTIAL BUFFER STOCK RESOURCES.

3 2. "ESSENTIAL BUFFER STOCK" MEANS THE ESSENTIAL EMERGENCY AND
4 CHRONIC DISEASE MANAGEMENT MEDICINE, VACCINE AND MEDICAL SUPPLIES BUFFER
5 STOCK, ESSENTIAL MEDICINE RESERVE OR STRATEGIC INVENTORY OF ESSENTIAL
6 MEDICINES ESTABLISHED PURSUANT TO THIS SECTION.

7 3. "NATURAL DISASTER" MEANS ANY CATASTROPHIC EVENT, INCLUDING A
8 HURRICANE, TORNADO, EARTHQUAKE, FLOOD, WINTER STORM OR WILDFIRE, THAT IS
9 DECLARED BY THE GOVERNOR AS A STATE OF EMERGENCY OR DISASTER.

10 4. "OUTBREAK" MEANS ANY WIDESPREAD ILLNESS OR DISEASE OR OTHER
11 SPECIFIC HEALTH-RELATED EMERGENCY.

12 5. "VIRTUALLY SEQUESTERED BUFFER STOCK" MEANS AN INVENTORY OF
13 MEDICATIONS THAT IS MANAGED BY A DISTRIBUTION VENDOR TO AVOID EXPIRATION
14 AND ENSURE AVAILABILITY DURING EMERGENCIES AND DISASTERS.