

REFERENCE TITLE: pharmacists; care standard; prescriptions

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **SB 1309**

Introduced by  
Senator Shope

## AN ACT

AMENDING SECTIONS 32-1901 AND 32-1901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1965.01; RELATING TO THE ARIZONA STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 32-1901, Arizona Revised Statutes, is amended to  
3 read:

4 **32-1901. Definitions**

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means directly applying a controlled substance,  
7 prescription-only drug, dangerous drug or narcotic drug, whether by  
8 injection, inhalation, ingestion or any other means, to the body of a  
9 patient or research subject by a practitioner or by the practitioner's  
10 authorized agent or the patient or research subject at the direction of  
11 the practitioner.

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

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

18 (a) While there is insufficient evidence to support disciplinary  
19 action, the board believes that continuation of the activities that led to  
20 the investigation may result in further board action against the licensee  
21 or permittee.

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

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

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

34 5. "Authorized officers of the law" means legally empowered peace  
35 officers, compliance officers of the board of pharmacy and agents of the  
36 division of narcotics enforcement and criminal intelligence of the  
37 department of public safety.

38 6. "Automated prescription-dispensing kiosk" means a mechanical  
39 system that is operated as an extension of a pharmacy, that maintains all  
40 transaction information within the pharmacy operating system, that is  
41 separately permitted from the pharmacy and that performs operations that  
42 either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13       19. "Dangerous drug" has the same meaning prescribed in section  
14 13-3401.

15       20. "Day" means a business day.

16       21. "Decree of censure" means an official action that is taken by  
17 the board and that may include a requirement for restitution of fees to a  
18 patient or consumer.

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

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

25       24. "Device", except as used in paragraph 18 of this section,  
26 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph  
27 15 and subsection C, means an instrument, apparatus or contrivance,  
28 including its components, parts and accessories, including all such items  
29 under the federal act, that is intended either:

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

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

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

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

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

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

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

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

4       31. "Drug" means:

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

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

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

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

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

18       33. "Drug or device manufacturing" means producing, preparing,  
19 propagating or processing a drug or device, either directly or indirectly,  
20 by extraction from substances of natural origin or independently by means  
21 of chemical synthesis and includes any packaging or repackaging of  
22 substances or labeling or relabeling of its container and promoting and  
23 marketing the same. Drug or device manufacturing does not include  
24 compounding.

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

29       35. "Durable medical equipment distributor":

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

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

34       36. "Durable medical equipment supplier":

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

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

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

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

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

3        (a) The applicable official name.

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

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

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

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

15       42. "Full-service wholesale permittee":

16        (a) Means a permittee who may distribute prescription-only drugs  
17 and devices, controlled substances and over-the-counter drugs and devices  
18 to pharmacies or other legal outlets from a place devoted in whole or in  
19 part to wholesaling these items.

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

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

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

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

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

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

1 or concentrations prescribed in this paragraph, the human data shall take  
2 precedence.

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

6 46. "Intern" means a pharmacy intern.

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

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

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

16 50. "Label" means a display of written, printed or graphic matter  
17 on the immediate container of any article that, unless easily legible  
18 through the outside wrapper or container, also appears on the outside  
19 wrapper or container of the article's retail package. For the purposes of  
20 this paragraph, the immediate container does not include package liners.

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

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

24 (b) Accompanies that article.

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

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

33 54. "Manufacture" or "manufacturer":

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

37 (b) Includes a virtual manufacturer.

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

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

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

4       58. "Narcotic drug" has the same meaning prescribed in section  
5 13-3401.

6       59. "New drug" means either:

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

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

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

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

25           (b) A controlled substance.

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

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

28       61. "Nonprescription drug wholesale permittee":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26      74. "Pharmacy" means:

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

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

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

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

41       (e) A remote dispensing site pharmacy.

42       (f) A remote hospital-site pharmacy.

43       (g) A satellite pharmacy.

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

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

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

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

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

12           (b) A toxic substance.

13           (c) A highly toxic substance.

14           (d) A corrosive substance.

15           (e) An irritant.

16           (f) A strong sensitizer.

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

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

34       79. "Practice of pharmacy":

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

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

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

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

43              (iv) Participating in drug selection and drug utilization reviews,  
44 drug administration, drug or drug-related research and drug therapy  
45 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.

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:

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

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

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

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

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

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

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

26       (c) An order that is initiated by a pharmacist pursuant to a  
27 collaborative practice agreement with a provider as outlined in section  
28 32-1970, or immunizations or vaccines administered by a pharmacist  
29 pursuant to section 32-1974.

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

34      88. "Professionally incompetent" means:

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

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

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

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

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

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

10      93. "Revocation" or "revoke" means the official cancellation of a  
11       license, permit, registration or other approval authorized by the board  
12       for a period of two years unless otherwise specified by the board. A  
13       request or new application for reinstatement may be presented to the board  
14       for review before the conclusion of the specified revocation period upon  
15       review of the executive director.

16      94. "Safely engage in employment duties" means that a permittee or  
17       the permittee's employee is able to safely engage in employment duties  
18       related to the manufacture, sale, distribution or dispensing of drugs,  
19       devices, poisons, hazardous substances, controlled substances or precursor  
20       chemicals.

21      95. "Satellite facility" has the same meaning prescribed in section  
22       36-422.

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

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

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

- 38       (a) Narcotic drugs or other controlled substances.
- 39       (b) Dangerous drugs as defined in section 13-3401.
- 40       (c) Prescription-only drugs and devices.
- 41       (d) Nonprescription drugs and devices.
- 42       (e) Precursor chemicals.
- 43       (f) Regulated chemicals as defined in section 13-3401.

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

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

8       101. "Virtual manufacturer" means an entity that contracts for the  
9 manufacture of a drug or device, including a private label distributor as  
10 defined in 21 Code of Federal Regulations ~~part~~ SECTION 207.1, and that  
11 meets all of the following:

12       (a) Owns either:

13           (i) The new drug application or abbreviated new drug application  
14 number as defined by the United States food and drug administration for a  
15 drug.

16           (ii) The unique device identification number as defined by the  
17 United States food and drug administration for a prescription device.

18       (b) Is not involved in the physical manufacture of the drug or  
19 device.

20       (c) Contracts with a United States food and drug administration  
21 registered manufacturing entity for the physical manufacture of the drug  
22 or device.

23       Sec. 2. Section 32-1901.01, Arizona Revised Statutes, is amended to  
24 read:

25       32-1901.01. Definitions of unethical conduct and  
26 unprofessional conduct; permittees; licensees

27       A. In this chapter, unless the context otherwise requires, for the  
28 purposes of disciplining a permittee, "unethical conduct" means the  
29 following, whether occurring in this state or elsewhere:

30       1. Committing a felony, whether or not involving moral turpitude,  
31 or a misdemeanor involving moral turpitude or any drug-related offense.  
32 In either case, conviction by a court of competent jurisdiction or a plea  
33 of no contest is conclusive evidence of the commission.

34       2. Committing an act that is substantially related to the  
35 qualifications, functions or duties of a permittee and that demonstrates  
36 an actual or potential unfitness to hold a permit in light of the public's  
37 safety.

38       3. Working under the influence of alcohol or other drugs.

39       4. Using alcohol or other drugs to such a degree as to render the  
40 permittee unfit to perform the permittee's employment duties.

41       5. Violating a federal or state law or administrative rule relating  
42 to the manufacture, sale or distribution of drugs, devices, poisons,  
43 hazardous substances or precursor chemicals.

1       6. Violating a federal or state law or administrative rule relating  
2 to marijuana, prescription-only drugs, narcotics, dangerous drugs,  
3 controlled substances or precursor chemicals.

4       7. Violating state or federal reporting or recordkeeping  
5 requirements on transactions relating to precursor chemicals.

6       8. Intending to sell, transfer or distribute, or to offer for sale,  
7 transfer or distribution, or selling, transferring, distributing or  
8 dispensing or offering for sale, transfer or distribution an imitation  
9 controlled substance, imitation over-the-counter drug or imitation  
10 prescription-only drug as defined in section 13-3451.

11      9. Having the permittee's permit to manufacture, sell, distribute  
12 or dispense drugs, devices, poisons, hazardous substances or precursor  
13 chemicals denied or disciplined in another jurisdiction.

14      10. Committing an offense in another jurisdiction that if committed  
15 in this state would be grounds for discipline.

16      11. Obtaining or attempting to obtain a permit or a permit renewal  
17 by fraud, by misrepresentation or by knowingly taking advantage of the  
18 mistake of another person or an agency.

19      12. Wilfully making a false report or record that is required by  
20 this chapter, that is required by federal or state laws pertaining to  
21 drugs, devices, poisons, hazardous substances or precursor chemicals or  
22 that is required to pay for drugs, devices, poisons or hazardous  
23 substances or precursor chemicals or for services pertaining to such drugs  
24 or substances.

25      13. Knowingly filing with the board any application, renewal or  
26 other document that contains false or misleading information.

27      14. Providing false or misleading information or omitting material  
28 information in any communication to the board or the board's employees or  
29 agents.

30      15. Violating or attempting to violate, directly or indirectly, or  
31 assisting in or abetting the violation of, or conspiring to violate this  
32 chapter.

33      16. Violating a formal order, terms of probation, a consent  
34 agreement or a stipulation issued or entered into by the board or its  
35 executive director pursuant to this chapter.

36      17. Failing to comply with a board subpoena or failing to comply in  
37 a timely manner with a board subpoena without providing any explanation to  
38 the board for not complying with the subpoena.

39      18. Failing to provide the board or its employees or agents or an  
40 authorized federal or state official conducting a site investigation,  
41 inspection or audit with access to any place for which a permit has been  
42 issued or for which an application for a permit has been submitted.

43      19. Failing to notify the board of a change of ownership,  
44 management or pharmacist in charge.

1       20. Failing to promptly produce on the request of the official  
2 conducting a site investigation, inspection or audit any book, record or  
3 document.

4       21. Overruling or attempting to overrule a pharmacist in matters of  
5 pharmacy ethics or interpreting laws pertaining to the practice of  
6 pharmacy or the distribution of drugs or devices.

7       22. Distributing premiums or rebates of any kind in connection with  
8 the sale of prescription medication, other than to the prescription  
9 medication recipient.

10      23. Failing to maintain effective controls against the diversion of  
11 controlled substances or precursor chemicals to unauthorized persons or  
12 entities.

13      24. Fraudulently claiming to have performed a service.

14      25. Fraudulently charging a fee for a service.

15      26. Advertising drugs or devices, or services pertaining to drugs  
16 or devices, in a manner that is untrue or misleading in any particular,  
17 and that is known, or that by the exercise of reasonable care should be  
18 known, to be untrue or misleading.

19      B. In this chapter, unless the context otherwise requires, for the  
20 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional  
21 conduct" means the following, whether occurring in this state or  
22 elsewhere:

23      1. Using alcohol or other drugs to such a degree as to render the  
24 licensee unfit to practice the profession of pharmacy.

25      2. Violating any federal or state law, rule or regulation relating  
26 to the manufacture or distribution of drugs and devices or the practice of  
27 pharmacy.

28      3. Dispensing a different drug or brand of drug in place of the  
29 drug or brand of drug ordered or prescribed without the express permission  
30 in each case of the orderer, or in the case of a prescription order, the  
31 medical practitioner. The conduct prohibited by this paragraph does not  
32 apply to substitutions authorized pursuant to section 32-1963.01.

33      4. Obtaining or attempting to obtain a license to practice pharmacy  
34 or a license renewal by fraud, by misrepresentation or by knowingly taking  
35 advantage of the mistake of another person or an agency.

36      5. Having the licensee's license to practice pharmacy denied or  
37 disciplined in another jurisdiction.

38      6. Claiming professional superiority in compounding or dispensing  
39 prescription orders.

40      7. Failing to comply with the mandatory continuing professional  
41 pharmacy education requirements of sections 32-1936 and 32-1937 and rules  
42 adopted by the board.

43      8. Committing a felony, whether or not involving moral turpitude,  
44 or a misdemeanor involving moral turpitude or any drug-related offense.

1 In either case, conviction by a court of competent jurisdiction or a plea  
2 of no contest is conclusive evidence of the commission.

3 9. Working under the influence of alcohol or other drugs.

4 10. Violating a federal or state law or administrative rule  
5 relating to marijuana, prescription-only drugs, narcotics, dangerous  
6 drugs, controlled substances or precursor chemicals when determined by the  
7 board or by conviction in a federal or state court.

8 11. Knowingly dispensing a drug without a valid prescription order  
9 as required pursuant to section 32-1968, subsection A.

10 12. Knowingly dispensing a drug on a prescription order that was  
11 issued in the course of the conduct of business of dispensing drugs  
12 pursuant to diagnosis by mail or the internet, unless the order was any of  
13 the following:

14 (a) Made by a physician who provides temporary patient supervision  
15 on behalf of the patient's regular treating licensed health care  
16 professional or provides a consultation requested by the patient's regular  
17 treating licensed health care professional.

18 (b) Made in an emergency medical situation as defined in  
19 section 41-1831.

20 (c) Written to prepare a patient for a medical examination.

21 (d) Written or the prescription medications were issued for use by  
22 a county or tribal public health department for immunization programs or  
23 emergency treatment or in response to an infectious disease investigation,  
24 a public health emergency, an infectious disease outbreak or an act of  
25 bioterrorism. For the purposes of this subdivision, "bioterrorism" has  
26 the same meaning prescribed in section 36-781.

27 (e) Written or antimicrobials were dispensed by the prescribing or  
28 dispensing physician to a contact as defined in section 36-661 who is  
29 believed to have had significant exposure risk as defined in section  
30 36-661 with another person who has been diagnosed with a communicable  
31 disease as defined in section 36-661.

32 (f) Written or the prescription medications were issued for  
33 administering immunizations or vaccines listed in the United States  
34 centers for disease control and prevention's recommended immunization  
35 schedule to a household member of a patient.

36 (g) For epinephrine delivery systems that are written or dispensed  
37 for a school district or charter school and that are to be stocked for  
38 emergency use pursuant to section 15-157 or for an authorized entity to be  
39 stocked pursuant to section 36-2226.01.

40 (h) For glucagon that is written or dispensed for a school district  
41 or charter school and that is to be stocked for emergency use pursuant to  
42 section 15-344.01.

43 (i) Written by a licensee through a telehealth program that is  
44 covered by the policies and procedures adopted by the administrator of a  
45 hospital or outpatient treatment center.

(j) Written pursuant to a physical or mental health status examination that was conducted through telehealth as defined in section 36-3601 and consistent with federal law.

(k) For naloxone hydrochloride or any other opioid antagonist approved by the United States food and drug administration and written or dispensed for use pursuant to section 36-2228 or 36-2266.

13. Failing to report in writing to the board any evidence that a pharmacist or pharmacy intern is or may be professionally incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable to safely engage in the practice of pharmacy.

14. Failing to report in writing to the board any evidence that a pharmacy technician or pharmacy technician trainee is or may be professionally incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable to safely engage in the permissible activities of a pharmacy technician or pharmacy technician trainee.

15. Failing to report in writing to the board any evidence that a permittee or a permittee's employee is or may be guilty of unethical conduct or is or may be violating this chapter or a rule adopted under this chapter.

16. Committing an offense in another jurisdiction that if committed in this state would be grounds for discipline.

17. Knowingly filing with the board any application, renewal or other document that contains false or misleading information.
18. Providing false or misleading information or omitting material information in any communication to the board or the board's employees or

agents.

19. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate this chapter.

20. Violating a formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the board or its executive director pursuant to this chapter.

21. Failing to comply with a board subpoena or failing to comply in a timely manner with a board subpoena without providing any explanation to the board for not complying with the subpoena.

22. Refusing without just cause to allow authorized agents of the board to examine documents that are required to be kept pursuant to this chapter or title 36.

23. Participating in an arrangement or agreement to allow a prescription order or a prescription medication to be left at, picked up from, accepted by or delivered to a place that is not licensed as a pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy from using an employee or a common carrier to pick up prescription orders.

1 at or deliver prescription medications to the office or home of a medical  
2 practitioner, the residence of a patient or a patient's hospital.

3 24. Paying rebates or entering into an agreement for paying rebates  
4 to a medical practitioner or any other person in the health care field.

5 25. Providing or causing to be provided to a medical practitioner  
6 prescription order blanks or forms bearing the pharmacist's or pharmacy's  
7 name, address or other means of identification.

8 26. Fraudulently claiming to have performed a professional service.

9 27. Fraudulently charging a fee for a professional service.

10 28. Failing to report a change of the licensee's home address,  
11 contact information, employer or employer's address as required by section  
12 32-1926.

13 29. Failing to report a change in the licensee's residency status  
14 as required by section 32-1926.01.

15 30. Failing to maintain effective controls against the diversion of  
16 controlled substances or precursor chemicals to unauthorized persons or  
17 entities.

18 31. **COMMITTING ANY ACT OR OMISSION WITHIN THE PRACTICE OF PHARMACY**  
19 **THAT FAILS TO MEET THE STANDARD OF CARE PROVIDED BY OTHER QUALIFIED**  
20 **PHARMACISTS IN THE SAME OR A SIMILAR SETTING.**

21 C. In this chapter, unless the context otherwise requires, for the  
22 purposes of disciplining a pharmacy technician or pharmacy technician  
23 trainee, "unprofessional conduct" means the following, whether occurring  
24 in this state or elsewhere:

25 1. Using alcohol or other drugs to such a degree as to render the  
26 licensee or registrant unfit to perform the licensee's or registrant's  
27 employment duties.

28 2. Violating a federal or state law or administrative rule relating  
29 to the manufacture or distribution of drugs or devices.

30 3. Obtaining or attempting to obtain a pharmacy technician license  
31 or license renewal or pharmacy technician trainee registration by fraud,  
32 by misrepresentation or by knowingly taking advantage of the mistake of  
33 another person or an agency.

34 4. Having the licensee's license to practice as a pharmacy  
35 technician denied or disciplined in another jurisdiction.

36 5. Failing to comply with the mandatory continuing professional  
37 education requirements of section 32-1925, subsection H and rules adopted  
38 by the board.

39 6. Committing a felony, whether or not involving moral turpitude,  
40 or a misdemeanor involving moral turpitude or any drug-related  
41 offense. In either case, conviction by a court of competent jurisdiction  
42 or a plea of no contest is conclusive evidence of the commission.

43 7. Working under the influence of alcohol or other drugs.

44 8. Violating a federal or state law or administrative rule relating  
45 to marijuana, prescription-only drugs, narcotics, dangerous drugs,

1 controlled substances or precursor chemicals when determined by the board  
2 or by conviction in a federal or state court.

3 9. Failing to report in writing to the board any evidence that a  
4 pharmacist or pharmacy intern is or may be professionally incompetent, is  
5 or may be guilty of unprofessional conduct or is or may be mentally or  
6 physically unable to safely engage in the practice of pharmacy.

7 10. Failing to report in writing to the board any evidence that a  
8 pharmacy technician or pharmacy technician trainee is or may be  
9 professionally incompetent, is or may be guilty of unprofessional conduct  
10 or is or may be mentally or physically unable to safely engage in the  
11 permissible activities of a pharmacy technician or pharmacy technician  
12 trainee.

13 11. Failing to report in writing to the board any evidence that a  
14 permittee or a permittee's employee is or may be guilty of unethical  
15 conduct or is or may be violating this chapter or a rule adopted under  
16 this chapter.

17 12. Committing an offense in another jurisdiction that if committed  
18 in this state would be grounds for discipline.

19 13. Knowingly filing with the board any application, renewal or  
20 other document that contains false or misleading information.

21 14. Providing false or misleading information or omitting material  
22 information in any communication to the board or the board's employees or  
23 agents.

24 15. Violating or attempting to violate, directly or indirectly, or  
25 assisting in or abetting in the violation of, or conspiring to violate  
26 this chapter.

27 16. Violating a formal order, terms of probation, a consent  
28 agreement or a stipulation issued or entered into by the board or its  
29 executive director pursuant to this chapter.

30 17. Failing to comply with a board subpoena or failing to comply in  
31 a timely manner with a board subpoena without providing any explanation to  
32 the board for not complying with the subpoena.

33 18. Failing to report a change of the licensee's or registrant's  
34 home address, contact information, employer or employer's address as  
35 required by section 32-1926.

36 19. Failing to report a change in the licensee's or registrant's  
37 residency status as required by section 32-1926.01.

38 Sec. 3. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
39 is amended by adding section 32-1965.01, to read:

40 32-1965.01. Standard of care; evaluation

41 A. EACH PHARMACIST SHALL EVALUATE WHETHER A SPECIFIC ACT IS WITHIN  
42 THE PRACTICE OF PHARMACY AND WHETHER AN ACT MAY BE DELEGATED TO ANOTHER  
43 LICENSEE OR REGISTRANT WHO IS UNDER THE PHARMACIST'S SUPERVISION.

1       B. IN EVALUATING SPECIFIC ACTS PURSUANT TO SUBSECTION A OF THIS  
2 SECTION, THE PHARMACIST SHALL INDEPENDENTLY DETERMINE WHETHER:

3           1. THE SPECIFIC ACT IS EXPRESSLY PROHIBITED BY ANY OF THE  
4 FOLLOWING:

5              (a) ANY PROVISION OF THIS CHAPTER OR THE RULES ADOPTED PURSUANT TO  
6 THIS CHAPTER.

7              (b) THE CONTROLLED SUBSTANCES ACT (P.L. 513; 84 STAT. 1242; 21  
8 UNITED STATES CODE SECTIONS 801 THROUGH 904).

9              (c) ANY OTHER APPLICABLE STATE OR FEDERAL LAW OR REGULATION.

10           2. THE SPECIFIC ACT IS CONSISTENT WITH THE PHARMACIST'S EDUCATION,  
11 TRAINING AND EXPERIENCE.

12           3. PERFORMANCE OF THE SPECIFIC ACT IS WITHIN THE ACCEPTED STANDARD  
13 OF CARE THAT WOULD BE PROVIDED IN A SIMILAR SETTING BY A REASONABLE AND  
14 PRUDENT PHARMACIST WITH SIMILAR EDUCATION, TRAINING AND EXPERIENCE.