

Senate Engrossed

FILED

**Betsey Bayless
Secretary of State**

State of Arizona
Senate
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 30

SENATE BILL 1078

AN ACT

AMENDING SECTIONS 32-1901, 32-1903, 32-1904 AND 32-1922, ARIZONA REVISED STATUTES; RELATING TO THE 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 the direct application of a controlled
7 substance, prescription-only drug, dangerous drug or narcotic drug, whether
8 by injection, inhalation, ingestion or any other means, to the body of a
9 patient or research subject by a practitioner or by his authorized agent or
10 the patient or research subject at the direction of the practitioner.

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

15 3. "Antiseptic", when a drug is represented as such on its label,
16 shall be considered to be a representation that it is a germicide, except in
17 the case of a drug purporting to be, or represented as, an antiseptic for
18 inhibitory use as a wet dressing, ointment or dusting powder, or such other
19 use as involves prolonged contact with the body.

20 4. "Authorized officers of the law" means legally empowered peace
21 officers, compliance officers of the state board of pharmacy and agents of
22 the division of narcotics enforcement and criminal intelligence of the
23 department of public safety.

24 5. "Board" or "board of pharmacy" means the Arizona state board of
25 pharmacy.

26 6. "Color additive" means a material which either:

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

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

35 7. "Compounding" means the preparation, mixing, assembling, packaging
36 or labeling of a drug or a device by a pharmacist or a practitioner as an
37 incident to administering or dispensing a drug in the course of his THE
38 PHARMACIST'S professional practice or by an authorized agent of a licensed
39 practitioner, under his THE PHARMACIST'S supervision, for the purpose of or
40 as an incident to research, teaching or chemical analysis and not for sale
41 or dispensing. Compounding includes the preparation of drugs or devices in
42 anticipation of prescriptions or medication orders based on routine,
43 regularly observed prescribing patterns and the preparation of drugs or
44 devices as the result of a practitioner order or initiative. Compounding
45 does not include the preparation of commercially available products from bulk

1 compounds or the preparation of drugs or devices for sale to pharmacies,
2 practitioners or entities for the purpose of dispensing or distribution.

3 8. "Compressed medical gas distributor" means a person who ~~is~~
4 registered HOLDS A CURRENT PERMIT ISSUED by the board to distribute
5 compressed medical gases pursuant to a compressed medical gas order to
6 compressed medical gas suppliers and other entities that are registered,
7 licensed or permitted to use, administer or distribute compressed medical
8 gases.

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

11 10. "Compressed medical gas supplier" means a person who holds a
12 current permit issued by the board to supply compressed medical gases
13 pursuant to a compressed medical ~~gases~~ GAS order and only to the consumer or
14 the patient.

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

18 12. "Controlled substance" means a drug, substance or immediate
19 precursor identified, defined or listed in title 36, chapter 27, article 2.

20 13. "Corrosive" means any substance which in contact with living tissue
21 will cause destruction of tissue by chemical action.

22 14. "Counterfeit drug" means a drug which, or the container or labeling
23 of which, without authorization, bears the trademark, trade name, ~~or~~ other
24 identifying mark, imprint, number or device, or any likeness thereof OF
25 THESE, of a manufacturer, distributor or dispenser other than the person who
26 in fact manufactured, distributed or dispensed ~~such~~ THAT drug.

27 15. "Dangerous drug" means a dangerous drug as defined in section
28 13-3401.

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

32 17. "Deputy director" means a ~~person~~ PHARMACIST employed by the board
33 and selected by the executive director to perform duties as prescribed by the
34 executive director.

35 18. "Device", except as used in paragraph 14 of this section, section
36 32-1965, paragraph 4, ~~and~~ section 32-1967, subsection A, paragraph 15 and
37 subsection C, means instruments, apparatus and contrivances, including their
38 components, parts and accessories, including all such items under the federal
39 act, intended either:

40 (a) For use in the diagnosis, cure, mitigation, treatment or
41 prevention of disease in ~~man~~ THE HUMAN BODY or other animals.

42 (b) To affect the structure or any function of the HUMAN body ~~of man~~
43 or other animals.

44 19. "Direct supervision of a pharmacist" means the pharmacist is
45 present. If relating to the sale of certain items, direct supervision of a

- 1 pharmacist means that a pharmacist determines the legitimacy or advisability
2 of a proposed purchase of those items.
- 3 20. "Director" means the director of the division of narcotics
4 enforcement and criminal investigation of the department of public safety.
- 5 21. "Dispense" means to deliver to an ultimate user or research subject
6 by or pursuant to the lawful order of a practitioner, including the
7 prescribing, administering, packaging, labeling or compounding necessary to
8 prepare for that delivery.
- 9 22. "Dispenser" means a practitioner who dispenses.
- 10 23. "Distribute" means to deliver, other than by administering or
11 dispensing.
- 12 24. "Distributor" means a person who distributes.
- 13 25. "Drug" means:
- 14 (a) Articles recognized, or for which standards or specifications are
15 prescribed, in the official compendium.
- 16 (b) Articles intended for use in the diagnosis, cure, mitigation,
17 treatment or prevention of disease in ~~man~~ THE HUMAN BODY or other animals.
- 18 (c) Articles other than food intended to affect the structure or any
19 function of the HUMAN body of ~~man~~ or other animals.
- 20 (d) Articles intended for use as a component of any articles specified
21 in subdivision (a), (b) or (c) of this paragraph but does not include devices
22 or their components, parts or accessories.
- 23 26. "Drug enforcement administration" means the drug enforcement
24 administration of the United States department of justice or its successor
25 agency.
- 26 27. "Drug or device manufacturing" means the production, preparation,
27 propagation or processing of a drug or device, either directly or indirectly,
28 by extraction from substances of natural origin or independently by means of
29 chemical synthesis and includes any packaging or repackaging of substances
30 or labeling or relabeling of its container and the promotion and marketing
31 of the same. Drug or device manufacturing does not include compounding.
- 32 28. "Economic poison" means any substance which alone, in chemical
33 combination, or in formulation with one or more other substances is a
34 pesticide within the meaning of the laws of this state or the federal
35 insecticide, fungicide and rodenticide act, and which is used in the
36 production, storage, or transportation of raw agricultural commodities.
- 37 29. "Established name", with respect to a drug or ingredient of a drug,
38 means any of the following:
- 39 (a) The applicable official name.
- 40 (b) If there is no such name and such drug or such ingredient is an
41 article recognized in an official compendium, then the official title in such
42 AN OFFICIAL compendium.
- 43 (c) If neither subdivision (a) nor (b) of this paragraph applies, then
44 the common or usual name of such drug.
- 45 30. "Executive director" means the executive director of the board of
46 pharmacy.

1 31. "Federal act" means the federal laws and regulations ~~pertaining~~
2 THAT PERTAIN to drugs, devices, poisons and hazardous substances AND THAT ARE
3 official at the time any drug, device, poison or hazardous substance is
4 affected by this chapter.

5 32. "Full service wholesale permittee" means a permittee who may
6 distribute prescription-only drugs and devices, controlled substances and
7 over-the-counter drugs and devices to pharmacies or other legal outlets from
8 a place devoted in whole or in part to wholesaling these items.

9 33. "Graduate intern" means a person who has graduated from a college,
10 school or program of pharmacy approved by the board and who meets the
11 qualifications and experience for a pharmacy intern as provided in section
12 32-1923.

13 34. "Highly toxic" means any substance which falls within any of the
14 following categories:

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

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

27 (c) Produces death within fourteen days in half or more than half of
28 a group of ten or more rabbits tested in a dosage of two hundred milligrams
29 or less per kilogram of body weight, when administered by continuous contact
30 with the bare skin for twenty-four hours or less.

31 If the board finds that available data on human experience with any substance
32 indicate results different from those obtained on animals in the ~~above-named~~
33 dosages or concentrations PRESCRIBED IN THIS PARAGRAPH, the human data shall
34 take precedence.

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

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

40 37. "Irritant" means any substance, other than a corrosive, which on
41 immediate, prolonged or repeated contact with normal living tissue will
42 induce a local inflammatory reaction.

43 38. "Label" means a display of written, printed or graphic matter upon
44 ON the immediate container of any article that, unless easily legible through
45 the outside wrapper or container, also appears on the outside wrapper or

1 container of the article's retail package. In this paragraph, "immediate
2 container" does not include package liners.

3 39. "Labeling" means all labels and other written, printed or graphic
4 matter either:

- 5 (a) ~~upon~~ ON any article or any of its containers or wrappers.
- 6 (b) Accompanying such THAT article.

7 40. "Limited service pharmacy" means a pharmacy approved by the board
8 to practice a limited segment of pharmacy as indicated by the permit issued
9 by the board.

10 41. "Manufacture" or "manufacturer" means every person who prepares,
11 derives, produces, compounds, processes, packages or repackages, ~~or~~ labels
12 any drug in a place devoted to manufacturing such THE drug, but does not
13 include a pharmacy.

14 42. "Marijuana" means marijuana as defined in section 13-3401.

15 43. "Medical practitioner" means any ~~physician (M.D. or D.O.)~~ MEDICAL
16 DOCTOR, DOCTOR OF OSTEOPATHY, dentist, podiatrist, veterinarian, ~~or~~ other
17 person licensed and authorized by law to use and prescribe drugs and devices
18 for the treatment of sick and injured human beings or animals or for the
19 diagnosis or prevention of sickness in human beings or animals in this state
20 or any state, territory or district of the United States.

21 44. "Narcotic drug" means narcotic drug as defined in section 13-3401.

22 45. "New drug" means either:

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

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

33 46. "Nonprescription drug" or "over-the-counter drug" means any
34 nonnarcotic medicine or drug that may be sold without a prescription and is
35 prepackaged and labeled for use by the consumer in accordance with the
36 requirements of the ~~statutes and regulations~~ LAWS of this state and federal
37 law. This definition does not include:

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

41 (b) A controlled substance.

42 (c) A drug that is required to bear a label that states
43 ~~"Caution: federal law prohibits dispensing without prescription" or~~
44 ~~"Warning: may be habit-forming" or similar phrase "Rx ONLY"~~.

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

1 47. "Nonprescription drug wholesale permittee" means a permittee who
2 may distribute only over-the-counter drugs and devices to pharmacies or other
3 lawful outlets from a place devoted in whole or in part to wholesaling these
4 items.

5 48. "Notice" means personal service or the mailing of a copy of the
6 notice by certified mail addressed either to the person at his THE PERSON'S
7 latest address of record in the board office or to his THE PERSON'S attorney.

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

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

13 51. "Package" means a receptacle defined or described in the United
14 States pharmacopeia and the national formulary as adopted by the board.

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

18 53. "Person" means an individual, partnership, corporation and
19 association, and their duly authorized agents.

20 54. "Pharmacist" or "licentiate in pharmacy" means an individual
21 currently licensed by the board to practice the profession of pharmacy in
22 this state.

23 55. "Pharmacist in charge" means the pharmacist who is responsible to
24 the board for a licensed establishment's compliance with the laws and
25 administrative rules of this state and of the federal government pertaining
26 to the practice of pharmacy, the manufacturing of drugs and the distribution
27 of drugs and devices. ~~Nothing in This definition relieves~~ DOES NOT RELIEVE
28 other pharmacists or persons from their responsibility to comply with state
29 and federal laws and administrative rules.

30 56. "Pharmacy", "drugstore" or "apothecary" means any premises,
31 laboratory, hospital, area, or other place:

32 (a) Where drugs, devices, poisons, or related hazardous substances
33 are offered for sale at retail.

34 (b) In which the profession of pharmacy is practiced or where
35 prescription orders are compounded and dispensed.

36 (c) Which has displayed upon ON it or in it the words, "pharmacist,"
37 "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore,"
38 "drugs," "drug sundries," or any of these words or combinations of these
39 words, or words of similar import either in English or any other language,
40 or which is advertised by any sign containing any of these words.

41 (d) Where the characteristic symbols of pharmacy or the characteristic
42 prescription sign "Rx" is exhibited.

43 "Premises," as noted in this paragraph, only refers to the portion of any
44 building or structure leased, used, or controlled by the permittee in the
45 conduct of the business authorized by the board at the address for which the

1 permit was issued providing the premises shall be enclosed and secured when
2 a pharmacist is not in attendance.

3 57. "Pharmacy intern" means a person who has all of the qualifications
4 and experience ~~as set forth~~ PRESCRIBED in section 32-1923.

5 58. "Poison" or "hazardous substance" includes, but is not limited to,
6 any of the following when intended and suitable for household use or use by
7 children:

8 (a) Any substance which, according to standard works on medicine,
9 pharmacology, pharmacognosy, or toxicology, when applied to, introduced into
10 or developed within the body in relatively small quantities by its inherent
11 action uniformly produces serious bodily injury, disease or 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 the foregoing substances DESCRIBED IN THIS
18 PARAGRAPH, if such THE substance or mixture of substances may cause
19 substantial personal injury or substantial illness during or as a proximate
20 result of any customary or reasonably foreseeable handling or use, including
21 reasonably foreseeable ingestion by children.

22 (h) A substance designated by the board to be a poison or hazardous
23 substance. ~~but shall~~ THIS SUBDIVISION DOES not apply to radioactive
24 substances, economic poisons subject to the federal or state insecticide,
25 fungicide and rodenticide act, or the state pesticide act, ~~nor to~~ foods,
26 drugs, and cosmetics subject to state laws, or the federal act, ~~nor to~~ OR
27 substances intended for use as fuels when stored in containers and used in
28 the heating, cooking, or refrigeration system of a house. ~~but such term~~
29 shall apply THIS SUBDIVISION APPLIES to any substance or article which is
30 not itself an economic poison within the meaning of the federal or state
31 insecticide, fungicide and rodenticide act, or the state pesticide act, but
32 which is a poison or hazardous substance within the meaning of this paragraph
33 by reason of bearing or containing such an economic poison or hazardous
34 substance.

35 59. "Practice of pharmacy" means the interpretation and evaluation of
36 prescription orders, the compounding, pursuant to or in anticipation of a
37 prescription or drug order, dispensing and labeling of drugs and devices, the
38 participation in drug selection and drug utilization reviews, the storage of
39 drugs and devices, the maintenance of proper records of drugs and devices,
40 advising clients, if necessary or if regulated, of therapeutic values,
41 content, hazards and use of drugs and devices and the offering or performing
42 of acts, services, operations or transactions necessary in the conduct,
43 operation, management and control of a pharmacy but does not include drug or
44 device manufacturing.

45 60. "Practitioner" means any physician, dentist, veterinarian,
46 scientific investigator or other person licensed, registered or otherwise

1 permitted to distribute, dispense, conduct research with respect to or
2 administer a controlled substance in the course of professional practice or
3 research in this state, or any pharmacy, hospital or other institution
4 licensed, registered or otherwise permitted to distribute, dispense, conduct
5 research with respect to or administer a controlled substance in the course
6 of professional practice or research in this state.

7 61. "Preceptor" means a pharmacist who is serving as the practical
8 instructor of a pharmacy intern and complies with section 32-1923.

9 62. "Prescription" means, according to the context, either a
10 prescription order or a prescription medication.

11 63. "Prescription medication" means any drug, including label and
12 container according to context, which is dispensed pursuant to a prescription
13 order.

14 64. "Prescription-only device" includes:

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

17 (b) Any device required by the federal act to bear on its label
18 essentially the legend, ~~"Caution: federal law prohibits dispensing without~~
19 ~~prescription"~~ "Rx ONLY".

20 65. "Prescription-only drug" does not include a controlled substance
21 but does include:

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

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

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

32 (d) Any drug, other than a controlled substance, required by the
33 federal act to bear on its label the legend, ~~"Caution: federal law prohibits~~
34 ~~dispensing without prescription"~~ "Rx ONLY".

35 66. "Prescription order" means either:

36 (a) An order to a pharmacist for drugs or devices issued and signed
37 by a duly licensed medical practitioner in the authorized course of his THE
38 PRACTITIONER'S professional practice.

39 (b) An order transmitted to a pharmacist through word of mouth,
40 telephone or other means of communication directed by such THAT medical
41 practitioner. Prescription orders received by word of mouth, telephone,
42 telegraph or other means of communication shall be recorded in writing by the
43 pharmacist, and the record so made by the pharmacist ~~shall constitute~~
44 CONSTITUTES the original prescription order to be dispensed by the
45 pharmacist. ~~Nothing in This paragraph shall be construed as altering or~~

1 ~~affecting in any way~~ DOES NOT ALTER OR AFFECT laws of this state or any
2 federal act requiring a written prescription order.

3 67. "Radioactive substance" means a substance which emits ionizing
4 radiation.

5 68. "Symbol" means any of the characteristic symbols which have
6 identified pharmacy for centuries, ~~and includes, but is not limited to,~~
7 INCLUDING "show globes", "mortar and pestle", ~~and the sign "Rx"~~.

8 69. "Toxic substance" means a substance, other than a radioactive
9 substance, which has the capacity to produce injury or illness to ~~man~~ IN
10 HUMANS through ingestion, inhalation or absorption through any body surface.

11 70. "Ultimate user" means a person who lawfully possesses a drug or
12 controlled substance for ~~his~~ THAT PERSON'S own use, for the use of a member
13 of ~~his~~ THAT PERSON'S household or for administering to an animal owned by ~~him~~
14 THAT PERSON or by a member of ~~his~~ THAT PERSON'S household.

15 71. "Unprofessional conduct" means that conduct of a pharmacist or
16 pharmacy intern which degrades or injures the profession of pharmacy as
17 provided in section 32-1927, subsection B, paragraph 3.

18 Sec. 2. Section 32-1903, Arizona Revised Statutes, is amended to read:

19 32-1903. Organization; meetings; quorum; compensation of board;
20 executive director; compensation; powers and duties

21 A. The board shall annually elect a president and a vice-president
22 from among its membership, and an executive director who may or may not be
23 a member of the board. The executive director may be elected for a term of
24 not to exceed two years and shall serve at the pleasure of the board.

25 B. The president of the board shall preside at all of its meetings,
26 and, in his absence, the vice-president shall act. A majority of the
27 membership of the board shall constitute a quorum.

28 C. The executive director shall be the executive officer in charge of
29 the board's office, and shall administer the provisions of this chapter,
30 under the direction of the board. ~~He~~ THE EXECUTIVE DIRECTOR shall make, keep
31 and be in charge of all records and record books required to be kept by the
32 board, including a register of all licensees and registered businesses under
33 this chapter. ~~He~~ THE EXECUTIVE DIRECTOR shall attend to the correspondence
34 of the board and perform other duties the board requires. The executive
35 director is eligible to receive compensation as determined pursuant to
36 section 38-611.

37 D. Any member of the board, ~~or the executive director,~~ may
38 administer oaths in connection with the duties of the board. The books,
39 registers, ~~and records~~ of the board as made and kept by the executive
40 director or under ~~his~~ THE EXECUTIVE DIRECTOR'S supervision ~~shall be~~ ARE prima
41 facie evidence of the matter therein recorded in any court of law. Members
42 of the board are eligible to receive compensation in the amount of ~~one~~ TWO
43 hundred dollars ~~per~~ FOR EACH day of actual service in the business of the
44 board and reimbursement for all expenses necessarily and properly incurred
45 in attending meetings of or for the board.

1 E. The executive director may designate the deputy director to sign
2 claims and other documents in his THE EXECUTIVE DIRECTOR'S absence.

3 F. The executive director may cause to be published reports
4 summarizing judgments, decrees, court orders and board action which may have
5 been rendered under this chapter, including the nature of charges and the
6 disposition thereof OF THE CHARGES. He THE EXECUTIVE DIRECTOR may
7 disseminate information regarding drugs, devices, poisons, or hazardous
8 substances in situations involving, in his opinion, THE EXECUTIVE DIRECTOR
9 BELIEVES INVOLVE imminent danger to health or gross deception of the consumer
10 and report the results of investigations carried out under the provisions of
11 this chapter.

12 Sec. 3. Section 32-1904, Arizona Revised Statutes, is amended to read:
13 32-1904. Powers and duties of board; immunity

14 A. The board shall:

15 1. Make bylaws and adopt rules THAT ARE necessary for the protection
16 of the public ~~appertaining~~ AND THAT PERTAIN to the practice of pharmacy, the
17 manufacturing, wholesaling, or supplying of drugs, devices, poisons or
18 hazardous substances, the use of ~~unlicensed~~ pharmacy technicians and support
19 personnel and the lawful performance of its duties.

20 2. Fix standards and requirements for the registration and
21 reregistration of pharmacies, except as otherwise specified.

22 3. Investigate compliance as to the quality, label and labeling of all
23 drugs, devices, poisons, or hazardous substances and take action necessary
24 to prevent the sale of ~~such as~~ THESE IF THEY do not conform to the standards
25 prescribed in this chapter, the official compendium or the federal act.

26 4. Enforce its rules. In so doing, the board or its agents have free
27 access at all reasonable hours to any pharmacy, manufacturer, wholesaler,
28 nonprescription drug permittee or other establishment in which drugs,
29 devices, poisons or hazardous substances are manufactured, processed, packed
30 or held, or to enter any vehicle being used to transport or hold such drugs,
31 devices, poisons or hazardous substances for the purpose:

32 (a) Of inspecting ~~such~~ THE establishment or vehicle to determine if
33 any of the provisions of this chapter or the federal act are being violated.

34 (b) Of securing samples or specimens of any drug, device, poison or
35 hazardous substance after paying or offering to pay for such sample.

36 (c) Of detaining or embargoing a drug, device, poison or hazardous
37 substance in accordance with section 32-1994.

38 5. Examine and license as pharmacists and pharmacy interns all
39 qualified applicants as provided by this chapter.

40 6. Issue duplicates of permits lost or destroyed upon PERMITS ON the
41 payment of a fee as prescribed by the board.

42 ~~7. Adopt rules for the revocation, suspension or reinstatement of~~
43 ~~licenses or permits or the probation of licensees or permittees as provided~~
44 ~~by this chapter.~~

45 ~~8.~~ 7. Adopt rules for the rehabilitation of pharmacists and pharmacy
46 interns as provided by this chapter.

1 9- 8. At least once every three months notify pharmacies regulated
2 pursuant to this chapter of any modifications on prescription writing
3 privileges of podiatrists, dentists, doctors of medicine, registered nurse
4 practitioners, osteopathic physicians, veterinarians, physician assistants,
5 optometrists and homeopathic physicians of which it receives notification
6 from the board of podiatry examiners, board of dental examiners, allopathic
7 board of medical examiners, board of nursing, board of osteopathic examiners
8 in medicine and surgery, veterinary medical examining board, joint board on
9 the regulation of physician assistants, board of optometry or board of
10 homeopathic medical examiners.

11 B. The board may:

12 1. Employ chemists, compliance officers, clerical help and other
13 employees and provide laboratory facilities for the proper conduct of its
14 business.

15 2. Provide, by education of and information to the licensees and to
16 the public, assistance in the curtailment of abuse in the use of drugs,
17 devices, poisons and hazardous substances.

18 3. Approve or reject the manner of storage and security of drugs,
19 devices, poisons and hazardous substances.

20 4. Accept monies and services to assist in the enforcement of the
21 provisions of this chapter from other than licensees:

22 (a) For performing inspections and other board functions.

23 (b) For the cost of copies of the pharmacy and controlled substances
24 laws, the annual report of the board, and other information from the board.

25 5. Adopt rules for professional conduct appropriate to the
26 establishment and maintenance of a high standard of integrity and dignity in
27 the profession of pharmacy.

28 6. Grant permission to deviate from a state requirement for
29 experimentation and technological advances.

30 7. Adopt rules for the training and practice of pharmacy interns,
31 ~~unlicensed~~ pharmacy technicians and support personnel.

32 8. Investigate alleged violations of ~~the provisions~~ of this chapter,
33 conduct hearings in respect to violations, subpoena witnesses and take such
34 action as it deems necessary to revoke or suspend a license or a permit,
35 place a licensee or permittee on probation or warn a licensee or permittee
36 under this chapter, or to bring notice of violations to the ~~prosecuting~~
37 COUNTY attorney of the county in which a violation took place or to the
38 attorney general.

39 9. By rule approve colleges or schools of pharmacy.

40 10. By rule approve programs of practical experience, clinical
41 programs, internship training programs, programs of remedial academic work,
42 and preliminary equivalency examinations as provided by this chapter.

43 11. Assist in the continuing education of pharmacists and pharmacy
44 interns.

45 12. Issue inactive status licenses as provided by this chapter.

1 13. Accept monies and services from the federal government or others
2 for educational, research, or other purposes pertaining to the enforcement
3 of this chapter.

4 14. By rule, except from the application of all or any part of this
5 chapter any material, compound, mixture or preparation containing any
6 stimulant or depressant substance included in section 13-3401, paragraph 6,
7 subdivision (b) or (c) from the definition of dangerous drug if the material,
8 compound, mixture or preparation contains one or more active medicinal
9 ingredients not having a stimulant or depressant effect on the central
10 nervous system, provided that such admixtures are included in such
11 combinations, quantity, proportion or concentration as to vitiate the
12 potential for abuse of the substances which do have a stimulant or depressant
13 effect on the central nervous system.

14 15. ADOPT RULES FOR THE REVOCATION, SUSPENSION OR REINSTATEMENT OF
15 LICENSES OR PERMITS OR THE PROBATION OF LICENSEES OR PERMITTEES AS PROVIDED
16 BY THIS CHAPTER.

17 C. ~~There shall be no monetary liability on the part of and no cause~~
18 ~~of action shall arise against The executive director or such AND other~~
19 ~~permanent or temporary personnel or agent AGENTS of the board ARE NOT SUBJECT~~
20 ~~TO CIVIL LIABILITY for any act done or proceeding undertaken or performed in~~
21 ~~good faith and in furtherance of the purposes of this chapter.~~

22 Sec. 4. Section 32-1922, Arizona Revised Statutes, is amended to read:

23 32-1922. Qualifications of applicant; reciprocity; preliminary
24 equivalency examination; honorary certificate;
25 inactive status license; fee

26 A. Every applicant for licensure as a pharmacist shall:

27 ~~1. Present evidence of the applicant's United States citizenship or,~~
28 ~~if the applicant is not a United States citizen, proof of residency status~~
29 ~~authorized by the United States immigration and naturalization service.~~

30 ~~2. 1. Be of good moral character.~~

31 ~~3. 2. Be a graduate of a school or college of pharmacy or department~~
32 ~~of pharmacy of a university recognized by the board or qualify under~~
33 ~~subsection C.~~

34 ~~4. 3. Have successfully completed, as substantiated by proper~~
35 ~~affidavits, a program of practical experience under the direct supervision~~
36 ~~of a registered pharmacist approved by the board.~~

37 ~~5. 4. Pass the examinations approved and administered by the~~
38 ~~board. An applicant who fails a licensure examination shall pay a fee~~
39 ~~established by the board before retaking the examination. An applicant who~~
40 ~~fails an examination three times shall petition the board for permission~~
41 ~~before retaking the examination. The board shall evaluate the petition and~~
42 ~~determine whether to require additional educational training before approving~~
43 ~~each additional retake of the examination.~~

44 ~~6. 5. Pay an examination fee that is prescribed by the board of not~~
45 ~~more than five hundred dollars and that entitles the applicant to one sitting~~
46 ~~of the licensure examination.~~

1 B. The board may ~~in its discretion~~ license as a pharmacist, without
2 examination, a person who is licensed as a pharmacist by examination in some
3 other jurisdiction if ~~he~~ THAT PERSON produces satisfactory evidence to the
4 board of having had the required secondary and professional education and
5 training and is possessed of good morals as demanded of applicants for
6 licensure and relicensure under ~~the provisions of this chapter. The~~
7 ~~provisions of~~ This subsection ~~apply~~ APPLIES only if the jurisdiction in which
8 the person is licensed grants, under like conditions, reciprocal licensure
9 as a pharmacist to a pharmacist licensed by examination in this state.

10 C. If an applicant for licensure is a graduate of a pharmacy degree
11 program at a school or college of pharmacy which was not recognized by the
12 board at the time of ~~his~~ THE PERSON'S graduation, ~~he~~ THE APPLICANT shall pass
13 a preliminary equivalency examination approved by the board in order to
14 qualify to take the examination prescribed in subsection A.

15 D. The preliminary equivalency examination required pursuant to
16 subsection C shall cover proficiency in English and academic areas the board
17 deems essential to a satisfactory pharmacy curriculum.

18 E. An applicant who fails the preliminary equivalency examination
19 required pursuant to subsection C shall not retake the preliminary
20 equivalency examination until ~~he~~ THE APPLICANT files written proof with the
21 board that ~~he~~ THE APPLICANT has completed additional remedial academic work
22 previously approved by the board to correct deficiencies in ~~his~~ THE
23 APPLICANT'S education which were indicated by the results of ~~his~~ THE
24 APPLICANT'S last preliminary equivalency examination.

25 F. Pharmacists who have been licensed in this state for at least fifty
26 years shall be granted an honorary certificate of licensure by the board
27 without the payment of the usual renewal fee, but such honorary certificate
28 of licensure ~~shall~~ DOES not confer an exemption from any other requirement
29 of this chapter.

30 G. A licensed pharmacist may request an inactive status license from
31 the board if ~~he~~ THE LICENSEE is not engaged in the practice of pharmacy or
32 if ~~he~~ does not intend to engage in the practice of pharmacy for more than one
33 year. The board shall issue an inactive status license to an applicant and
34 waive continuing professional pharmacy education requirements on proper
35 application and payment of the biennial registration fee.

36 H. The board may require a pharmacist who holds an inactive status
37 license, who applies for an active status license and who has not been
38 actively engaged in the practice of pharmacy for over one year to serve not
39 more than four hundred hours in an internship training program approved by
40 the board or its designee.

APPROVED BY THE GOVERNOR MARCH 21, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2000.