

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 20

# **HOUSE BILL 2020**

AN ACT

AMENDING SECTIONS 32-1907, 32-1921, 32-1933 AND 32-1961, 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 32-1907, Arizona Revised Statutes, is amended to  
3 read:

4 32-1907. Arizona state board of pharmacy fund

5 A. Except as provided in section 32-1939, the executive director shall  
6 receive and receipt for all fees and other monies provided for in this  
7 chapter and shall deposit, pursuant to sections 35-146 and 35-147, ten per  
8 cent of such monies in the state general fund and ninety per cent in the  
9 Arizona state board of pharmacy fund. All monies derived from civil  
10 penalties collected pursuant to this chapter shall be deposited, pursuant to  
11 sections 35-146 and 35-147, in the general fund.

12 B. Except as provided in subsection C of this section, monies  
13 deposited in the Arizona state board of pharmacy fund shall be subject to  
14 section 35-143.01.

15 C. From monies deposited in the Arizona state board of pharmacy fund  
16 pursuant to subsection A of this section, the executive director may transfer  
17 up to three hundred ninety-five thousand seven hundred ninety-five dollars  
18 annually to the controlled substances prescription monitoring program fund  
19 established by section 36-2605 for expenses related to the controlled  
20 substances prescription monitoring program as required by title 36, chapter  
21 ~~38~~ 28.

22 Sec. 2. Section 32-1921, Arizona Revised Statutes, is amended to read:

23 32-1921. Exempted acts; exemption from registration fees;  
24 definition

25 A. This chapter does not prevent:

26 1. The prescription and dispensing of drugs or prescription  
27 medications by a registered nurse practitioner pursuant to rules adopted by  
28 the board of nursing in consultation with the Arizona medical board, the  
29 board of osteopathic examiners in medicine and surgery and the board of  
30 pharmacy.

31 2. The sale of nonprescription drugs that are sold at retail in  
32 original packages by a person holding a permit ISSUED BY THE BOARD under this  
33 chapter.

34 3. The sale of drugs at wholesale by a wholesaler or manufacturer that  
35 holds the required permit issued by the board to a person who holds the  
36 required permit issued under this chapter.

37 4. THE MANUFACTURING OF DRUGS BY A PERSON WHO IS NOT A PHARMACIST AND  
38 WHO HOLDS THE REQUIRED PERMIT ISSUED BY THE BOARD UNDER THIS CHAPTER.

39 ~~4.~~ 5. The following health professionals from dispensing or  
40 personally administering drugs or devices to a patient for a condition being  
41 treated by the health professional:

42 (a) A doctor of medicine licensed pursuant to chapter 13 of this  
43 title.

44 (b) An osteopathic physician licensed pursuant to chapter 17 of this  
45 title.

- 1 (c) A homeopathic physician licensed pursuant to chapter 29 of this  
2 title.
- 3 (d) A podiatrist licensed pursuant to chapter 7 of this title.
- 4 (e) A dentist licensed pursuant to chapter 11 of this title.
- 5 (f) A doctor of naturopathic medicine who is authorized to prescribe  
6 natural substances, drugs or devices and who is licensed pursuant to chapter  
7 14 of this title.
- 8 (g) An optometrist who is licensed pursuant to chapter 16 of this  
9 title and who is certified for topical or oral pharmaceutical agents.
- 10 ~~5-~~ 6. A veterinarian licensed pursuant to chapter 21 of this title  
11 from dispensing or administering drugs to an animal or from dispensing or  
12 administering devices to an animal being treated by the veterinarian.
- 13 ~~6-~~ 7. The use of any pesticide chemical, soil or plant nutrient or  
14 other agricultural chemical that is a color additive solely because of its  
15 effect in aiding, retarding or otherwise affecting directly or indirectly the  
16 growth or other natural physiological process of produce of the soil and  
17 thereby affecting its color whether before or after harvest.
- 18 ~~7-~~ 8. A licensed practical or registered nurse employed by a person  
19 licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from  
20 assisting in the delivery of drugs and devices to patients, in accordance  
21 with ~~the provisions of~~ chapter 7, 11, 13, 14, 17 or 29 of this title.
- 22 ~~8-~~ 9. The use of any mechanical device or vending machine in  
23 connection with the sale of any nonprescription drug, including proprietary  
24 and patent medicine. The board may adopt rules to prescribe conditions under  
25 which nonprescription drugs may be dispensed pursuant to this paragraph.
- 26 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or  
27 29 of this title and who employs a licensed practical or registered nurse who  
28 in the course of employment assists in the delivery of drugs and devices is  
29 responsible for the dispensing process.
- 30 C. Pursuant to a prescription order written by a physician for the  
31 physician's patients and dispensed by a licensed pharmacist, a physical  
32 therapist licensed pursuant to chapter 19 of this title, an occupational  
33 therapist licensed pursuant to chapter 34 of this title or an athletic  
34 trainer licensed pursuant to chapter 41 of this title may procure, store and  
35 administer nonscheduled legend and topical anti-inflammatories and topical  
36 anesthetics for use in phonophoresis and iontophoresis procedures and within  
37 the scope of practice of physical or occupational therapy or athletic  
38 training.
- 39 D. A public health facility operated by this state or a county and a  
40 qualifying community health center may dispense medication or devices to  
41 patients at no cost without providing a written prescription if the public  
42 health facility or the qualifying community health center meets all storage,  
43 labeling, safety and record keeping rules adopted by the board of pharmacy.
- 44 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or  
45 29 of this title, who is practicing at a public health facility or a  
46 qualifying community health center and who is involved in the dispensing of

1 medication or devices only at a facility or center, whether for a charge or  
2 at no cost, shall register to dispense with the appropriate licensing board  
3 but is exempt from paying registration fees.

4 F. For the purposes of this section, "qualifying community health  
5 center" means a primary care clinic that is recognized as nonprofit under  
6 section 501(c)(3) of the United States internal revenue code and whose board  
7 of directors includes patients of the center and residents of the center's  
8 service area.

9 Sec. 3. Section 32-1933, Arizona Revised Statutes, is amended to read:  
10 32-1933. Display of license or permit

11 A. The holder of a permit granted under ~~the provisions of this chapter~~  
12 shall conspicuously display it in the location to which it applies, ~~and the~~  
13 ~~licensee who practices in that location shall display conspicuously the~~  
14 ~~licensee's wall license in the part of that location that is usually occupied~~  
15 ~~by the public or that is conspicuously visible to the public.~~

16 B. A licensee shall ~~post~~ MAINTAIN the licensee's current renewal  
17 license ~~and~~ OR duplicate current renewal license, if practicing in more than  
18 one location, in the practice site for inspection by the board or its  
19 designee OR REVIEW BY THE PUBLIC. ~~The licensee is not required to post the~~  
20 ~~current renewal license or duplicate current renewal license in public view.~~  
21 ~~The licensee shall not use a copy of the document.~~

22 C. If a licensee practices in more than one place, the board may issue  
23 one or more duplicate current renewal licenses to the licensee on payment of  
24 a fee of not more than twenty-five dollars for each duplicate current renewal  
25 license.

26 Sec. 4. Section 32-1961, Arizona Revised Statutes, is amended to read:  
27 32-1961. Limitation on dispensing, compounding and sale of  
28 drugs

29 A. It is unlawful for any person to ~~manufacture~~, compound, sell or  
30 dispense any drugs or to dispense or compound the prescription orders of a  
31 medical practitioner, unless ~~he~~ THAT PERSON is a pharmacist or a pharmacy  
32 intern acting under the direct supervision of a pharmacist, except as  
33 provided in section 32-1921. This subsection does not prevent a pharmacy  
34 technician or support personnel from assisting in the dispensing of drugs if  
35 this is done pursuant to rules adopted by the board and under the direct  
36 supervision of a licensed pharmacist.

37 B. It is unlawful for any person, without placing a pharmacist in  
38 active personal charge at each place of business, to:

39 1. Open, advertise or conduct a pharmacy.

40 2. Stock, expose or offer drugs for sale at retail, except as  
41 otherwise specifically provided.

42 3. Use or exhibit the title "drugs", "drugstore", "drug shop",  
43 "pharmacy", "apothecary" or any combination of ~~such~~ THESE words or titles or  
44 any title, symbol or description of like import or any other term designed to  
45 take its place.

APPROVED BY THE GOVERNOR APRIL 11, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2008.