

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 330

HOUSE BILL 2263

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1977; RELATING TO THE 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. Title 32, chapter 18, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-1977, to read:

4 32-1977. Sale of methamphetamine precursors; electronic sales
5 tracking system; violation; classification; state
6 preemption

7 A. A RETAILER SHALL NOT SELL TO THE SAME PERSON, AND A PERSON SHALL
8 NOT PURCHASE, PRODUCTS CONTAINING MORE THAN THREE AND SIX-TENTHS GRAMS PER
9 DAY OR MORE THAN NINE GRAMS PER THIRTY DAY PERIOD OF EPHEDRINE OR
10 PSEUDOEPHEDRINE BASE, OR THEIR SALTS, ISOMERS OR SALTS OF ISOMERS. THESE
11 LIMITS APPLY TO THE TOTAL AMOUNT OF BASE EPHEDRINE AND PSEUDOEPHEDRINE
12 CONTAINED IN THE PRODUCTS AND NOT TO THE OVERALL WEIGHT OF THE PRODUCTS.

13 B. THE RETAILER MUST KEEP NONPRESCRIPTION PRODUCTS CONTAINING
14 PSEUDOEPHEDRINE OR EPHEDRINE BEHIND THE COUNTER OR IN A LOCKED CASE WHERE A
15 CUSTOMER DOES NOT HAVE DIRECT ACCESS.

16 C. THE RETAILER SHALL REQUIRE A PERSON PURCHASING A NONPRESCRIPTION
17 PRODUCT THAT CONTAINS PSEUDOEPHEDRINE OR EPHEDRINE TO PRESENT VALID
18 GOVERNMENT ISSUED PHOTO IDENTIFICATION AT THE POINT OF SALE. THE RETAILER
19 SHALL RECORD ALL OF THE FOLLOWING:

- 20 1. THE NAME AND ADDRESS OF THE PURCHASER.
- 21 2. THE NAME AND QUANTITY OF PRODUCT PURCHASED.
- 22 3. THE DATE AND TIME OF PURCHASE.
- 23 4. PURCHASER IDENTIFICATION TYPE AND NUMBER.

24 D. BEGINNING JANUARY 1, 2013, BEFORE COMPLETING A SALE PURSUANT TO
25 THIS SECTION, A RETAILER MUST USE AN ELECTRONIC SALES TRACKING SYSTEM AND
26 ELECTRONICALLY SUBMIT THE REQUIRED INFORMATION TO THE NATIONAL PRECURSOR LOG
27 EXCHANGE ADMINISTERED BY THE NATIONAL ASSOCIATION OF DRUG DIVERSION
28 INVESTIGATORS IF THE SYSTEM IS AVAILABLE TO RETAILERS WITHOUT A CHARGE FOR
29 ACCESS. FOR THE PURPOSES OF THIS SUBSECTION, "AVAILABLE TO RETAILERS WITHOUT
30 A CHARGE FOR ACCESS":

31 1. INCLUDES:

- 32 (a) ACCESS TO THE WEB-BASED ELECTRONIC SALES TRACKING SOFTWARE,
33 INCLUDING INPUTTING AND RETRIEVING DATA FREE OF CHARGE.
- 34 (b) TRAINING FREE OF CHARGE.
- 35 (c) TECHNICAL SUPPORT TO INTEGRATE TO POINT OF SALE VENDORS WITHOUT A
36 CHARGE, IF NECESSARY.

37 2. DOES NOT INCLUDE:

- 38 (a) COSTS RELATING TO REQUIRED INTERNET ACCESS.
- 39 (b) OPTIONAL HARDWARE THAT A PHARMACY MAY CHOOSE TO PURCHASE FOR
40 WORKFLOW PURPOSES.
- 41 (c) OTHER EQUIPMENT.

42 E. IF A RETAILER THAT SELLS A NONPRESCRIPTION PRODUCT CONTAINING
43 PSEUDOEPHEDRINE OR EPHEDRINE EXPERIENCES MECHANICAL OR ELECTRONIC FAILURE OF
44 THE ELECTRONIC SALES TRACKING SYSTEM AND IS UNABLE TO COMPLY WITH THE
45 ELECTRONIC SALES TRACKING REQUIREMENTS OF THIS SECTION, THE RETAILER MUST

1 MAINTAIN A WRITTEN LOG OR AN ALTERNATIVE ELECTRONIC RECORDKEEPING MECHANISM
2 UNTIL THE RETAILER IS ABLE TO COMPLY WITH THE ELECTRONIC SALES TRACKING
3 SYSTEM REQUIREMENTS. A RETAILER THAT DOES NOT HAVE INTERNET ACCESS TO THE
4 ELECTRONIC SALES TRACKING SYSTEM IS COMPLIANT WITH THE REQUIREMENTS OF THIS
5 SECTION IF THE RETAILER MAINTAINS A WRITTEN LOG OR AN ALTERNATIVE ELECTRONIC
6 RECORDKEEPING MECHANISM.

7 F. THE NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS SHALL
8 FORWARD STATE TRANSACTION RECORDS IN THE NATIONAL PRECURSOR LOG EXCHANGE TO
9 THE BOARD OF PHARMACY EACH WEEK AND PROVIDE REAL-TIME ACCESS TO THE NATIONAL
10 PRECURSOR LOG EXCHANGE INFORMATION THROUGH THE NATIONAL PRECURSOR LOG
11 EXCHANGE ONLINE PORTAL TO LAW ENFORCEMENT IN THIS STATE AS AUTHORIZED BY THE
12 BOARD OF PHARMACY.

13 G. THE SYSTEM PRESCRIBED IN THIS SECTION MUST BE CAPABLE OF GENERATING
14 A STOP SALE ALERT NOTIFICATION THAT COMPLETION OF THE SALE WOULD RESULT IN
15 THE RETAILER OR PURCHASER VIOLATING THE QUANTITY LIMITS PRESCRIBED IN THIS
16 SECTION. THE RETAILER MAY NOT COMPLETE THE SALE IF THE SYSTEM GENERATES A
17 STOP SALE ALERT. THE ELECTRONIC SALES TRACKING SYSTEM PRESCRIBED IN THIS
18 SECTION MUST CONTAIN AN OVERRIDE FUNCTION THAT MAY BE USED BY DISPENSERS OF
19 EPHEDRINE OR PSEUDOEPHEDRINE WHO HAVE A REASONABLE FEAR OF IMMINENT BODILY
20 HARM IF THEY DO NOT COMPLETE A SALE. THE SYSTEM MUST LOG EACH INSTANCE THAT
21 A RETAILER USES THE OVERRIDE FUNCTION.

22 H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3
23 MISDEMEANOR, PUNISHABLE BY FINE ONLY.

24 I. THIS SECTION DOES NOT APPLY TO A PERSON WHO OBTAINS THE PRODUCT
25 PURSUANT TO A VALID PRESCRIPTION ORDER.

26 J. THE REPORTING OF SALES OF EPHEDRINE OR PSEUDOEPHEDRINE PRODUCTS IS
27 OF STATEWIDE CONCERN. THE REGULATION OF SALES PURSUANT TO THIS SECTION IS
28 NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL
29 SUBDIVISION OF THIS STATE.

APPROVED BY THE GOVERNOR MAY 11, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2012.

Passed the House February 27, 2012

Passed the Senate April 12, 2012

by the following vote: 38 Ayes,

by the following vote: 20 Ayes,

18 Nays, 3 Not Voting
vacant

10 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

~~This Bill received by the Governor this
_____ day of _____, 20____
at _____ o'clock _____ M.

Secretary to the Governor~~

Approved this _____ day of

~~_____
at _____ o'clock _____ M.

Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State
this _____ day of _____, 20____
at _____ o'clock _____ M.

Secretary of State~~

H.B. 2263

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 30, 2012,

by the following vote: 46 Ayes,

13 Nays, 1 Not Voting


Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30th day of April, 2012,

at 4:30 o'clock P M.


Secretary to the Governor

Approved this 1st day of

May, 2012,

at 2:45 o'clock P M.

Jenice K. Brewer
Governor of Arizona

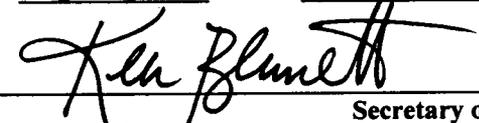
H.B. 2263

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14th day of May, 2012

at 8:30 o'clock a M.


Secretary of State