

Senate Engrossed

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

**CHAPTER 117
SENATE BILL 1269**

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 32-1979.01, 32-1979.02 AND 32-1979.03; RELATING TO
PHARMACISTS.

(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
3 Statutes, is amended by adding sections 32-1979.01, 32-1979.02 and
4 32-1979.03, to read:

5 32-1979.01. Emergency refills; requirements; definitions

6 A. A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER MAY
7 DISPENSE A ONE-TIME EMERGENCY REFILL FOR EACH PRESCRIPTION OF A
8 NONCONTROLLED MEDICATION USED TO TREAT AN ONGOING MEDICAL CONDITION IF ALL
9 THE FOLLOWING CONDITIONS ARE MET:

10 1. THE PHARMACY AT WHICH THE PHARMACIST WORKS HAS A RECORD OF THE
11 PRESCRIPTION OF THE MEDICATION IN THE NAME OF THE PATIENT WHO IS
12 REQUESTING IT, BUT THE PRESCRIPTION DOES NOT PROVIDE FOR AN ADDITIONAL
13 REFILL OR HAS EXPIRED.

14 2. THE REFILL IS AN EXTENSION OF A CONSISTENT MEDICATION THERAPY
15 WITHOUT ANY CHANGE IN DOSAGE OR FREQUENCY FOR AT LEAST TWELVE MONTHS AS
16 DEMONSTRATED BY RECORDS MAINTAINED BY THE PHARMACY.

17 3. IN THE EXERCISE OF THE PHARMACIST'S PROFESSIONAL JUDGMENT:

18 (a) THE MEDICATION IS PRESCRIBED FOR CONTINUOUS AND UNINTERRUPTED
19 USE.

20 (b) FAILURE TO DISPENSE THE MEDICATION TO THE PATIENT COULD RESULT
21 IN UNDESIRABLE HEALTH CONSEQUENCES.

22 4. THE PHARMACIST COMPLIES WITH ALL RULES ADOPTED BY THE BOARD.

23 5. THE PHARMACIST MAKES EVERY REASONABLE EFFORT TO CONTACT THE
24 PRESCRIBER TO OBTAIN AUTHORIZATION FOR A REFILL BEFORE DISPENSING THE
25 EMERGENCY REFILL.

26 6. THE PHARMACIST INFORMS THE PATIENT THAT THE PRESCRIPTION WAS
27 REFILLED PURSUANT TO A ONE-TIME ANNUAL ALLOWANCE AND THE PATIENT MUST
28 CONTACT THE PRESCRIBER TO OBTAIN ADDITIONAL REFILL AUTHORIZATIONS.

29 7. THE PHARMACIST NOTIFIES THE PRESCRIBER WITHIN FORTY-EIGHT HOURS
30 AFTER DISPENSING ANY EMERGENCY REFILL.

31 B. THE AMOUNT OF THE MEDICATION DISPENSED PURSUANT TO THIS SECTION
32 MAY NOT EXCEED:

33 1. A THIRTY-DAY SUPPLY FOR MEDICATIONS THAT ARE PREPACKAGED IN A
34 FORM THAT PROHIBITS THE PHARMACIST FROM DISPENSING A LESSER SUPPLY.

35 2. A SEVEN-DAY SUPPLY FOR ALL OTHER MEDICATIONS.

36 C. A PHARMACIST MAY DISPENSE AN ADDITIONAL SEVEN-DAY SUPPLY OF A
37 MEDICATION DISPENSED PURSUANT TO SUBSECTION B, PARAGRAPH 2 OF THIS SECTION
38 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

39 1. THE PHARMACIST MAKES EVERY REASONABLE EFFORT TO CONTACT THE
40 PRESCRIBER FOLLOWING THE INITIAL EMERGENCY REFILL AND HAS RECEIVED NO
41 RESPONSE.

42 2. THE PHARMACIST COMPLIES WITH ALL REQUIREMENTS SPECIFIED IN
43 SUBSECTION A OF THIS SECTION.

1 2. KEEP RECORDS THAT INCLUDE THE QUALIFIED PATIENT'S INITIAL
2 ASSESSMENT INFORMATION, THE EDUCATION PROVIDED AND THE MEDICATION PLAN,
3 AND ANY DRUG THERAPIES PRESCRIBED. THE RECORDS SHALL BE MADE AVAILABLE TO
4 THE QUALIFIED PATIENT'S DESIGNATED PRIMARY CARE PROVIDER ON REQUEST.

5 D. THIS SECTION DOES NOT APPLY TO PHARMACISTS WHO ARE EITHER:

6 1. FILLING OR REFILLING PRESCRIPTIONS FOR TOBACCO CESSATION
7 PRODUCTS WRITTEN BY ANOTHER PROVIDER.

8 2. RECOMMENDING NONPRESCRIPTION TOBACCO CESSATION THERAPIES TO A
9 PATIENT WITHOUT A PRESCRIPTION.

10 E. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED PATIENT" MEANS A
11 PATIENT WHO:

12 1. IS AT LEAST EIGHTEEN YEARS OF AGE.

13 2. IS ENROLLED IN A STRUCTURED TOBACCO CESSATION PROGRAM CONSISTING
14 OF AN INITIAL EVALUATION AND APPROPRIATE FOLLOW-UP VISITS WITH THE
15 PHARMACIST OR PRIMARY CARE PROVIDER IF PRESCRIBING A PRESCRIPTION NICOTINE
16 REPLACEMENT.

17 3. HAS BEEN EDUCATED ON SYMPTOMS OF NICOTINE TOXICITY AND WHEN TO
18 SEEK MEDICAL TREATMENT.

APPROVED BY THE GOVERNOR MARCH 29, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2017.

Passed the House March 23, 2017,

Passed the Senate February 20, 2017,

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

1 Nays, 5 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
27 day of March, 2017,

at 1:51 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 29th day of
March, 2017,

at 2:50 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 29 day of March, 2017,

at 4:59 o'clock P. M.

[Signature]
Secretary of State

S.B. 1269