

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 234

**HOUSE BILL 2493**

AN ACT

AMENDING SECTIONS 32-1968 AND 32-1979, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; AMENDING SECTION 36-2266, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 1, ARTICLE 6, ARIZONA REVISED STATUTES; RELATING TO DRUG OVERDOSE DEATHS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1968, Arizona Revised Statutes, is amended to  
3 read:

4 32-1968. Dispensing prescription-only drug; prescription  
5 orders; refills; labels; misbranding; dispensing  
6 soft contact lenses; opioid antagonists

7 A. A prescription-only drug shall be dispensed only under one of  
8 the following conditions:

9 1. By a medical practitioner in conformance with section 32-1921.

10 2. On a written prescription order bearing the prescribing medical  
11 practitioner's manual signature.

12 3. On an electronically transmitted prescription order containing  
13 the prescribing medical practitioner's electronic or digital signature  
14 that is reduced promptly to writing and filed by the pharmacist.

15 4. On a written prescription order generated from electronic media  
16 containing the prescribing medical practitioner's electronic or manual  
17 signature. A prescription order that contains only an electronic  
18 signature must be applied to paper that uses security features that will  
19 ensure the prescription order is not subject to any form of copying or  
20 alteration.

21 5. On an oral prescription order that is reduced promptly to  
22 writing and filed by the pharmacist.

23 6. By refilling any written, electronically transmitted or oral  
24 prescription order if a refill is authorized by the prescriber either in  
25 the original prescription order, by an electronically transmitted refill  
26 order that is documented promptly and filed by the pharmacist or by an  
27 oral refill order that is documented promptly and filed by the pharmacist.

28 7. On a prescription order that the prescribing medical  
29 practitioner or the prescribing medical practitioner's agent transmits by  
30 fax or ~~electronic mail~~ E-MAIL.

31 8. On a prescription order that the patient transmits by fax or by  
32 e-mail if the patient presents a written prescription order bearing the  
33 prescribing medical practitioner's manual signature when the  
34 prescription-only drug is picked up at the pharmacy.

35 B. A prescription order shall not be refilled if it is either:

36 1. Ordered by the prescriber not to be refilled.

37 2. More than one year since it was originally ordered.

38 C. A prescription order shall contain the date it was issued, the  
39 name and address of the person for whom or owner of the animal for which  
40 the drug is ordered, refills authorized, if any, the legibly printed name,  
41 address and telephone number of the prescribing medical practitioner, the  
42 name, strength, dosage form and quantity of the drug ordered and  
43 directions for its use.

1 D. Any drug dispensed in accordance with subsection A of this  
2 section is exempt from the requirements of section 32-1967, except SECTION  
3 32-1967, subsection A, paragraphs 1, 10 and 11 and the packaging  
4 requirements of SECTION 32-1967, subsection A, paragraphs 7 and 8, if the  
5 drug container bears a label containing the name and address of the  
6 dispenser, THE serial number, THE date of dispensing, THE name of the  
7 prescriber, THE name of the patient, or, if an animal, the name of the  
8 owner of the animal and the species of the animal, directions for use and  
9 cautionary statements, if any, contained in the order. This exemption  
10 does not apply to any drug dispensed in the course of the conduct of a  
11 business of dispensing drugs pursuant to diagnosis by mail or the internet  
12 or to a drug dispensed in violation of subsection A of this section.

13 E. The board by rule also may require additional information on the  
14 label of prescription medication that the board believes to be necessary  
15 for the best interest of the public's health and welfare.

16 F. A prescription-only drug or a controlled substance that requires  
17 a prescription order is deemed to be misbranded if, at any time before  
18 dispensing, its label fails to bear the statement "Rx only". A drug to  
19 which subsection A of this section does not apply is deemed to be  
20 misbranded if, at any time before dispensing, its label bears the caution  
21 statement quoted in this subsection.

22 G. A pharmacist may fill a prescription order for soft contact  
23 lenses only as provided in this chapter.

24 H. A PHARMACIST MAY DISPENSE NALOXONE HYDROCHLORIDE OR ANY OTHER  
25 OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG  
26 ADMINISTRATION ON THE RECEIPT OF A STANDING ORDER AND ACCORDING TO  
27 PROTOCOLS ADOPTED BY THE BOARD PURSUANT TO SECTION 32-1979. FOR THE  
28 PURPOSES OF THIS SUBSECTION, "STANDING ORDER" MEANS A SIGNED PRESCRIPTION  
29 ORDER THAT AUTHORIZES THE PHARMACIST TO DISPENSE NALOXONE HYDROCHLORIDE OR  
30 ANY OTHER OPIOID ANTAGONIST FOR EMERGENCY PURPOSES AND THAT IS ISSUED BY A  
31 MEDICAL PRACTITIONER LICENSED IN THIS STATE OR A STATE OR COUNTY HEALTH  
32 OFFICER WHO IS A MEDICAL PRACTITIONER LICENSED IN THIS STATE.

33 Sec. 2. Section 32-1979, Arizona Revised Statutes, is amended to  
34 read:

35 32-1979. Pharmacists; dispensing opioid antagonists; board  
36 protocols; immunity

37 A. A pharmacist may dispense ~~without a prescription~~, PURSUANT TO A  
38 STANDING ORDER ISSUED PURSUANT TO SECTION 36-2266 AND according to  
39 protocols adopted by the board, naloxone hydrochloride or any other opioid  
40 antagonist that is approved by the United States food and drug  
41 administration for use according to the protocols specified by board rule  
42 to a person who is at risk of experiencing an opioid-related overdose or  
43 to a family member or community member who is in a position to assist that  
44 person.

1 B. A pharmacist who dispenses naloxone hydrochloride or any other  
2 opioid antagonist pursuant to subsection A of this section shall:

3 1. Document the dispensing consistent with board rules.

4 2. Instruct the individual to whom the opioid antagonist is  
5 dispensed to summon emergency services as soon as practicable ~~either~~  
6 ~~before or~~ after administering the opioid antagonist.

7 C. This section does not affect the authority of a pharmacist to  
8 fill or refill a prescription for naloxone hydrochloride or any other  
9 opioid antagonist that is approved by the United States food and drug  
10 administration.

11 D. A pharmacist who dispenses an opioid antagonist pursuant to this  
12 section is immune from professional liability and criminal prosecution for  
13 any decision made, act or omission or injury that results from that act if  
14 the pharmacist acts with reasonable care and in good faith, except in  
15 cases of wanton or wilful neglect.

16 Sec. 3. Title 36, chapter 1, Arizona Revised Statutes, is amended  
17 by adding article 6, to read:

18 ARTICLE 6. DRUG OVERDOSE FATALITIES

19 36-198. Drug overdose fatality review team; members; duties

20 A. THE DRUG OVERDOSE FATALITY REVIEW TEAM IS ESTABLISHED IN THE  
21 DEPARTMENT OF HEALTH SERVICES. THE HEAD OF EACH OF THE FOLLOWING ENTITIES  
22 OR THAT PERSON'S DESIGNEE SHALL SERVE ON THE REVIEW TEAM:

- 23 1. THE ATTORNEY GENERAL.  
24 2. THE DEPARTMENT OF HEALTH SERVICES.  
25 3. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.  
26 4. THE DEPARTMENT OF ECONOMIC SECURITY.  
27 5. THE GOVERNOR'S OFFICE OF YOUTH, FAITH AND FAMILY.  
28 6. THE ADMINISTRATIVE OFFICE OF THE COURTS.  
29 7. THE STATE DEPARTMENT OF CORRECTIONS.  
30 8. THE ARIZONA COUNCIL OF HUMAN SERVICES PROVIDERS.  
31 9. THE DEPARTMENT OF PUBLIC SAFETY.

32 B. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL APPOINT  
33 THE FOLLOWING MEMBERS TO SERVE ON THE REVIEW TEAM:

- 34 1. A MEDICAL EXAMINER WHO IS A RURAL FORENSIC PATHOLOGIST.  
35 2. A MEDICAL EXAMINER WHO IS A METROPOLITAN FORENSIC PATHOLOGIST.  
36 3. A REPRESENTATIVE OF A TRIBAL GOVERNMENT.  
37 4. A PUBLIC MEMBER.  
38 5. A REPRESENTATIVE OF A PROFESSIONAL EMERGENCY MANAGEMENT SYSTEM  
39 ASSOCIATION.  
40 6. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION  
41 REPRESENTING NURSES.  
42 7. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION  
43 REPRESENTING PHYSICIANS.  
44 8. A REPRESENTATIVE OF AN ASSOCIATION OF COUNTY HEALTH OFFICERS.  
45 9. A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING HOSPITALS.

1           10. A HEALTH CARE PROFESSIONAL WHO SPECIALIZES IN THE PREVENTION,  
2 DIAGNOSIS AND TREATMENT OF SUBSTANCE USE DISORDERS.

3           11. A COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A  
4 COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND A  
5 COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A COUNTY WITH A  
6 POPULATION OF MORE THAN FIVE THOUSAND PERSONS.

7           C. THE REVIEW TEAM SHALL:

8           1. DEVELOP A DRUG OVERDOSE FATALITIES DATA COLLECTION SYSTEM.

9           2. CONDUCT AN ANNUAL ANALYSIS ON THE INCIDENCE AND CAUSES OF DRUG  
10 OVERDOSE FATALITIES IN THIS STATE DURING THE PRECEDING FISCAL YEAR.

11           3. ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF LOCAL DRUG OVERDOSE  
12 FATALITY REVIEW TEAMS.

13           4. DEVELOP STANDARDS AND PROTOCOLS FOR LOCAL DRUG OVERDOSE FATALITY  
14 REVIEW TEAMS AND PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THESE TEAMS.

15           5. DEVELOP PROTOCOLS FOR DRUG OVERDOSE INVESTIGATIONS, INCLUDING  
16 PROTOCOLS FOR LAW ENFORCEMENT AGENCIES, PROSECUTORS, MEDICAL EXAMINERS,  
17 HEALTH CARE FACILITIES AND SOCIAL SERVICE AGENCIES.

18           6. STUDY THE ADEQUACY OF STATUTES, ORDINANCES, RULES, TRAINING AND  
19 SERVICES TO DETERMINE WHAT CHANGES ARE NEEDED TO DECREASE THE INCIDENCE OF  
20 PREVENTABLE DRUG OVERDOSE FATALITIES AND, AS APPROPRIATE, TAKE STEPS TO  
21 IMPLEMENT THESE CHANGES.

22           7. EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF DRUG  
23 OVERDOSE FATALITIES AS WELL AS THE PUBLIC'S ROLE IN PREVENTING THESE  
24 DEATHS.

25           8. DESIGNATE A MEMBER OF THE REVIEW TEAM TO SERVE AS CHAIRPERSON.

26           D. TEAM MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT  
27 MEMBERS APPOINTED PURSUANT TO SUBSECTION B OF THIS SECTION ARE ELIGIBLE  
28 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

29           E. THE DEPARTMENT OF HEALTH SERVICES SHALL PROVIDE PROFESSIONAL AND  
30 ADMINISTRATIVE SUPPORT TO THE TEAM.

31           36-198.01. Access to information; confidentiality; violation;  
32 classification

33           A. ON REQUEST OF THE CHAIRPERSON OF THE DRUG OVERDOSE FATALITY  
34 REVIEW TEAM OR A LOCAL TEAM AND AS NECESSARY TO CARRY OUT THE TEAM'S  
35 DUTIES, THE CHAIRPERSON SHALL BE PROVIDED, WITHIN FIVE DAYS EXCLUDING  
36 WEEKENDS AND HOLIDAYS, WITH ACCESS TO INFORMATION AND RECORDS REGARDING A  
37 DRUG OVERDOSE FATALITY THAT IS BEING REVIEWED BY THE TEAM OR REGARDING THE  
38 PERSON WHO OVERDOSED ON DRUGS. THE TEAM MAY REQUEST THE INFORMATION AND  
39 RECORDS FROM ANY OF THE FOLLOWING:

40           1. A PROVIDER OF MEDICAL, DENTAL OR MENTAL HEALTH CARE.

41           2. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT MIGHT  
42 ASSIST THE TEAM IN REVIEWING THE FATALITY.

43           B. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING  
44 ATTORNEY, MAY WITHHOLD FROM A REVIEW TEAM INVESTIGATIVE RECORDS THAT MIGHT  
45 INTERFERE WITH A PENDING CRIMINAL INVESTIGATION OR PROSECUTION.

1 C. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE  
2 DIRECTOR'S DESIGNEE MAY APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS  
3 NECESSARY TO COMPEL THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER  
4 EVIDENCE RELATED TO THE PERSON WHO OVERDOSED ON DRUGS. SUBPOENAS ISSUED  
5 UNDER THIS SUBSECTION SHALL BE SERVED AND, ON APPLICATION TO THE COURT BY  
6 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED  
7 BY LAW FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT  
8 AGENCY IS NOT REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE  
9 SUBPOENA IF THE SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL  
10 INVESTIGATION OR PROSECUTION. ALL RECORDS SHALL BE RETURNED TO THE AGENCY  
11 OR ORGANIZATION ON COMPLETION OF THE REVIEW. THE REVIEW TEAM MAY NOT KEEP  
12 WRITTEN REPORTS OR RECORDS CONTAINING IDENTIFYING INFORMATION.

13 D. ALL INFORMATION AND RECORDS ACQUIRED BY THE DRUG OVERDOSE  
14 FATALITY REVIEW TEAM OR ANY LOCAL TEAM ARE CONFIDENTIAL AND ARE NOT  
15 SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL  
16 OR CRIMINAL PROCEEDING, EXCEPT THAT INFORMATION, DOCUMENTS AND RECORDS  
17 THAT ARE OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM  
18 SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES  
19 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A TEAM PURSUANT TO  
20 THIS ARTICLE.

21 E. MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING AND PERSONS  
22 WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR  
23 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED  
24 AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT PREVENT A PERSON FROM  
25 TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE TEAM OR  
26 THAT IS PUBLIC INFORMATION.

27 F. A MEMBER OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL  
28 TEAM MAY CONTACT, INTERVIEW OR OBTAIN INFORMATION BY REQUEST OR SUBPOENA  
29 FROM A FAMILY MEMBER OF A DECEASED PERSON WHO OVERDOSED ON DRUGS.

30 G. MEETINGS OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL  
31 TEAM ARE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,  
32 ARTICLE 3.1 IF THE TEAM IS REVIEWING INFORMATION ON AN INDIVIDUAL WHO  
33 OVERDOSED ON DRUGS. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.

34 H. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS  
35 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

36 Sec. 4. Section 36-2266, Arizona Revised Statutes, is amended to  
37 read:

38 36-2266. Prescribing and dispensing; immunity; definition

39 A. A physician who is licensed pursuant to title 32, chapter 13 or  
40 17, a nurse practitioner licensed pursuant to title 32, chapter 15 and  
41 authorized by law to prescribe drugs or any other health professional who  
42 has prescribing authority and who is acting within the health  
43 professional's scope of practice may prescribe or dispense, directly or by  
44 a standing order, naloxone hydrochloride or any other opioid antagonist  
45 that is approved by the United States food and drug administration for use

1 according to the protocol specified by the physician, nurse practitioner  
2 or other health professional to a person who is at risk of experiencing an  
3 opioid-related overdose, to a family member of that person, to a community  
4 organization that provides services to persons who are at risk of an  
5 opioid-related overdose or to any other person who is in a position to  
6 assist a person who is at risk of experiencing an opioid-related overdose.

7 B. A physician, nurse practitioner or other health professional who  
8 prescribes or dispenses naloxone hydrochloride or any other opioid  
9 antagonist pursuant to subsection A of this section shall instruct the  
10 individual to whom the opioid antagonist is dispensed to summon emergency  
11 services as soon as practicable, either before or after administering the  
12 opioid antagonist.

13 C. Except in cases of gross negligence, wilful misconduct or  
14 intentional wrongdoing, a physician, nurse practitioner or other health  
15 professional who in good faith prescribes or dispenses an opioid  
16 antagonist pursuant to subsection A of this section is immune from  
17 professional liability and criminal prosecution for any decision made, act  
18 or omission or injury that results from that act if the physician, nurse  
19 practitioner or other health professional acts with reasonable care and in  
20 good faith.

21 ~~D. Before prescribing an opioid antagonist pursuant to subsection A~~  
22 ~~of this section, a physician, nurse practitioner or other health~~  
23 ~~professional may require the person receiving the prescription, as an~~  
24 ~~indicator of good faith, to provide in writing a factual basis for a~~  
25 ~~reasonable conclusion that the person or entity meets the description in~~  
26 ~~subsection A of this section of a person or entity who is able to receive~~  
27 ~~an opioid antagonist under this section.~~

28 E. D. For the purposes of this section, "person" includes an  
29 employee of a school district or charter school who is acting in the  
30 person's official capacity.

31 Sec. 5. Delayed repeal

32 Title 36, chapter 1, article 6, Arizona Revised Statutes, as added  
33 by this act, is repealed from and after December 31, 2022.

**APPROVED BY THE GOVERNOR MAY 1, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.**

Passed the House February 21, 2017

Passed the Senate April 20, 2017

by the following vote: 52 Ayes,

by the following vote: 28 Ayes,

6 Nays, 2 Not Voting

2 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
 Pro Tempore

[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. 2493

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 25, 2017,

by the following vote: 51 Ayes,

6 Nays, 2 Not Voting 1 vacant

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

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25<sup>th</sup> day of April, 2017,

at 12:09 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 1<sup>st</sup> day of

May, 2017,

at 3:59 o'clock P M.

[Signature]  
Governor of Arizona

H.B. 2493

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2017,

at 7:03 o'clock P M.

[Signature]  
Secretary of State