



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 20, 2018

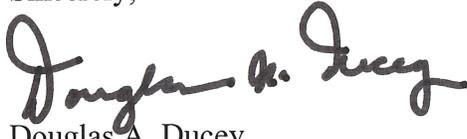
The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on March 20, 2018:

- HB 2016 Arizona beef council; continuation (Mitchell)
- HB 2038 drug overdose review teams; records (Carter)
- HB 2044 physician assistants board; continuation (Carter)
- HB 2046 department of economic security; continuation (Carter)
- HB 2082 insurance producers; convictions; reporting (Livingston)
- HB 2123 insurance department; director; residency (Toma)
- HB 2149 pharmacies; remote dispensing (Weninger)
- HB 2155 notaries public; immigration law; prohibition (Shope)
- HB 2170 boxing; mixed martial arts; continuation (Toma)
- HB 2240 judgment renewal; time period (Farnsworth, E.)
- HB 2261 veterinary faculty members; licensure requirements (Toma)
- SB 1114 joint power authorities; fingerprinting (Fann)
- SB 1162 silver alert notification; developmental disability (Brophy McGee)
- SB 1209 scrap metal dealers; DPS report (Borrelli)
- SB 1215 WICHE; continuation (Allen, S.)
- SB 1251 PSPRS; CORP; modifications (Farnsworth, D.)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style.

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed  
**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 33**  
**HOUSE BILL 2149**

AN ACT

AMENDING SECTIONS 32-1901, 32-1923.01, 32-1925 AND 32-1961, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1961.01; AMENDING SECTION 36-2606, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 39; RELATING TO PHARMACIES.

(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,  
8 whether by injection, inhalation, ingestion or any other means, to the  
9 body of a patient or research subject by a practitioner or by the  
10 practitioner's authorized agent or the patient or research subject at the  
11 direction of the practitioner.

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

16 3. "Advisory letter" means a nondisciplinary letter to notify a  
17 licensee or permittee that either:

18 (a) While there is insufficient evidence to support disciplinary  
19 action, the board believes that continuation of the activities that led to  
20 the investigation may result in further board action against the licensee  
21 or permittee.

22 (b) The violation is a minor or technical violation that is not of  
23 sufficient merit to warrant disciplinary action.

24 (c) While the licensee or permittee has demonstrated substantial  
25 compliance through rehabilitation, remediation or reeducation that has  
26 mitigated the need for disciplinary action, the board believes that  
27 repetition of the activities that led to the investigation may result in  
28 further board action against the licensee or permittee.

29 4. "Antiseptic", if a drug is represented as such on its label,  
30 means a representation that it is a germicide, except in the case of a  
31 drug purporting to be, or represented as, an antiseptic for inhibitory use  
32 as a wet dressing, ointment or dusting powder or other use that involves  
33 prolonged contact with the body.

34 5. "Authorized officers of the law" means legally empowered peace  
35 officers, compliance officers of the board of pharmacy and agents of the  
36 division of narcotics enforcement and criminal intelligence of the  
37 department of public safety.

38 6. "Board" or "board of pharmacy" means the Arizona state board of  
39 pharmacy.

40 7. "Certificate of composition" means a list of a product's  
41 ingredients.

42 8. "Certificate of free sale" means a document that authenticates a  
43 product that is generally and freely sold in domestic or international  
44 channels of trade.

1           9. "Color additive" means a material that either:

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

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

11          10. "Compounding" means the preparation, mixing, assembling,  
12 packaging or labeling of a drug by a pharmacist or an intern or pharmacy  
13 technician under the pharmacist's supervision, for the purpose of  
14 dispensing to a patient based on a valid prescription order. Compounding  
15 includes the preparation of drugs in anticipation of prescription orders  
16 prepared on routine, regularly observed prescribing patterns and the  
17 preparation of drugs as an incident to research, teaching or chemical  
18 analysis or for administration by a medical practitioner to the medical  
19 practitioner's patient and not for sale or dispensing. Compounding does  
20 not include the preparation of commercially available products from bulk  
21 compounds or the preparation of drugs for sale to pharmacies,  
22 practitioners or entities for the purpose of dispensing or distribution.

23          11. "Compressed medical gas distributor" means a person who holds a  
24 current permit issued by the board to distribute compressed medical gases  
25 pursuant to a compressed medical gas order to compressed medical gas  
26 suppliers and other entities that are registered, licensed or permitted to  
27 use, administer or distribute compressed medical gases.

28          12. "Compressed medical gases" means gases and liquid oxygen that a  
29 compressed medical gas distributor or manufacturer has labeled in  
30 compliance with federal law.

31          13. "Compressed medical gas order" means an order for compressed  
32 medical gases that is issued by a medical practitioner.

33          14. "Compressed medical gas supplier" means a person who holds a  
34 current permit issued by the board to supply compressed medical gases  
35 pursuant to a compressed medical gas order and only to the consumer or the  
36 patient.

37          15. "Controlled substance" means a drug, substance or immediate  
38 precursor that is identified, defined or listed in title 36, chapter 27,  
39 article 2.

40          16. "Corrosive" means any substance that when it comes in contact  
41 with living tissue will cause destruction of tissue by chemical action.

42          17. "Counterfeit drug" means a drug that, or the container or  
43 labeling of which, without authorization, bears the trademark, trade name  
44 or other identifying mark, imprint, number or device, or any likeness of

1 these, of a manufacturer, distributor or dispenser other than the person  
2 who in fact manufactured, distributed or dispensed that drug.

3 18. "Dangerous drug" has the same meaning prescribed in section  
4 13-3401.

5 19. "Decree of censure" means an official action that is taken by  
6 the board and that may include a requirement for restitution of fees to a  
7 patient or consumer.

8 20. "Deliver" or "delivery" means the actual, constructive or  
9 attempted transfer from one person to another whether or not there is an  
10 agency relationship.

11 21. "Deputy director" means a pharmacist who is employed by the  
12 board and selected by the executive director to perform duties as  
13 prescribed by the executive director.

14 22. "Device", except as used in paragraph 17 of this section,  
15 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph  
16 15 and subsection C, means instruments, ~~apparatus~~ APPARATUSES and  
17 contrivances, including their components, parts and accessories, including  
18 all such items under the federal act, intended either:

19 (a) For use in the diagnosis, cure, mitigation, treatment or  
20 prevention of disease in the human body or other animals.

21 (b) To affect the structure or any function of the human body or  
22 other animals.

23 23. "Director" means the director of the division of narcotics  
24 enforcement and criminal investigation of the department of public safety.

25 24. "Direct supervision of a pharmacist" means the pharmacist is  
26 present. If relating to the sale of certain items, direct supervision of  
27 a pharmacist means that a pharmacist determines the legitimacy or  
28 advisability of a proposed purchase of those items.

29 25. "Dispense" means to deliver to an ultimate user or research  
30 subject by or pursuant to the lawful order of a practitioner, including  
31 the prescribing, administering, packaging, labeling or compounding  
32 necessary to prepare for that delivery.

33 26. "Dispenser" means a practitioner who dispenses.

34 27. "Distribute" means to deliver, other than by administering or  
35 dispensing.

36 28. "Distributor" means a person who distributes.

37 29. "Drug" means:

38 (a) Articles recognized, or for which standards or specifications  
39 are prescribed, in the official compendium.

40 (b) Articles intended for use in the diagnosis, cure, mitigation,  
41 treatment or prevention of disease in the human body or other animals.

42 (c) Articles other than food intended to affect the structure or  
43 any function of the human body or other animals.

1 (d) Articles intended for use as a component of any articles  
2 specified in subdivision (a), (b) or (c) of this paragraph but does not  
3 include devices or their components, parts or accessories.

4 30. "Drug enforcement administration" means the drug enforcement  
5 administration of the United States department of justice or its successor  
6 agency.

7 31. "Drug or device manufacturing" means the production,  
8 preparation, propagation or processing of a drug or device, either  
9 directly or indirectly, by extraction from substances of natural origin or  
10 independently by means of chemical synthesis and includes any packaging or  
11 repackaging of substances or labeling or relabeling of its container and  
12 the promotion and marketing of the same. Drug or device manufacturing  
13 does not include compounding.

14 32. "Economic poison" means any substance that alone, in chemical  
15 combination WITH or in formulation with one or more other substances is a  
16 pesticide within the meaning of the laws of this state or the federal  
17 insecticide, fungicide and rodenticide act and that is used in the  
18 production, storage or transportation of raw agricultural commodities.

19 33. "Enteral feeding" means nourishment provided by means of a tube  
20 inserted into the stomach or intestine.

21 34. "Established name", with respect to a drug or ingredient of a  
22 drug, means any of the following:

23 (a) The applicable official name.

24 (b) If there is no such name and the drug or ingredient is an  
25 article recognized in an official compendium, the official title in an  
26 official compendium.

27 (c) If neither subdivision (a) nor (b) of this paragraph applies,  
28 the common or usual name of ~~such~~ THE drug.

29 35. "Executive director" means the executive director of the board  
30 of pharmacy.

31 36. "Federal act" means the federal laws and regulations that  
32 pertain to drugs, devices, poisons and hazardous substances and that are  
33 official at the time any drug, device, poison or hazardous substance is  
34 affected by this chapter.

35 37. "Full service wholesale permittee":

36 (a) Means a permittee who may distribute prescription-only drugs  
37 and devices, controlled substances and over-the-counter drugs and devices  
38 to pharmacies or other legal outlets from a place devoted in whole or in  
39 part to wholesaling these items.

40 (b) Includes a virtual wholesaler as defined in rule by the board.

41 38. "Good manufacturing practice" means a system for ensuring that  
42 products are consistently produced and controlled according to quality  
43 standards and covering all aspects of design, monitoring and control of  
44 manufacturing processes and facilities to ensure that products do not pose  
45 any risk to the consumer or public.

1           39. "Graduate intern" means a person who has graduated from a  
2 college, school or program of pharmacy approved by the board and who meets  
3 the qualifications and experience for a pharmacy intern as provided in  
4 section 32-1923.

5           40. "Highly toxic" means any substance that falls within any of the  
6 following categories:

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

11           (b) Produces death within fourteen days in half or more than half  
12 of a group of ten or more laboratory white rats each weighing between two  
13 hundred and three hundred grams, if inhaled continuously for a period of  
14 one hour or less at an atmospheric concentration of two hundred parts per  
15 million by volume or less of gas or vapor or two milligrams per liter by  
16 volume or less of mist or dust, provided the concentration is likely to be  
17 encountered by humans if the substance is used in any reasonably  
18 foreseeable manner.

19           (c) Produces death within fourteen days in half or more than half  
20 of a group of ten or more rabbits tested in a dosage of two hundred  
21 milligrams or less per kilogram of body weight, if administered by  
22 continuous contact with the bare skin for twenty-four hours or less.  
23 If the board finds that available data on human experience with any  
24 substance indicate results different from those obtained on animals in the  
25 dosages or concentrations prescribed in this paragraph, the human data  
26 shall take precedence.

27           41. "Hospital" means any institution for the care and treatment of  
28 the sick and injured that is approved and licensed as a hospital by the  
29 department of health services.

30           42. "Intern" means a pharmacy intern and a graduate intern.

31           43. "Internship" means the practical, experiential, hands-on  
32 training of a pharmacy intern under the supervision of a preceptor.

33           44. "Irritant" means any substance, other than a corrosive, that on  
34 immediate, prolonged or repeated contact with normal living tissue will  
35 induce a local inflammatory reaction.

36           45. "Jurisprudence examination" means a board-approved pharmacy law  
37 examination that is written and administered in cooperation with the  
38 national association of boards of pharmacy or another board-approved  
39 pharmacy law examination.

40           46. "Label" means a display of written, printed or graphic matter  
41 on the immediate container of any article that, unless easily legible  
42 through the outside wrapper or container, also appears on the outside  
43 wrapper or container of the article's retail package. For the purposes of  
44 this paragraph, the immediate container does not include package liners.

1           47. "Labeling" means all labels and other written, printed or  
2 graphic matter either:

3           (a) On any article or any of its containers or wrappers.

4           (b) Accompanying that article.

5           48. "Letter of reprimand" means a disciplinary letter that is a  
6 public document issued by the board and that informs a licensee or  
7 permittee that the licensee's or permittee's conduct violates state or  
8 federal law and may require the board to monitor the licensee or  
9 permittee.

10          49. "Limited service pharmacy" means a pharmacy that is approved by  
11 the board to practice a limited segment of pharmacy as indicated by the  
12 permit issued by the board.

13          50. "Manufacture" or "manufacturer":

14          (a) Means every person who prepares, derives, produces, compounds,  
15 processes, packages or repackages or labels any drug in a place, other  
16 than a pharmacy, THAT IS devoted to manufacturing the drug.

17          (b) Includes a virtual manufacturer as defined in rule by the  
18 board.

19          51. "Marijuana" has the same meaning prescribed in section 13-3401.

20          52. "Medical practitioner" means any medical doctor, doctor of  
21 ~~osteopathy~~ OSTEOPATHIC MEDICINE, dentist, podiatrist, veterinarian or  
22 other person who is licensed and authorized by law to use and prescribe  
23 drugs and devices for the treatment of sick and injured human beings or  
24 animals or for the diagnosis or prevention of sickness in human beings or  
25 animals in this state or any state, territory or district of the United  
26 States.

27          53. "Medication order" means a written or verbal order from a  
28 medical practitioner or that person's authorized agent to administer a  
29 drug or device.

30          54. "Narcotic drug" has the same meaning prescribed in section  
31 13-3401.

32          55. "New drug" means either:

33          (a) Any drug the composition of which is such that the drug is not  
34 generally recognized among experts qualified by scientific training and  
35 experience to evaluate the safety and effectiveness of drugs as safe and  
36 effective for use under the conditions prescribed, recommended or  
37 suggested in the labeling.

38          (b) Any drug the composition of which is such that the drug, as a  
39 result of investigations to determine its safety and effectiveness for use  
40 under such conditions, has become so recognized, but that has not, other  
41 than in the investigations, been used to a material extent or for a  
42 material time under those conditions.

43          56. "Nonprescription drug" or "over-the-counter drug" means any  
44 nonnarcotic medicine or drug that may be sold without a prescription and  
45 THAT is prepackaged and labeled for use by the consumer in accordance with

1 the requirements of the laws of this state and federal law.  
2 Nonprescription drug does not include:

3 (a) A drug that is primarily advertised and promoted professionally  
4 to medical practitioners and pharmacists by manufacturers or primary  
5 distributors.

6 (b) A controlled substance.

7 (c) A drug that is required to bear a label that states "Rx only".

8 (d) A drug that is intended for human use by hypodermic injection.

9 57. "Nonprescription drug wholesale permittee":

10 (a) Means a permittee who may distribute only over-the-counter  
11 drugs and devices to pharmacies or other lawful outlets from a place  
12 devoted in whole or in part to wholesaling these items.

13 (b) Includes a virtual wholesaler as defined in rule by the board.

14 58. "Notice" means personal service or the mailing of a copy of the  
15 notice by certified mail addressed either to the person at the person's  
16 latest address of record in the board office or to the person's attorney.

17 59. "Nutritional supplementation" means vitamins, minerals and  
18 caloric supplementation. Nutritional supplementation does not include  
19 medication or drugs.

20 60. "Official compendium" means the latest revision of the United  
21 States pharmacopeia and the national formulary or any current supplement.

22 61. "Other jurisdiction" means one of the other forty-nine states,  
23 the District of Columbia, the Commonwealth of Puerto Rico or a territory  
24 of the United States of America.

25 62. "Package" means a receptacle defined or described in the United  
26 States pharmacopeia and the national formulary as adopted by the board.

27 63. "Packaging" means the act or process of placing a drug item or  
28 device in a container for the purpose or intent of dispensing or  
29 distributing the item or device to another.

30 64. "Parenteral nutrition" means intravenous feeding that provides  
31 a person with fluids and essential nutrients the person needs while the  
32 person is unable to receive adequate fluids or feedings by mouth or by  
33 enteral feeding.

34 65. "Person" means an individual, partnership, corporation and  
35 association, and their duly authorized agents.

36 66. "Pharmaceutical care" means the provision of drug therapy and  
37 other pharmaceutical patient care services.

38 67. "Pharmacist" means an individual who is currently licensed by  
39 the board to practice the profession of pharmacy in this state.

40 68. "Pharmacist in charge" means the pharmacist who is responsible  
41 to the board for a licensed establishment's compliance with the laws and  
42 administrative rules of this state and of the federal government  
43 pertaining to the practice of pharmacy, the manufacturing of drugs and the  
44 distribution of drugs and devices.

1           69. "Pharmacist licensure examination" means a board-approved  
2 examination that is written and administered in cooperation with the  
3 national association of boards of pharmacy or any other board-approved  
4 pharmacist licensure examination.

5           70. "Pharmacy" means ~~any place~~:

6           (a) ANY PLACE where drugs, devices, poisons or related hazardous  
7 substances are offered for sale at retail.

8           (b) ANY PLACE in which the profession of pharmacy is practiced or  
9 where prescription orders are compounded and dispensed.

10           (c) ANY PLACE that has displayed on it or in it the words  
11 "pharmacist," "pharmaceutical chemist," "apothecary," "druggist,"  
12 "pharmacy," "drugstore," "drugs" or "drug sundries" or any of these  
13 words or combinations of these words, or words of similar import either in  
14 English or any other language, or that is advertised by any sign  
15 containing any of these words.

16           (d) ANY PLACE where the characteristic symbols of pharmacy or the  
17 characteristic prescription sign "Rx" is exhibited.

18           (e) ANY PLACE or a portion of any building or structure that is  
19 leased, used or controlled by the permittee to conduct the business  
20 authorized by the board at the address for which the permit was issued and  
21 that is enclosed and secured when a pharmacist is not in attendance.

22           (f) A REMOTE DISPENSING SITE PHARMACY WHERE A PHARMACY TECHNICIAN  
23 OR PHARMACY INTERN PREPARES, COMPOUNDS OR DISPENSES PRESCRIPTION  
24 MEDICATIONS UNDER REMOTE SUPERVISION BY A PHARMACIST.

25           71. "Pharmacy intern" means a person who has all of the  
26 qualifications and experience prescribed in section 32-1923.

27           72. "Pharmacy technician" means a person who is licensed pursuant  
28 to this chapter.

29           73. "Pharmacy technician trainee" means a person who is licensed  
30 pursuant to this chapter.

31           74. "Poison" or "hazardous substance" includes, but is not limited  
32 to, any of the following if intended and suitable for household use or use  
33 by children:

34           (a) Any substance that, according to standard works on medicine,  
35 pharmacology, pharmacognosy or toxicology, if applied to, introduced into  
36 or developed within the body in relatively small quantities by its  
37 inherent action uniformly produces serious bodily injury, disease or  
38 death.

39           (b) A toxic substance.

40           (c) A highly toxic substance.

41           (d) A corrosive substance.

42           (e) An irritant.

43           (f) A strong sensitizer.

44           (g) A mixture of any of the substances described in this paragraph,  
45 if the substance or mixture of substances may cause substantial personal

1 injury or substantial illness during or as a proximate result of any  
2 customary or reasonably foreseeable handling or use, including reasonably  
3 foreseeable ingestion by children.

4 (h) A substance that is designated by the board to be a poison or  
5 hazardous substance. This subdivision does not apply to radioactive  
6 substances, economic poisons subject to the federal insecticide, fungicide  
7 and rodenticide act or the state pesticide act, foods, drugs and cosmetics  
8 subject to state laws or the federal act or substances intended for use as  
9 fuels when stored in containers and used in the heating, cooking or  
10 refrigeration system of a house. This subdivision applies to any  
11 substance or article that is not itself an economic poison within the  
12 meaning of the federal insecticide, fungicide and rodenticide act or the  
13 state pesticide act, but that is a poison or hazardous substance within  
14 the meaning of this paragraph by reason of bearing or containing an  
15 economic poison or hazardous substance.

16 75. "Practice of pharmacy":

17 (a) Means furnishing the following health care services as a  
18 medical professional:

19 (i) Interpreting, evaluating and dispensing prescription orders in  
20 the patient's best interests.

21 (ii) Compounding drugs pursuant to or in anticipation of a  
22 prescription order.

23 (iii) Labeling of drugs and devices in compliance with state and  
24 federal requirements.

25 (iv) Participating in drug selection and drug utilization reviews,  
26 drug administration, drug or drug-related research and drug therapy  
27 monitoring or management.

28 (v) Providing patient counseling necessary to provide  
29 pharmaceutical care.

30 (vi) Properly and safely storing drugs and devices in anticipation  
31 of dispensing.

32 (vii) Maintaining required records of drugs and devices.

33 (viii) Offering or performing of acts, services, operations or  
34 transactions necessary in the conduct, operation, management and control  
35 of a pharmacy.

36 (ix) Initiating, monitoring and modifying drug therapy pursuant to  
37 a protocol-based drug therapy agreement with a provider as outlined in  
38 section 32-1970.

39 (x) Initiating and administering immunizations or vaccines pursuant  
40 to section 32-1974.

41 (b) Does not include initiating a prescription order for any  
42 medication, drug or other substance used to induce or cause a medication  
43 abortion as defined in section 36-2151.

44 76. "Practitioner" means any physician, dentist, veterinarian,  
45 scientific investigator or other person who is licensed, registered or

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

8 77. "Preceptor" means a pharmacist who is serving as the practical  
9 instructor of an intern and complies with section 32-1923.

10 78. "Precursor chemical" means a substance that is:

11 (a) The principal compound that is commonly used or that is  
12 produced primarily for use and that is an immediate chemical intermediary  
13 used or likely to be used in the manufacture of a controlled substance,  
14 the control of which is necessary to prevent, curtail or limit  
15 manufacture.

16 (b) Listed in section 13-3401, paragraph 26 or 27.

17 79. "Prescription" means either a prescription order or a  
18 prescription medication.

19 80. "Prescription medication" means any drug, including label and  
20 container according to context, that is dispensed pursuant to a  
21 prescription order.

22 81. "Prescription-only device" includes:

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

25 (b) Any device required by the federal act to bear on its label  
26 essentially the legend "Rx only".

27 82. "Prescription-only drug" does not include a controlled  
28 substance but does include:

29 (a) Any drug that because of its toxicity or other potentiality for  
30 harmful effect, the method of its use, or the collateral measures  
31 necessary to its use is not generally recognized among experts, qualified  
32 by scientific training and experience to evaluate its safety and efficacy,  
33 as safe for use except by or under the supervision of a medical  
34 practitioner.

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

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

40 (d) Any drug, other than a controlled substance, required by the  
41 federal act to bear on its label the legend "Rx only".

42 83. "Prescription order" means any of the following:

43 (a) An order to a pharmacist for drugs or devices issued and signed  
44 by a duly licensed medical practitioner in the authorized course of the  
45 practitioner's professional practice.

1 (b) An order transmitted to a pharmacist through word of mouth,  
2 telephone or other means of communication directed by that medical  
3 practitioner. Prescription orders received by word of mouth, telephone or  
4 other means of communication shall be maintained by the pharmacist  
5 pursuant to section 32-1964, and the record so made by the pharmacist  
6 constitutes the original prescription order to be dispensed by the  
7 pharmacist. This paragraph does not alter or affect laws of this state or  
8 any federal act requiring a written prescription order.

9 (c) An order initiated by a pharmacist pursuant to a protocol-based  
10 drug therapy agreement with a provider as outlined in section 32-1970, or  
11 immunizations or vaccines administered by a pharmacist pursuant to section  
12 32-1974.

13 (d) A diet order or an order for enteral feeding, nutritional  
14 supplementation or parenteral nutrition that is initiated by a registered  
15 dietitian or other qualified nutrition professional in a hospital pursuant  
16 to section 36-416.

17 84. "Professionally incompetent" means:

18 (a) Incompetence based on a variety of factors, including a lack of  
19 sufficient pharmaceutical knowledge or skills or experience to a degree  
20 likely to endanger the health of patients.

21 (b) When considered with other indications of professional  
22 incompetence, a pharmacist, pharmacy intern or graduate intern who fails  
23 to obtain a passing score on a board-approved pharmacist licensure  
24 examination or a pharmacy technician or pharmacy technician trainee who  
25 fails to obtain a passing score on a board-approved pharmacy technician  
26 licensure examination.

27 85. "Radioactive substance" means a substance that emits ionizing  
28 radiation.

29 86. "REMOTE DISPENSING SITE PHARMACY" MEANS A PHARMACY WHERE A  
30 PHARMACY TECHNICIAN OR PHARMACY INTERN PREPARES, COMPOUNDS OR DISPENSES  
31 PRESCRIPTION MEDICATIONS UNDER REMOTE SUPERVISION BY A PHARMACIST.

32 87. "REMOTE SUPERVISION BY A PHARMACIST" MEANS THAT A PHARMACIST  
33 DIRECTS AND CONTROLS THE ACTIONS OF PHARMACY TECHNICIANS AND PHARMACY  
34 INTERNS THROUGH THE USE OF AUDIO AND VISUAL TECHNOLOGY.

35 ~~86.~~ 88. "Safely engage in employment duties" means that a  
36 permittee or the permittee's employee is able to safely engage in  
37 employment duties related to the manufacture, sale, distribution or  
38 dispensing of drugs, devices, poisons, hazardous substances, controlled  
39 substances or precursor chemicals.

40 ~~87.~~ 89. "Symbol" means the characteristic symbols that have  
41 historically identified pharmacy, including show globes and mortar and  
42 pestle, and the sign "Rx".

43 ~~88.~~ 90. "Third-party logistics provider" means an entity that  
44 provides or coordinates warehousing or other logistics services for a  
45 prescription or over-the-counter dangerous drug or dangerous device in

1 intrastate or interstate commerce on behalf of a manufacturer, wholesaler  
2 or dispenser of the prescription or over-the-counter dangerous drug or  
3 dangerous device but that does not take ownership of the prescription or  
4 over-the-counter dangerous drug or dangerous device or have responsibility  
5 to direct its sale or disposition.

6 ~~89.~~ 91. "Toxic substance" means a substance, other than a  
7 radioactive substance, that has the capacity to produce injury or illness  
8 in humans through ingestion, inhalation or absorption through any body  
9 surface.

10 ~~90.~~ 92. "Ultimate user" means a person who lawfully possesses a  
11 drug or controlled substance for that person's own use, for the use of a  
12 member of that person's household or for administering to an animal owned  
13 by that person or by a member of that person's household.

14 Sec. 2. Section 32-1923.01, Arizona Revised Statutes, is amended to  
15 read:

16 32-1923.01. Pharmacy technicians; pharmacy technician  
17 trainees; qualifications; remote dispensing  
18 site pharmacies

19 A. An applicant for licensure as a pharmacy technician must:

- 20 1. Be of good moral character.  
21 2. Be at least eighteen years of age.  
22 3. Have a high school diploma or the equivalent of a high school  
23 diploma.  
24 4. Complete a training program prescribed by board rules.  
25 5. Pass a ~~board approved~~ BOARD-APPROVED pharmacy technician  
26 examination.

27 B. An applicant for licensure as a pharmacy technician trainee  
28 must:

- 29 1. Be of good moral character.  
30 2. Be at least eighteen years of age.  
31 3. Have a high school diploma or the equivalent of a high school  
32 diploma.

33 C. BEFORE A PHARMACY TECHNICIAN PREPARES, COMPOUNDS OR DISPENSES  
34 PRESCRIPTION MEDICATIONS AT A REMOTE DISPENSING SITE PHARMACY, THE  
35 PHARMACY TECHNICIAN SHALL:

36 1. COMPLETE, IN ADDITION TO ANY OTHER BOARD-APPROVED MANDATORY  
37 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS, A TWO-HOUR CONTINUING  
38 EDUCATION PROGRAM ON REMOTE DISPENSING SITE PHARMACY PRACTICES PROVIDED BY  
39 AN APPROVED PROVIDER.

40 2. HAVE AT LEAST ONE THOUSAND HOURS OF EXPERIENCE WORKING AS A  
41 PHARMACY TECHNICIAN IN AN OUTPATIENT PHARMACY SETTING UNDER THE DIRECT  
42 SUPERVISION OF A PHARMACIST.

43 D. A PHARMACY TECHNICIAN WORKING AT A REMOTE DISPENSING SITE  
44 PHARMACY:

1           1. SHALL MAINTAIN AN ACTIVE, NATIONALLY RECOGNIZED PHARMACY  
2     TECHNICIAN CERTIFICATION APPROVED BY THE BOARD.

3           2. MAY NOT PERFORM EXTEMPORANEOUS STERILE OR NONSTERILE COMPOUNDING  
4     BUT MAY PREPARE COMMERCIALY AVAILABLE MEDICATIONS FOR DISPENSING,  
5     INCLUDING THE RECONSTITUTION OF ORALLY ADMINISTERED POWDER ANTIBIOTICS.

6           Sec. 3. Section 32-1925, Arizona Revised Statutes, is amended to  
7     read:

8           32-1925. Renewal of license of pharmacists, interns and  
9                                   pharmacy technicians; fees; expiration dates;  
10                                   penalty for failure to renew; continuing education

11          A. Except for interns and pharmacy technician trainees, the board  
12     shall assign all persons who are licensed under this chapter to one of two  
13     license renewal groups. Except as provided in section 32-4301, a holder  
14     of a license certificate ending in an even number shall renew it  
15     biennially on or before November 1 of the even-numbered year, two years  
16     from the last renewal date. Except as provided in section 32-4301, a  
17     holder of a license certificate ending in an odd number shall renew it  
18     biennially on or before November 1 of the odd-numbered year, two years  
19     from the last renewal date. Failure to renew and pay all required fees on  
20     or before November 1 of the year in which the renewal is due suspends the  
21     license. The board shall vacate a suspension when the licensee pays all  
22     past due fees and penalties. Penalties shall not exceed three hundred  
23     fifty dollars. The board may waive collection of a fee or penalty due  
24     after suspension under conditions established by a majority of the board.

25          B. A person shall not apply for license renewal more than sixty  
26     days before the expiration date of the license.

27          C. A person who is licensed as a pharmacist or a pharmacy  
28     technician and who has not renewed the license for five consecutive years  
29     shall furnish to the board satisfactory proof of fitness to be licensed as  
30     a pharmacist or a pharmacy technician, in addition to the payment of all  
31     past due fees and penalties before being reinstated.

32          D. Biennial renewal fees for licensure shall be not more than:

33            1. For a pharmacist, two hundred fifty dollars.

34            2. For a pharmacy technician, one hundred dollars.

35            3. For a duplicate renewal license, twenty-five dollars.

36          E. Fees that are designated to be not more than a maximum amount  
37     shall be set by the board for the following two fiscal years beginning  
38     November 1. The board shall establish fees approximately proportionate to  
39     the maximum fee allowed to cover the board's anticipated expenditures for  
40     the following two fiscal years. Variation in a fee is not effective  
41     except at the expiration date of a license.

42          F. The board shall not renew a license for a pharmacist unless the  
43     pharmacist has complied with the mandatory continuing professional  
44     pharmacy education requirements of sections 32-1936 and 32-1937.

1 G. The board shall prescribe intern licensure renewal fees that do  
2 not exceed seventy-five dollars. The license of an intern who does not  
3 receive specific board approval to renew the intern license or who  
4 receives board approval to renew but who does not renew and pay all  
5 required fees before the license expiration date is suspended after the  
6 license expiration date. The board shall vacate a suspension if the  
7 licensee pays all past due fees and penalties. Penalties shall not exceed  
8 three hundred fifty dollars. The board may waive collection of a fee or  
9 penalty due after suspension under conditions established by the board.

10 H. The board shall not renew a license for a pharmacy technician  
11 unless that person has a current board-approved license and has complied  
12 with board-approved mandatory continuing professional education  
13 requirements. IF A PHARMACY TECHNICIAN PREPARES, COMPOUNDS OR DISPENSES  
14 PRESCRIPTION MEDICATIONS AT A REMOTE DISPENSING SITE PHARMACY, IN ADDITION  
15 TO ANY OTHER BOARD-APPROVED MANDATORY CONTINUING PROFESSIONAL EDUCATION  
16 REQUIREMENTS, THE PHARMACY TECHNICIAN SHALL COMPLETE A TWO-HOUR CONTINUING  
17 EDUCATION PROGRAM ON REMOTE DISPENSING SITE PHARMACY PRACTICES PROVIDED BY  
18 AN APPROVED PROVIDER.

19 Sec. 4. Section 32-1961, Arizona Revised Statutes, is amended to  
20 read:

21 32-1961. Limit on dispensing, compounding and sale of drugs

22 A. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, it is unlawful for  
23 any person to compound, sell or dispense any drugs or to dispense or  
24 compound the prescription orders of a medical practitioner, unless that  
25 person is a pharmacist or a pharmacy intern acting under the direct  
26 supervision of a pharmacist, ~~except as provided in section 32-1921.~~ This  
27 subsection does not prevent a pharmacy technician or support personnel  
28 from assisting in the dispensing of drugs if this is done pursuant to  
29 rules adopted by the board and under the direct supervision of a licensed  
30 pharmacist OR UNDER REMOTE SUPERVISION BY A PHARMACIST.

31 B. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, it is unlawful for  
32 any person, without placing a pharmacist in active personal charge at each  
33 place of business, to:

- 34 1. Open, advertise or conduct a pharmacy.
- 35 2. Stock, expose or offer drugs for sale at retail, except as  
36 otherwise specifically provided.
- 37 3. Use or exhibit the title "drugs", "drugstore", "drug shop",  
38 "pharmacy", "apothecary" or any combination of these words or titles or  
39 any title, symbol or description of like import or any other term designed  
40 to take its place.

41 Sec. 5. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
42 is amended by adding section 32-1961.01, to read:

43 32-1961.01. Remote dispensing site pharmacies

44 A. A REMOTE DISPENSING SITE PHARMACY SHALL OBTAIN AND MAINTAIN A  
45 PHARMACY LICENSE ISSUED BY THE BOARD.

1           B. A REMOTE DISPENSING SITE PHARMACY SHALL MEET ALL OF THE  
2 FOLLOWING REQUIREMENTS:

3           1. EITHER BE JOINTLY OWNED BY A SUPERVISING PHARMACY IN THIS STATE  
4 OR BE OPERATED UNDER A CONTRACT WITH A PHARMACY LICENSED AND LOCATED IN  
5 THIS STATE.

6           2. BE SUPERVISED BY A PHARMACIST LICENSED AND LOCATED IN THIS STATE  
7 WHO IS DESIGNATED AS THE PHARMACIST WHO IS RESPONSIBLE FOR THE OVERSIGHT  
8 OF THE REMOTE DISPENSING SITE PHARMACY.

9           3. DISPLAY A SIGN VISIBLE TO THE PUBLIC INDICATING THAT THE  
10 FACILITY IS A REMOTE DISPENSING SITE PHARMACY, THAT THE FACILITY IS UNDER  
11 CONTINUOUS VIDEO SURVEILLANCE AND THAT THE VIDEO IS RECORDED AND RETAINED.

12           4. USE A COMMON ELECTRONIC RECORDKEEPING SYSTEM BETWEEN THE  
13 SUPERVISING PHARMACY AND THE REMOTE DISPENSING SITE PHARMACY OR ALLOW THE  
14 SUPERVISING PHARMACY TO ACCESS ALL OF THE REMOTE DISPENSING SITE  
15 PHARMACY'S DISPENSING SYSTEM RECORDS.

16           C. A PHARMACIST MAY SUPERVISE ONE REMOTE DISPENSING SITE PHARMACY  
17 IF THE PHARMACIST IS ALSO SUPERVISING AND DISPENSING IN A LICENSED  
18 PHARMACY. A PHARMACIST MAY SUPERVISE UP TO TWO REMOTE DISPENSING SITE  
19 PHARMACIES IF THE PHARMACIST IS NOT SIMULTANEOUSLY SUPERVISING AND  
20 DISPENSING AT ANOTHER LICENSED PHARMACY. A PHARMACIST MAY SUPERVISE  
21 ADDITIONAL REMOTE DISPENSING SITE PHARMACIES WITH BOARD APPROVAL.

22           D. A REMOTE DISPENSING SITE PHARMACY MAY STORE, HOLD AND DISPENSE  
23 ALL PRESCRIPTION MEDICATIONS. THE REMOTE DISPENSING SITE PHARMACY SHALL:

24           1. MAINTAIN A PERPETUAL INVENTORY OF CONTROLLED SUBSTANCES.

25           2. SECURE SCHEDULE II CONTROLLED SUBSTANCES THAT ARE OPIOIDS  
26 SEPARATELY FROM OTHER PRESCRIPTION MEDICATIONS USED BY THIS PHARMACY  
27 LOCKED BY KEY, COMBINATION OR OTHER MECHANICAL OR ELECTRONIC MEANS TO  
28 PROHIBIT ACCESS BY UNAUTHORIZED PERSONNEL.

29           3. REQUIRE THAT THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING  
30 PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM BE QUERIED PURSUANT TO SECTION  
31 36-2606 BY A PHARMACIST WHO IS DESIGNATED AS THE PHARMACIST RESPONSIBLE  
32 FOR THE OVERSIGHT OF THE REMOTE DISPENSING SITE PHARMACY BEFORE A  
33 PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE IS DISPENSED.

34           4. COMPLY WITH ANY DISPENSING LIMITS ASSOCIATED WITH THE  
35 PRESCRIBING OF SCHEDULE II CONTROLLED SUBSTANCES THAT ARE OPIOIDS.

36           5. MAINTAIN A CONTINUOUS SYSTEM OF VIDEO SURVEILLANCE AND RECORDING  
37 OF THE PHARMACY DEPARTMENT FOR AT LEAST SIXTY DAYS AFTER THE DATE OF  
38 RECORDING.

39           E. EACH REMOTE DISPENSING SITE PHARMACY SHALL MAINTAIN A POLICY AND  
40 PROCEDURES MANUAL, WHICH SHALL BE MADE AVAILABLE TO THE BOARD OR ITS AGENT  
41 ON REQUEST. IN ADDITION TO ANY BOARD-APPROVED COMMUNITY PHARMACY POLICY  
42 AND PROCEDURE REQUIREMENTS, THE POLICY AND PROCEDURES MANUAL SHALL INCLUDE  
43 ALL OF THE FOLLOWING INFORMATION:

44           1. A DESCRIPTION OF HOW THE REMOTE DISPENSING SITE PHARMACY WILL  
45 COMPLY WITH FEDERAL AND STATE LAWS, RULES AND REGULATIONS.

1           2. THE PROCEDURE FOR SUPERVISING THE REMOTE DISPENSING SITE  
2 PHARMACY AND COUNSELING THE PATIENT OR PATIENT'S CAREGIVER USING AUDIO AND  
3 VISUAL TECHNOLOGY THAT COMPLIES WITH THE HEALTH INSURANCE PORTABILITY AND  
4 ACCOUNTABILITY ACT OF 1996.

5           3. THE ELEMENTS OF A MONTHLY INSPECTION OF THE REMOTE DISPENSING  
6 SITE PHARMACY BY THE PHARMACIST WHO IS DESIGNATED AS THE PHARMACIST  
7 RESPONSIBLE FOR THE OVERSIGHT OF THE REMOTE DISPENSING SITE PHARMACY,  
8 INCLUDING REQUIREMENTS FOR DOCUMENTATION AND RETENTION OF THE RESULTS OF  
9 EACH INSPECTION.

10          4. THE PROCEDURE FOR RECONCILING ON A MONTHLY BASIS THE PERPETUAL  
11 INVENTORY OF CONTROLLED SUBSTANCES TO THE ON-HAND COUNT OF CONTROLLED  
12 SUBSTANCES AT THE REMOTE DISPENSING SITE PHARMACY.

13          5. A DESCRIPTION OF HOW THE REMOTE DISPENSING SITE PHARMACY WILL  
14 IMPROVE PATIENT ACCESS TO A PHARMACIST AND PHARMACY SERVICES.

15          Sec. 6. Section 36-2606, Arizona Revised Statutes, as amended by  
16 Laws 2018, first special session, chapter 1, section 39, is amended to  
17 read:

18           36-2606. Registration; access; requirements; mandatory use;  
19                           annual user satisfaction survey; report;  
20                           definitions

21          A. A medical practitioner regulatory board shall notify each  
22 medical practitioner who receives an initial or renewal license and who  
23 intends to apply for registration or has an active registration under the  
24 controlled substances act (21 United States Code sections 801 through 904)  
25 of the medical practitioner's responsibility to register with the Arizona  
26 state board of pharmacy and be granted access to the controlled substances  
27 prescription monitoring program's central database tracking system. The  
28 Arizona state board of pharmacy shall provide access to the central  
29 database tracking system to each medical practitioner who has a valid  
30 license pursuant to title 32 and who possesses an Arizona registration  
31 under the controlled substances act (21 United States Code sections 801  
32 through 904). The Arizona state board of pharmacy shall notify each  
33 pharmacist of the pharmacist's responsibility to register with the Arizona  
34 state board of pharmacy and be granted access to the controlled substances  
35 prescription monitoring program's central database tracking system. The  
36 Arizona state board of pharmacy shall provide access to the central  
37 database tracking system to each pharmacist who has a valid license  
38 pursuant to title 32, chapter 18 and who is employed by a facility that  
39 has a valid United States drug enforcement administration registration  
40 number.

41          B. The registration is:

42           1. Valid in conjunction with a valid United States drug enforcement  
43 administration registration number and a valid license issued by a medical  
44 practitioner regulatory board established pursuant to title 32, chapter 7,  
45 11, 13, 14, 15, 16, 17, 25 or 29.

1           2. Valid in conjunction with a valid license issued by the Arizona  
2 state board of pharmacy for a pharmacist who is employed by a facility  
3 that has a valid United States drug enforcement administration  
4 registration number.

5           3. Not transferable or assignable.

6           C. An applicant for registration pursuant to this section must  
7 submit an application as prescribed by the board.

8           D. Pursuant to a fee prescribed by the board by rule, the board may  
9 issue a replacement registration to a registrant who requests a  
10 replacement because the original was damaged or destroyed, because of a  
11 change of name or for any other good cause as prescribed by the board.

12           E. A person who is authorized to access the controlled substances  
13 prescription monitoring program's central database tracking system may do  
14 so using only that person's assigned identifier and may not use the  
15 assigned identifier of another person.

16           F. Beginning the later of October 1, 2017 or sixty days after the  
17 statewide health information exchange has integrated the controlled  
18 substances prescription monitoring program data into the exchange, a  
19 medical practitioner, before prescribing an opioid analgesic or  
20 benzodiazepine controlled substance listed in schedule II, III or IV for a  
21 patient, shall obtain a patient utilization report regarding the patient  
22 for the preceding twelve months from the controlled substances  
23 prescription monitoring program's central database tracking system at the  
24 beginning of each new course of treatment and at least quarterly while  
25 that prescription remains a part of the treatment. Each medical  
26 practitioner regulatory board shall notify the medical practitioners  
27 licensed by that board of the applicable date. A medical practitioner may  
28 be granted a one-year waiver from the requirement in this subsection due  
29 to technological limitations that are not reasonably within the control of  
30 the practitioner or other exceptional circumstances demonstrated by the  
31 practitioner, pursuant to a process established by rule by the Arizona  
32 state board of pharmacy.

33           G. ~~A dispenser~~, Before ~~dispensing~~ A PHARMACIST DISPENSES OR BEFORE  
34 A PHARMACY TECHNICIAN OR PHARMACY INTERN OF A REMOTE DISPENSING SITE  
35 PHARMACY DISPENSES a schedule II controlled substance, A DISPENSER shall  
36 obtain a patient utilization report regarding the patient for the  
37 preceding twelve months from the controlled substances prescription  
38 monitoring program's central database tracking system at the beginning of  
39 each new course of treatment. The Arizona state board of pharmacy shall  
40 establish a process to provide to a dispenser a waiver for up to one year  
41 after the effective date of this amendment to this section from the  
42 requirement in this subsection due to technological limitations that are  
43 not reasonably within the control of the dispenser or other exceptional  
44 circumstances as demonstrated by the dispenser.

1 H. The medical practitioner or dispenser is not required to obtain  
2 a patient utilization report from the central database tracking system  
3 pursuant to subsection F of this section if any of the following applies:

4 1. The patient is receiving hospice care or palliative care for a  
5 serious or chronic illness.

6 2. The patient is receiving care for cancer, a cancer-related  
7 illness or condition or dialysis treatment.

8 3. A medical practitioner will administer the controlled substance.

9 4. The patient is receiving the controlled substance during the  
10 course of inpatient or residential treatment in a hospital, nursing care  
11 facility, assisted living facility, correctional facility or mental health  
12 facility.

13 5. The medical practitioner is prescribing the controlled substance  
14 to the patient for no more than a five-day period for an invasive medical  
15 or dental procedure or a medical or dental procedure that results in acute  
16 pain to the patient.

17 6. The medical practitioner is prescribing the controlled substance  
18 to the patient for no more than a five-day period for a patient who has  
19 suffered an acute injury or a medical or dental disease process that is  
20 diagnosed in an emergency department setting and that results in acute  
21 pain to the patient. An acute injury or medical disease process does not  
22 include back pain.

23 I. If a medical practitioner or dispenser uses electronic medical  
24 records that integrate data from the controlled substances prescription  
25 monitoring program, a review of the electronic medical records with the  
26 integrated data shall be deemed compliant with the review of the program's  
27 central database tracking system as required in subsection F of this  
28 section.

29 J. The board shall promote and enter into data sharing agreements  
30 for the purpose of integrating the controlled substances prescription  
31 monitoring program into electronic medical records.

32 K. By complying with this section, a medical practitioner or  
33 dispenser acting in good faith, or the medical practitioner's or  
34 dispenser's employer, is not subject to liability or disciplinary action  
35 arising solely from either:

36 1. Requesting or receiving, or failing to request or receive,  
37 prescription monitoring data from the program's central database tracking  
38 system.

39 2. Acting or failing to act on the basis of the prescription  
40 monitoring data provided by the program's central database tracking  
41 system.

42 L. Notwithstanding any provision of this section to the contrary,  
43 medical practitioners or dispensers and their delegates are not in  
44 violation of this section during any time period in which the controlled  
45 substances prescription monitoring program's central database tracking

1 system is suspended or is not operational or available in a timely manner.  
2 If the program's central database tracking system is not accessible, the  
3 medical practitioner or dispenser or the medical practitioner's or  
4 dispenser's delegate shall document the date and time the practitioner,  
5 dispenser or delegate attempted to use the central database tracking  
6 system pursuant to a process established by board rule.

7 M. The board shall conduct an annual voluntary survey of program  
8 users to assess user satisfaction with the program's central database  
9 tracking system. The survey may be conducted electronically. On or  
10 before December 1 of each year, the board shall provide a report of the  
11 survey results to the president of the senate, the speaker of the house of  
12 representatives and the governor and shall provide a copy of this report  
13 to the secretary of state.

14 N. This section does not prohibit a medical practitioner regulatory  
15 board or the Arizona state board of pharmacy from obtaining and using  
16 information from the program's central database tracking system.

17 O. For the purposes of this section:

18 1. "Dispenser" means a pharmacist who is licensed pursuant to title  
19 32, chapter 18.

20 2. "Emergency department" means the unit within a hospital that is  
21 designed for the provision of emergency services.

**APPROVED BY THE GOVERNOR MARCH 20, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2018**

Passed the House February 13, 20 18

Passed the Senate March 15, 20 18

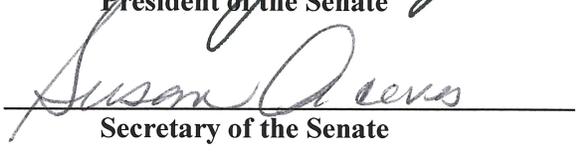
by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting

  
\_\_\_\_\_  
Speaker of the House  
 Pro Tempore  
  
\_\_\_\_\_  
Chief Clerk of the House

  
\_\_\_\_\_  
President of the Senate  
  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

16<sup>th</sup> day of March, 20 18

at 8:24 o'clock A M.

  
\_\_\_\_\_  
Secretary to the Governor

Approved this 20<sup>th</sup> day of

March 2018

at 10:55 o'clock A M.

  
\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20<sup>th</sup> day of March, 20 18

at 1:54 o'clock P. M.

  
\_\_\_\_\_  
Secretary of State

H.B. 2149