

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2421

AN ACT

AMENDING SECTION 36-2525, ARIZONA REVISED STATUTES; RELATING TO LIMITED SERVICE PHARMACIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2525, Arizona Revised Statutes, is amended to
3 read:

4 36-2525. Prescription orders; labels

5 A. In addition to THE requirements ~~in~~ OF section 32-1968,— pertaining
6 to prescription orders for prescription-only drugs, the prescription order
7 for a controlled substance shall bear the name, address and federal
8 registration number of the prescriber. A prescription order for a schedule
9 II controlled substance drug other than a hospital drug order for a hospital
10 inpatient shall contain only one drug order per prescription blank. If
11 authorized verbally by the prescriber, the pharmacist may make changes to
12 correct errors or omissions made by the prescriber on the following parts of
13 a written schedule II controlled substance prescription order:

- 14 1. The date issued.
- 15 2. The strength, dosage form or quantity of drug.
- 16 3. The directions for its use.

17 B. The pharmacist must document on the original prescription order the
18 changes that were made pursuant to the verbal authorization and record the
19 time and date the authorization was granted.

20 C. A person WHO IS registered to dispense controlled substances under
21 this chapter must keep and maintain prescription orders for controlled
22 substances as follows:

23 1. Prescription orders for controlled substances listed in schedules I
24 and II must be maintained in a separate prescription file for controlled
25 substances listed in schedules I and II only.

26 2. Prescription orders for controlled substances listed in schedules
27 III, IV and V must be maintained either in a separate prescription file for
28 controlled substances listed in schedules III, IV and V only or in a form
29 that allows them to be readily retrievable from the other prescription
30 records of the registrant. For the purposes of this paragraph, "readily
31 retrievable" means that, when the prescription is initially filed, the face
32 of the prescription is stamped in red ink in the lower right corner with the
33 letter "C" in a font that is not less than one inch high and that the
34 prescription is filed in the usual consecutively numbered prescription file
35 for noncontrolled substance prescriptions. The requirement to stamp the hard
36 copy prescription with a red "C" is waived if a registrant employs an
37 electronic data processing system or other electronic ~~record-keeping~~
38 RECORDKEEPING system for prescriptions that permits identification by
39 prescription number and retrieval of original documents by THE prescriber's
40 name, patient's name, drug dispensed and date filled.

41 D. Except in emergency situations in conformity with subsection E of
42 this section, under the conditions specified in subsections F and G of this
43 section or when dispensed directly by a medical practitioner to an ultimate
44 user, a controlled substance in schedule II shall not be dispensed without
45 either the written prescription order in ink or indelible pencil or

1 typewritten and manually signed by the medical practitioner or an electronic
2 prescription order as prescribed by federal law or regulation. A
3 prescription order for a schedule II substance shall not be dispensed more
4 than ninety days after the date on which the prescription order was issued.
5 A LIMITED SERVICE PHARMACY AS DEFINED IN SECTION 32-1901 MAY SELL AND
6 DISPENSE A SCHEDULE II SUBSTANCE PRESCRIBED BY A MEDICAL PRACTITIONER WHO IS
7 LOCATED IN ANOTHER STATE IF THE PRESCRIPTION WAS ISSUED TO THE PATIENT
8 ACCORDING TO AND IN COMPLIANCE WITH THE APPLICABLE LAWS OF THE STATE OF THE
9 PRESCRIBING MEDICAL PRACTITIONER AND FEDERAL LAW. A prescription order for a
10 schedule II substance shall not be refilled.

11 E. In emergency situations, emergency quantities of schedule II
12 substances may be dispensed on an oral prescription order of a medical
13 practitioner. Such an emergency prescription order shall be immediately
14 reduced to writing by the pharmacist and shall contain all the information
15 required for schedule II drugs except for the manual signing of the order by
16 the medical practitioner. Within seven days after authorizing an emergency
17 oral prescription order, the prescribing medical practitioner shall cause a
18 written prescription order manually signed for the emergency quantity
19 prescribed to be delivered to the dispensing pharmacist or an electronic
20 prescription order to be transmitted to the pharmacist. In addition to
21 conforming to other requirements for prescription orders for schedule II
22 substances, it shall indicate electronically or have written on its face
23 "authorization for emergency dispensing" and the date of the oral order. If
24 the prescribing medical practitioner fails to deliver such an emergency
25 prescription order within seven days in conformance with board rules, the
26 pharmacist shall notify the board. Failure of the pharmacist to notify the
27 board shall void the authority conferred by this subsection to dispense
28 without a written, manually-signed prescription order of a medical
29 practitioner.

30 F. The following may be transmitted to a pharmacy by ~~facsimile~~ FAX by
31 a patient's medical practitioner or the medical practitioner's agent:

32 1. A prescription order written for a schedule II controlled substance
33 to be compounded for the direct administration to a patient by parenteral,
34 intravenous, intramuscular, subcutaneous or intraspinal infusion.

35 2. A prescription order written for any schedule II controlled
36 substance for a resident of a long-term care facility.

37 3. A prescription order written for a schedule II controlled substance
38 for a patient enrolled in a hospice care program THAT IS certified or paid
39 for by medicare under title XVIII or a hospice program that is licensed by
40 this state. The medical practitioner or the medical practitioner's agent
41 must note on the prescription that the patient is a hospice patient.

42 G. A ~~facsimile~~ FAX transmitted pursuant to subsection F of this
43 section is the original written prescription order for purposes of this
44 section and must be maintained as required by subsection C of this section.

1 H. Except when dispensed directly by a medical practitioner to an
2 ultimate user, a controlled substance included in schedule III or IV that
3 requires a prescription order as determined under state or federal laws shall
4 not be dispensed without a written or oral prescription order of a medical
5 practitioner or an electronic prescription order as prescribed by federal law
6 or regulation. The prescription order shall not be filled or refilled more
7 than six months after the date on which the prescription order was issued. A
8 prescription order authorized to be refilled shall not be refilled more than
9 five times. Additional quantities may only be authorized by the prescribing
10 medical practitioner through issuance of a new prescription order that shall
11 be treated by the pharmacist as a new and separate prescription order.

12 I. Except when dispensed directly by a medical practitioner to an
13 ultimate user, a controlled substance that is included in schedule V and that
14 requires a prescription order as determined under state or federal laws shall
15 not be dispensed without a written or oral prescription order of a medical
16 practitioner. The prescription order may be refilled as authorized by the
17 prescribing medical practitioner but shall not be filled or refilled more
18 than one year after the date of issuance.

19 J. A controlled substance that is listed in schedule III, IV or V and
20 that does not require a prescription order as determined under state or
21 federal laws may be dispensed at retail by a pharmacist, a pharmacy intern or
22 a graduate intern under the pharmacist's supervision without a prescription
23 order to a purchaser who is at least eighteen years of age if all of the
24 following are true:

25 1. It is for a legitimate medical purpose.

26 2. Not more than two hundred forty cubic centimeters (eight ounces) of
27 any such controlled substance containing opium, nor more than one hundred
28 twenty cubic centimeters (four ounces) of any other such controlled
29 substance, nor more than forty-eight dosage units of any such controlled
30 substance containing opium, nor more than twenty-four dosage units of any
31 other controlled substance may be dispensed at retail to the same purchaser
32 in any given forty-eight-hour period.

33 3. No more than one hundred dosage units of any single active
34 ingredient ephedrine preparation may be sold, offered for sale, bartered, or
35 given away to any one person in any one thirty-day period.

36 4. The pharmacist, pharmacy intern or graduate intern requires every
37 purchaser of a controlled substance under this subsection not known to that
38 person to furnish suitable identification, including proof of age where
39 appropriate.

40 5. A bound record book for dispensing controlled substances under this
41 subsection is maintained by the pharmacist and contains the name and address
42 of the purchaser, the name and quantity of the controlled substance
43 purchased, the date of each purchase and the name or initials of the
44 pharmacist, pharmacy intern or graduate intern who dispensed the substance to

1 the purchaser. Such book shall be maintained in conformity with the ~~record~~
2 ~~keeping~~ RECORDKEEPING requirements of section 36-2523.

3 K. In the absence of a law requiring a prescription for a schedule V
4 controlled substance, the board, by rules, may require, or remove the
5 requirement of, a prescription order for a schedule V controlled substance.

6 L. The label on a container of a controlled substance directly
7 dispensed by a medical practitioner or pharmacist, not for the immediate
8 administration to the ultimate user, such as a bed patient in a hospital,
9 shall bear the name and address of the dispensing medical practitioner or
10 pharmacist, the serial number, THE date of dispensing, THE name of THE
11 prescriber, THE name of THE patient or, if an animal, the name of the owner
12 of the animal and the species of the animal, THE directions for use and
13 cautionary statements, if any, contained in the prescription order or
14 required by law. If the controlled substance is included in schedule II, III
15 or IV, the label shall bear a transfer warning to the effect:
16 "Caution: federal law prohibits the transfer of this drug to any person
17 other than the patient for whom it was prescribed".

18 M. Controlled substances in schedules II, III, IV and V may be
19 dispensed as electronically transmitted prescriptions if the prescribing
20 medical practitioner is all of the following:

21 1. Properly registered by the United States drug enforcement
22 administration.

23 2. Licensed in good standing in the United States jurisdiction in
24 which the medical practitioner practices.

25 3. Authorized to issue such prescriptions in the jurisdiction in which
26 the medical practitioner is licensed.

27 N. The board, by rule, may provide additional requirements for
28 prescribing and dispensing controlled substances.