



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1088

controlled substances; schedule designations

Purpose

Requires the Arizona State Board of Pharmacy (Board) to adopt the Schedule I, II, III, IV and V controlled substance designations as listed in federal law.

Background

Established in 1970, the Controlled Substances Act (CSA) places drugs, substances and certain chemicals used to make drugs into five distinct schedules. The CSA also provides a mechanism for substances to be controlled or decontrolled through inclusion or removal from scheduling. Proceedings to add, delete or change the schedule of a drug or other substance may be initiated by the U.S. Drug Enforcement Administration, U.S. Department of Health and Human Services or by petition from any interested party, including: 1) the manufacturer of a drug; 2) a medical society or association; 3) a pharmacy association; 4) a public interest group concerned with drug abuse; 5) a state or local government agency; or 6) an individual citizen. When determining which schedule a drug or other substance should be placed, decontrolled or rescheduled, certain factors are required to be considered, including: 1) the substance's actual or relative potential for abuse; 2) scientific evidence of the substance's pharmacological effect; 3) the substance's history and pattern of abuse; 4) any potential or actual risk to public health; and 5) whether the substance is an immediate precursor of a substance already controlled or scheduled (21 U.S.C. §§ [811](#) and [812](#)).

According to the U.S. Drug Enforcement Administration, Schedule I drugs, substances and chemicals are those with no currently accepted medical use and a high potential for abuse, including heroin, marijuana, peyote and lysergic acid diethylamide. Schedule II drugs, substances and chemicals are those with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. Schedule II drugs are considered dangerous, and include cocaine, methamphetamine, methadone, oxycodone and fentanyl. Schedule III drugs, substances and chemicals are those with a moderate to low potential for physical and psychological dependence, and include Tylenol with codeine, ketamine, anabolic steroids and testosterone. Schedule IV drugs, substances and chemicals have a low potential for abuse and a low risk for dependence, and include Xanax, Valium and Ambien. Schedule V drugs, substances and chemicals are those with a lower potential for abuse than Schedule IV drugs, may contain limited quantities of certain narcotics and include Robitussin AC, Lomotil and Lyrica.

The Board regulates the practice of pharmacy and the distribution, sale and storage of prescription medications, prescriptive devices and nonprescription medications. The Board is charged with licensing pharmacists, pharmacy interns, pharmacy technicians and pharmacy technician trainees, and issues permits to pharmacies, drug manufacturers, wholesalers, distributors and suppliers in Arizona. The Board is tasked with: 1) issuing licenses to pharmacists, pharmacy interns and pharmacy technicians; 2) issuing permits to pharmacies, manufacturers, wholesalers and distributors; 3) investigating complaints and adjudicating violations of applicable state and federal law; and 4) conducting compliance inspections ([A.R.S. § 32-1901](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Directs the Board to adopt the Schedule I, II, III, IV and V controlled substances as listed in the CSA and requires the Board to amend Board rules, as necessary, to reflect any changes in the schedule designations.
2. Eliminates individual references to certain substances, chemicals and drugs that are statutorily designated as Schedule I, II, III, IV and V controlled substances.
3. Prohibits the Board from adopting rules that include any material, compound, mixture or preparation that contains any quantity of an exempt controlled substance.
4. Makes technical and conforming changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Prohibits adopted scheduling rules from including substances or preparations that contain quantities of exempt controlled substances.

Senate Action

HHS 2/3/21 DPA 7-0-1

Prepared by Senate Research

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