

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1016

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 32, chapter 18, article 3, Arizona Revised
3 Statutes, is amended by adding section 32-1965.01, to read:

4 32-1965.01. Pharmacists; off-label use; dispensing required;
5 exceptions; definition

6 A. A PHARMACIST SHALL EXERCISE THE PHARMACIST'S PROFESSIONAL
7 JUDGMENT IN THE BEST INTEREST OF THE PATIENT'S HEALTH WHEN ENGAGING IN THE
8 PRACTICE OF PHARMACY.

9 B. DURING A PROCLAIMED PUBLIC HEALTH STATE OF EMERGENCY, A
10 PHARMACIST SHALL DISPENSE ALL PRESCRIPTIONS ORDERS WRITTEN BY A MEDICAL
11 PRACTITIONER FOR THE OFF-LABEL USE OF A PRESCRIPTION DRUG. THE PHARMACIST
12 IS IMMUNE FROM CRIMINAL PROSECUTION AND ADVERSE BOARD ACTION OR DISCIPLINE
13 IF THE PHARMACIST, IN GOOD FAITH, REFUSES TO DISPENSE A PRESCRIPTION
14 BECAUSE IN THE PHARMACIST'S PROFESSIONAL JUDGMENT THIS ACTION WOULD BE:

15 1. CONTRARY TO LAW.

16 2. CONTRARY TO THE HEALTH AND SAFETY OF THE PATIENT BASED ON A
17 DOCUMENTED CLINICAL REASON OTHER THAN THE PRESCRIPTION ORDER BEING WRITTEN
18 FOR THE OFF-LABEL USE OF A PRESCRIPTION DRUG.

19 3. IMPOSSIBLE OR INAPPROPRIATE BECAUSE ONE OF THE FOLLOWING APPLIES:

20 (a) THE PRESCRIPTION DRUG IS NOT AVAILABLE TO THE MARKET AT THE TIME
21 THE PRESCRIPTION ORDER IS PRESENTED TO THE PHARMACIST.

22 (b) THE PHARMACIST LACKS SUFFICIENT EQUIPMENT, INVENTORY OR
23 KNOWLEDGE TO DISPENSE THE PRESCRIPTION DRUG SAFELY.

1 (c) THE PHARMACY DOES NOT ROUTINELY STOCK THE PRESCRIPTION DRUG AS A
2 PART OF ITS USUAL AND CUSTOMARY PRACTICE.

3 C. FOR THE PURPOSES OF THIS SECTION, "OFF-LABEL USE" HAS THE SAME
4 MEANING PRESCRIBED IN SECTION 32-1997."

5 Amend title to conform

1016HHS
02/11/2022
1:06 PM
C: MH