

Senate Engrossed

~~pharmacies; off-label use; refusal prohibition~~
(now: prescriptions; public health emergency)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1016

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-1965.01; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
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
20 APPLIES:
21 (a) THE PRESCRIPTION DRUG IS NOT AVAILABLE TO THE MARKET AT THE
22 TIME THE PRESCRIPTION ORDER IS PRESENTED TO THE PHARMACIST.
23 (b) THE PHARMACIST LACKS SUFFICIENT EQUIPMENT, INVENTORY OR
24 KNOWLEDGE TO DISPENSE THE PRESCRIPTION DRUG SAFELY.
25 (c) THE PHARMACY DOES NOT ROUTINELY STOCK THE PRESCRIPTION DRUG AS
26 A PART OF ITS USUAL AND CUSTOMARY PRACTICE.
27 C. FOR THE PURPOSES OF THIS SECTION, "OFF-LABEL USE" HAS THE SAME
28 MEANING PRESCRIBED IN SECTION 32-1997.