

REFERENCE TITLE: **opioid prescriptions; intractable pain; exceptions**

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

SB 1162

Introduced by
Senator Barto

AN ACT

AMENDING SECTION 32-3248.01, ARIZONA REVISED STATUTES; RELATING TO CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3248.01, Arizona Revised Statutes, is amended
3 to read:

4 32-3248.01. Schedule II controlled substances; dosage limit;
5 exceptions; morphine; opioid antagonist;
6 definitions

7 A. A health professional who is authorized under this title to
8 prescribe controlled substances may not issue a new prescription to be
9 filled or dispensed for a patient outside of a health care institution for
10 a schedule II controlled substance that is an opioid that exceeds ninety
11 morphine milligram equivalents per day.

12 B. The limit prescribed by subsection A of this section does not
13 apply to:

14 1. A continuation of a prior prescription that was issued within
15 the previous sixty days.

16 2. An opioid with a maximum approved total daily dose in the
17 labeling as approved by the United States food and drug administration.

18 3. A prescription that is issued following a surgical procedure and
19 that is limited to not more than a fourteen-day supply.

20 4. A patient who:

21 (a) Has an active oncology diagnosis.

22 (b) Has a traumatic injury, ~~not including a surgical procedure.~~

23 (c) Is receiving hospice care.

24 (d) Is receiving end-of-life care.

25 (e) Is receiving palliative care.

26 (f) Is receiving skilled nursing facility care.

27 (g) Is receiving treatment for burns.

28 (h) Is receiving medication-assisted treatment for a substance use
29 disorder.

30 (i) Is hospitalized.

31 (j) HAS INTRACTABLE PAIN OR CHRONIC INTRACTABLE PAIN.

32 (k) IS RECEIVING OPIOID TREATMENT FOR PERIOPERATIVE SURGICAL PAIN.

33 C. If a health professional believes that a patient requires more
34 than ninety morphine milligram equivalents per day and the patient is not
35 exempt from the limit pursuant to subsection B of this section, the health
36 professional shall first consult with a physician who is licensed pursuant
37 to chapter 13 or 17 of this title and who is board-certified in pain, or
38 an opioid assistance and referral call service, if available, that is
39 designated by the department of health services. The consultation may be
40 done by telephone or through telehealth. If the opioid assistance and
41 referral call service agrees with the higher dose, the health professional
42 may issue a prescription for more than ninety morphine milligram
43 equivalents per day. If the consulting physician agrees with the higher
44 dose, the health professional may issue a prescription for more than
45 ninety morphine milligram equivalents per day. If the consulting

1 physician is not available to consult within forty-eight hours after the
2 request, the health professional may prescribe the amount that the health
3 professional believes the patient requires and subsequently have the
4 consultation. If the health professional is a physician who is licensed
5 pursuant to chapter 13 or 17 of this title and is board-certified in pain,
6 the health professional may issue a prescription for more than ninety
7 morphine milligram equivalents per day without a consultation under this
8 subsection.

9 D. If a patient is prescribed more than ninety morphine milligram
10 equivalents per day pursuant to subsection B or C of this section, the
11 prescribing health professional shall also prescribe for the patient
12 naloxone hydrochloride or any other opioid antagonist that is approved by
13 the United States food and drug administration ~~for the treatment of~~ TO
14 TREAT opioid-related overdoses.

15 E. A prescription for a schedule II controlled substance that is an
16 opioid that is written for more than ninety morphine milligram equivalents
17 per day is deemed to meet the requirements of an exemption under this
18 section when the prescription is presented to the dispenser. A pharmacist
19 is not required to verify with the prescriber whether the prescription
20 complies with this section.

21 F. FOR THE PURPOSES OF THIS SECTION:

22 1. "CHRONIC INTRACTABLE PAIN" MEANS PAIN THAT MEETS ALL OF THE
23 FOLLOWING:

24 (a) IS EXCRUCIATING, CONSTANT, INCURABLE AND OF SUCH SEVERITY THAT
25 IT DOMINATES VIRTUALLY EVERY CONSCIOUS MOMENT.

26 (b) PRODUCES MENTAL AND PHYSICAL DEBILITATION.

27 (c) MAY PRODUCE A DESIRE TO COMMIT SUICIDE FOR THE SOLE PURPOSE OF
28 STOPPING THE PAIN.

29 2. "INTRACTABLE PAIN" MEANS A PAIN STATE THAT PERSISTS BEYOND THE
30 USUAL COURSE OF AN ACUTE DISEASE OR HEALING OF AN INJURY OR SURGERY OR
31 THAT RESULTS FROM A CHRONIC DISEASE OR CONDITION CAUSING CONTINUOUS OR
32 INTERMITTENT PAIN OVER A PERIOD OF MONTHS OR YEARS.