

Senate Engrossed

opioid prescriptions; intractable pain; exceptions

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

# SENATE BILL 1162

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