

House Engrossed

dentists; registration; civil penalty; repeal

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2037

AN ACT

AMENDING SECTION 32-1298, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1298, Arizona Revised Statutes, is amended to
3 read:
4 32-1298. Dispensing of drugs and devices; conditions;
5 definition
6 A. A dentist may dispense drugs, except schedule II controlled
7 substances that are opioids, and devices kept by the dentist if:
8 1. All drugs AND DEVICES are dispensed in packages labeled with the
9 following information:
10 (a) The dispensing dentist's name, address and telephone number.
11 (b) The date the drug OR DEVICE is dispensed.
12 (c) The patient's name.
13 (d) The name and strength of the drug OR DEVICE, directions for its
14 use and any cautionary statements REQUIRED BY LAW.
15 2. The dispensing dentist enters into the patient's dental record
16 the name and strength of the drug OR DEVICE dispensed, the date the drug
17 OR DEVICE is dispensed and the therapeutic reason.
18 3. The dispensing dentist keeps all drugs AND DEVICES in a locked
19 cabinet or room, controls access to the cabinet or room by a written
20 procedure and maintains an ongoing inventory of its contents.
21 ~~B. Except in an emergency situation, a dentist who dispenses drugs~~
22 ~~for a profit without being registered by the board to do so is subject to~~
23 ~~a civil penalty by the board of not less than three hundred dollars and~~
24 ~~not more than one thousand dollars for each transaction and is prohibited~~
25 ~~from further dispensing for a period of time as prescribed by the board.~~
26 ~~C.~~ B. Before dispensing a drug OR DEVICE pursuant to this section,
27 the patient shall be given a written prescription on which appears the
28 following statement in bold type: "This prescription may be filled by the
29 prescribing dentist or by a pharmacy of your choice."
30 ~~D.~~ C. A dentist shall dispense for profit only to the dentist's
31 own patient and only for conditions being treated by that dentist. The
32 dentist shall provide direct supervision of an attendant involved in the
33 dispensing process. For the purposes of this subsection, "direct
34 supervision" means that a dentist is present and makes the determination
35 as to the legitimacy or advisability of the drugs or devices to be
36 dispensed.
37 ~~E.~~ D. This section shall be enforced by the board, which shall
38 establish rules regarding labeling, recordkeeping, storage and packaging
39 of drugs AND DEVICES that are consistent with the requirements of chapter
40 18 of this title. The board may conduct periodic inspections of
41 dispensing practices to ensure compliance with this section and applicable
42 rules.

1 ~~F.~~ E. For the purposes of this section, "dispense" means the
2 delivery by a dentist of a prescription drug or device to a patient,
3 except for samples packaged for individual use by licensed manufacturers
4 or repackagers of drugs OR DEVICES, and includes the prescribing,
5 administering, packaging, labeling and security necessary to prepare and
6 safeguard the drug or device for delivery.