

House Engrossed

~~DUI; public safety; technical correction~~  
(now: prescriptions; approval; controlled substance)

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

# HOUSE BILL 2489

AN ACT

AMENDING SECTION 36-2511, ARIZONA REVISED STATUTES; AMENDING TITLE 36,  
CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION  
36-2517.01; 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 36-2511, Arizona Revised Statutes, is amended to  
3 read:

4 36-2511. Nomenclature

5 The controlled substances listed or to be listed in the schedules in  
6 sections 36-2512, 36-2513, 36-2514, 36-2515, 36-2516, ~~and~~ 36-2517 ~~AND~~  
7 36-2517.01 or the rules adopted pursuant to this article are included by  
8 whatever official, common, usual, chemical or trade name designated.

9 Sec. 2. Title 36, chapter 27, article 2, Arizona Revised Statutes,  
10 is amended by adding section 36-2517.01, to read:

11 36-2517.01. United States food and drug administration:  
12 approved medication; rescheduling

13 ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS  
14 3, 4-METHYLENEDIOXYMETHAMPHETAMINE AND THAT IS APPROVED BY THE UNITED  
15 STATES FOOD AND DRUG ADMINISTRATION AND RESCHEDULED BY THE UNITED STATES  
16 DRUG ENFORCEMENT ADMINISTRATION TO A SCHEDULE OTHER THAN SCHEDULE I OF THE  
17 CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904)  
18 IS A CONTROLLED SUBSTANCE FOR THE PURPOSES OF THIS CHAPTER AND MAY BE  
19 PRESCRIBED IN THIS STATE.

20 Sec. 3. Legislative findings; intent

21 The legislature finds that roughly five out of every one hundred  
22 adults in the United States has post-traumatic stress disorder in any  
23 given year. In 2020, approximately thirteen million Americans had  
24 post-traumatic stress disorder, including veterans, first responders and  
25 survivors of domestic violence, sexual assault and other trauma. People  
26 living with post-traumatic stress disorder are in need of new treatment  
27 options, and 3, 4-methylenedioxymethamphetamine (MDMA) assisted therapy is  
28 showing potential as one of these treatments. If an MDMA medication is  
29 approved by the United States food and drug administration and rescheduled  
30 by the United States drug enforcement administration, it is this  
31 legislature's intent that patients have rapid access to this treatment  
32 option.

33 Sec. 4. Conditional enactment; notice

34 A. This act does not become effective unless on or before January  
35 1, 2026 a 3, 4-methylenedioxymethamphetamine investigational product is  
36 newly approved as a prescription medication pursuant to 21 United States  
37 Code section 355 and is controlled under a federal interim final rule  
38 issued pursuant to 21 United States Code section 811(j) and published in  
39 the Federal Register.

40 B. The executive director of the Arizona state board of pharmacy  
41 shall notify in writing the director of the Arizona legislative council on  
42 or before February 1, 2026 either:

- 43 1. Of the date on which the condition was met.
- 44 2. That the condition was not met.

45 Sec. 5. Short title

46 This act may be cited as "The PTSD Treatment Act of 2023".