

REFERENCE TITLE: **prescriptions; public health emergencies**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1280

Introduced by
Senators Shamp; Wadsack; Representatives Pingerelli, Smith

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; public health emergencies; off-label
5 use; dispensing required; exceptions;
6 definition

7 A. A PHARMACIST SHALL EXERCISE THE PHARMACIST'S PROFESSIONAL
8 JUDGMENT IN THE BEST INTEREST OF THE PATIENT'S HEALTH WHEN ENGAGING IN THE
9 PRACTICE OF PHARMACY.

10 B. DURING A PUBLIC HEALTH EMERGENCY RESPONSE OF THIS STATE PURSUANT
11 TO SECTION 36-787, A PHARMACIST SHALL DISPENSE ALL PRESCRIPTION ORDERS
12 WRITTEN BY A MEDICAL PRACTITIONER FOR THE OFF-LABEL USE OF A PRESCRIPTION
13 DRUG. THE PHARMACIST IS IMMUNE FROM CRIMINAL PROSECUTION AND ADVERSE
14 BOARD ACTION OR DISCIPLINE IF THE PHARMACIST, IN GOOD FAITH, REFUSES TO
15 DISPENSE A PRESCRIPTION BECAUSE THIS ACTION WOULD BE:

16 1. IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, CONTRARY TO LAW.

17 2. IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, CONTRARY TO THE
18 HEALTH AND SAFETY OF THE PATIENT BASED ON A DOCUMENTED CLINICAL REASON
19 OTHER THAN THE PRESCRIPTION ORDER BEING WRITTEN FOR THE OFF-LABEL USE OF A
20 PRESCRIPTION DRUG.

21 3. IMPOSSIBLE OR INAPPROPRIATE BECAUSE ONE OF THE FOLLOWING
22 APPLIES:

23 (a) THE PRESCRIPTION DRUG IS NOT AVAILABLE TO THE MARKET AT THE
24 TIME THE PRESCRIPTION ORDER IS PRESENTED TO THE PHARMACIST.

25 (b) THE PHARMACIST LACKS SUFFICIENT EQUIPMENT, INVENTORY OR
26 KNOWLEDGE TO DISPENSE THE PRESCRIPTION DRUG SAFELY.

27 (c) THE PHARMACY DOES NOT ROUTINELY STOCK THE PRESCRIPTION DRUG AS
28 A PART OF ITS USUAL AND CUSTOMARY PRACTICE.

29 C. FOR THE PURPOSES OF THIS SECTION, "OFF-LABEL USE" HAS THE SAME
30 MEANING PRESCRIBED IN SECTION 32-1997.