

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

CHAPTER 97
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".

APPROVED BY THE GOVERNOR APRIL 28, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2023.