



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
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Senate: JUD DPA 6-1-0-0 | 3<sup>rd</sup> Read 27-1-2-0-0

House: JUD DP 5-4-0-0

## **SB 1447: fentanyl; manufacturing drugs; machines**

**Sponsor: Senator Kavanagh, LD 3**

**House Engrossed**

### **Overview**

Defines pill tabulating machines and encapsulating machines; creates reporting requirements for the sale or transfer of these machines; increases penalty for drug counterfeiting; and adds new chemicals to the precursor chemical II list.

### **History**

The criminal code defines several terms and processes related to drug offenses and classifies drugs and the compounds required to make them.

Precursor chemicals are chemicals and solvents that are used or likely to be used in the manufacture of a controlled substance. There are two different classes of precursor chemicals enumerated in statute. A precursor chemical II is defined as any, material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- 1) 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 2) 4-cyano-1-methyl-4-phenylpiperidine;
- 3) Chlorephedrine;
- 4) Chlorpseudoephedrine;
- 5) Ethyl-4-phenylpiperidine-4-carboxylate;
- 6) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- 7) 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 8) N-formyl amphetamine;
- 9) N-formyl methamphetamine;
- 10) Phenyl-2-propanone;
- 11) 1-piperidinocyclohexane carbonitrile;
- 12) 1-pyrrolidinocyclohexane carbonitrile ([A.R.S. § 13-3401](#)).

It is a class 1 misdemeanor offense for a person to make, distribute or possess any punch, die, plate, stone or thing designed to counterfeit or falsely duplicate any drug or its packaging ([A.R.S. § 13-3459](#)).

### **Provisions**

1. Defines an *encapsulating machine* as follows:
  - a) any manual, semiautomatic or fully automatic equipment that may be used to fill shells or capsules with any powdered, granular, semisolid or liquid material;
  - b) includes all machine parts and components that are sold, shipped or advertised as part of an encapsulating machine whether or not the machine is assembled. (Sec. 1)

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| <input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input checked="" type="checkbox"/> <a href="#">Fiscal Note</a> |
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2. Defines a *pill tableting machine* as follows:
  - a) any manual, semiautomatic or fully automatic equipment that may be used for compacting or molding powdered or granular solids or semisolid materials to produce coherent solid tablets;
  - b) includes all machine parts and components that are sold, shipped or advertised as part of a pill tableting machine whether or not the machine is assembled. (Sec. 1)
3. Adds the following to the precursor chemical II list in [A.R.S. § 13-3401](#):
  - a) 4-anilino-N-phenethylpiperidine (ANPP) (C<sub>19</sub>H<sub>24</sub>N<sub>2</sub>);
  - b) N-phenethyl-4-piperidone (NPP) (C<sub>13</sub>H<sub>17</sub>NO);
  - c) 4-Anilinopiperidine (4AP) (C<sub>11</sub>H<sub>16</sub>N<sub>2</sub>);
  - d) 4-Piperidone (C<sub>5</sub>H<sub>9</sub>NO);
  - e) Benzylfentanyl (C<sub>21</sub>H<sub>26</sub>N<sub>2</sub>O);
  - f) Norfentanyl (C<sub>14</sub>H<sub>20</sub>N<sub>2</sub>O). (Sec. 1)
4. Requires a report to be submitted to the Department of Public Safety (DPS) by any person that transfers, furnishes, purchases, receives or resells any regulated pill tableting machine or encapsulating machine and its parts in this state. (Sec. 2)
5. Instructs DPS to provide a common reporting form that contains at least the following:
  - a) the manufacturer's name and address, and the model, serial number and origin of the pill tableting machine or encapsulating machine;
  - b) the name and address of the pill tableting machine or encapsulating machine seller;
  - c) the shipping carrier information, including tracking information, names and addresses of the sender and receiver for each piece associated with the pill tableting machine or encapsulating machine;
  - d) the number of pieces shipped and the manifested description of each item whether shipped together or separate;
  - e) the date of purchase, sale price and method of payment, including the full name of the payee. (Sec. 2)
6. Requires the person or entity that sells or transfers a pill tabulating machine or encapsulating machine to submit information from the common reporting form to DPS at least 10 days before the delivery of the machine. (Sec. 2)
7. Instructs the entity receiving or purchasing the pill tabulating machine or encapsulating machine to submit a report of receivership or purchase to DPS at least three business days after payment, in part or in full for the machine or any part of the machine. (Sec. 1)
8. Requires entities that submit a report to DPS to disclose any known or intended subsequent transfers after completion of the sale or purchase of the pill tableting machine or encapsulating machine. (Sec. 2)
9. Mandates any person who sells, transfers or furnishes any pill tableting machine or encapsulating machine in the state to any person or entity in a suspicious transaction to report it to DPS. (Sec. 2)
10. Makes it illegal for a person to knowingly do any of the following:
  - a) fail to submit the required report;
  - b) submit false information or omit any material information in any required report or record;
  - c) cause another person to furnish false information or omit any material information in any required report or record;

- d) participate in any wholesale or retail transaction by a person with intent to avoid filing by any party to the transaction of any required report. (Sec. 2)
11. States that subsection F, paragraph 1, does not apply to a person who fails to submit a report if the person has not previously been notified or convicted of a violation of this section and the person submits the required report to DPS within 10 days after being charged with a violation or before being charged, being notified by a law enforcement agency of the failure to submit a report to DPS safety pursuant to this section.(Sec. 2)
  12. Exempts the following from the above reporting requirement:
    - a) a nonprofit medical marijuana dispensary, nonprofit medical marijuana dispensary agent, marijuana establishment or marijuana facility agent unless they resell, transfer or provide the pill tableting machine or encapsulating machine to an unlicensed entity or person;
    - b) a business that is subject to the transaction privilege tax imposed pursuant to title 42, chapter 5, article 1, that is registered with the Department of Revenue and that purchases or receives a pill tableting or encapsulating machine where such machine is intrinsic to the nature of the business is exempt from reporting requirements prescribed by this section unless the licensed business or its agent resells, transfers or provides the pill tableting or encapsulating machine to a nonlicensed entity or person.(Sec. 2)
  13. Classifies violating the above reporting requirements as a class 1 misdemeanor for a first-time offense and a class 6 felony for a second or subsequent offense (Sec. 2)
  14. Adds definitions for the following:
    - a) *marijuana establishment*;
    - b) *marijuana facility agent*;
    - c) *nonprofit medical marijuana dispensary*;
    - d) *nonprofit medical marijuana dispensary agent*. (Sec. 1)
  15. Exempts a licensed pharmacist, or an employee acting on behalf of a licensed pharmacist, that is registered and licensed with the Drug Enforcement Administration to dispense scheduled substances and that purchases or receives a pill tableting machine or encapsulating machine from the outlined reporting requirements unless the pharmacist or employee resells, transfers or provides the pill tableting machine or encapsulating machine to a nonlicensed entity. (Sec. 2)
  16. Increases the penalty for making, distributing or possessing any punch, die, plate, stone or thing designed to counterfeit or falsely duplicate any drug or its packaging under [A.R.S. § 13-3459](#) from a class 1 misdemeanor to a class 5 felony. (Sec. 3)
  17. Makes technical and conforming changes. (Sec. 1-5)