

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2045
(Reference to printed bill)

1 Page 18, after line 11, insert:

2 "Sec. 2. Section 13-3412, Arizona Revised Statutes, is amended to
3 read:

4 13-3412. Exceptions and exemptions; burden of proof;
5 privileged communications

6 A. The provisions of sections 13-3402 and 13-3403, section
7 13-3404.01, subsection A, paragraph 1 and sections 13-3405 through 13-3409
8 do not apply to:

9 1. Manufacturers, wholesalers, pharmacies and pharmacists under the
10 provisions of sections 32-1921 and 32-1961.

11 2. Medical practitioners, pharmacies and pharmacists while acting in
12 the course of their professional practice, in good faith and in accordance
13 with generally accepted medical standards.

14 3. Persons who lawfully acquire and use such drugs only for
15 scientific purposes.

16 4. Officers and employees of the United States, this state or a
17 political subdivision of the United States or this state, while acting in
18 the course of their official duties.

19 5. An employee or agent of a person described in paragraphs 1
20 through 4 of this subsection, and a registered nurse or medical technician
21 under the supervision of a medical practitioner, while such employee,
22 agent, nurse or technician is acting in the course of professional practice
23 or employment, and not on his own account.

1 6. A common or contract carrier or warehouseman, or an employee of
2 such carrier or warehouseman, whose possession of drugs is in the usual
3 course of business or employment.

4 7. Persons lawfully in possession or control of controlled
5 substances authorized by title 36, chapter 27 or the rules adopted pursuant
6 to title 36, chapter 27.

7 8. The receipt, possession or use~~,~~ of a controlled substance
8 included in schedule I of section 36-2512 or the rules adopted pursuant to
9 section 36-2512, by any seriously ill or terminally ill patient, pursuant
10 to the prescription of a doctor in compliance with ~~the provisions of~~
11 section 13-3412.01.

12 B. SECTION 13-3407 DOES NOT APPLY TO LICENSED VETERINARIANS WHO
13 LAWFULLY ACQUIRE, USE, PRESCRIBE, DISPENSE OR ADMINISTER ANY DANGEROUS DRUG
14 WHILE ACTING IN THE COURSE OF THEIR PROFESSIONAL PRACTICE, IN GOOD FAITH
15 AND IN ACCORDANCE WITH GENERALLY ACCEPTED MEDICAL STANDARDS.

16 ~~B.~~ C. In any complaint, information or indictment and in any action
17 or proceeding brought for the enforcement of any provision of this chapter
18 the burden of proof of any such exception, excuse, defense or exemption is
19 on the defendant.

20 ~~C.~~ D. In addition to other exceptions to the physician-patient
21 privilege, information communicated to a physician in an effort to procure
22 unlawfully a prescription-only, dangerous or narcotic drug, or to procure
23 unlawfully the administration of such drug, is not a privileged
24 communication."

25 Amend title to conform

And, as so amended, it do pass

QUANG H. NGUYEN
CHAIRMAN