

REFERENCE TITLE: pharmacists; duty to fill prescriptions

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1470

Introduced by
Senators Aboud, Allen, Burton Cahill; Arzberger, Chevront, Landrum
Taylor; Representatives Ableser, Kirkpatrick, Meza

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 32-1973; RELATING TO THE STATE BOARD OF PHARMACY.

(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 Statutes,
3 is amended by adding section 32-1973, to read:

4 32-1973. Duty to fill valid prescription; disciplinary action

5 A. ON RECEIPT OF A LAWFUL PRESCRIPTION ORDER FOR A CONTRACEPTIVE, A
6 PHARMACY MUST DISPENSE THE CONTRACEPTIVE OR A SUITABLE ALTERNATIVE THAT IS
7 PERMITTED BY THE PRESCRIBER TO THE PATIENT OR THE PATIENT'S AGENT WITHOUT
8 DELAY AND CONSISTENT WITH THE NORMAL TIME FRAME FOR FILLING ANY OTHER
9 PRESCRIPTION.

10 B. IF THE CONTRACEPTIVE OR A SUITABLE ALTERNATIVE IS NOT IN STOCK, THE
11 PHARMACY MUST OBTAIN THE CONTRACEPTIVE UNDER THE PHARMACY'S STANDARD
12 PROCEDURES FOR ORDERING DRUGS THAT ARE NOT IN STOCK. IF DIRECTED BY THE
13 PATIENT, THE PRESCRIPTION MUST BE TRANSFERRED TO A LOCAL PHARMACY OF THE
14 PATIENT'S CHOICE UNDER THE PHARMACY'S STANDARD PROCEDURES FOR TRANSFERRING
15 PRESCRIPTIONS. IF THE PATIENT SO DIRECTS AN UNFILLED PRESCRIPTION FOR
16 CONTRACEPTIVE DRUGS MUST BE RETURNED TO THE PATIENT.

17 C. A PHARMACIST MAY REFUSE TO DISPENSE A PRESCRIPTION IF THE
18 PHARMACIST HAS PREVIOUSLY NOTIFIED THE PHARMACY IN WRITING OF THE DRUG OR
19 CLASS OF DRUGS TO WHICH THE PHARMACIST OBJECTS AND ANOTHER PHARMACIST IN THE
20 SAME PHARMACY DISPENSES THE PRESCRIPTION WITHOUT DELAY.

21 D. THIS SECTION DOES NOT INTERFERE WITH A PHARMACIST'S SCREENING FOR
22 POTENTIAL DRUG THERAPY PROBLEMS DUE TO THERAPEUTIC DUPLICATION, DRUG DISEASE
23 CONTRAINDICATIONS, DRUG INTERACTIONS, DRUG-FOOD INTERACTIONS, INCORRECT DRUG
24 DOSAGE OR DURATION OF DRUG TREATMENT, DRUG ALLERGIES OR CLINICAL ABUSE OR
25 MISUSE.

26 E. A LICENSEE WHO VIOLATES THIS SECTION COMMITS AN ACT OF
27 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINARY ACTION PURSUANT TO THIS
28 CHAPTER. A PHARMACY THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
29 OF ONE THOUSAND DOLLARS FOR A FIRST VIOLATION AND TEN THOUSAND DOLLARS FOR A
30 SECOND VIOLATION. THE BOARD SHALL REVOKE THE LICENSE OF A PHARMACY FOR A
31 SUBSEQUENT VIOLATION. THE BOARD SHALL SUSPEND THE LICENSE OF A PHARMACIST
32 FOR FIFTEEN DAYS FOR A FIRST VIOLATION OF THIS SECTION AND SHALL REVOKE THAT
33 PHARMACIST'S LICENSE FOR ANY SUBSEQUENT VIOLATION OF THIS SECTION.