NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

PREAMBLE

1. Sections Affected **Rulemaking Action**

R4-23-406 Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):

Authorizing statute: A.R.S. § 32-1904(A)(1)

Implementing statute: A.R.S. § 32-1904(A)(1)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 9 A.A.R. 3832, August 29, 2003

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy
4425 W. Olive, Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@msn.com

5. An explanation of the rule, including the agency's reasons for initiating the rule:

Because of statutory changes made to A.R.S. § 32-1963.01 in SB 1301 during the 2003 legislative session, R4-23-406 is no longer required. Previous to SB 1301, A.R.S. § 32-1963.01(H) required the Board to maintain a list of manufacturers and distributors whose generically equivalent drug could be substituted for the equivalent brand name drug by pharmacists in Arizona. SB 1301 removed that list requirement. Therefore, R4-23-406(B) that describes where that list may be obtained is no longer necessary. Previous to SB 1301, A.R.S. § 32-1963.01(C) required the Board to maintain a list of approved manufacturer's and distributor's abbreviations for use in labeling generically substituted prescriptions. SB 1301 also removed that list requirement. Therefore, R4-23-406(A) that describes where that list may be obtained is no longer necessary. Because the subject matter of R4-23-406 is no longer required by statute, the Board will repeal R4-23-406.

The Board believes that repeal of this rule benefits the public and the pharmacy community by removing inconsistent rule language.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed rulemaking is exempt from writing an economic, small business, and consumer impact statement pursuant to A.R.S. § 41-1055(D)(3).

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name:	Dean Wright, Compliance Officer
Address:	Board of Pharmacy 4425 W. Olive, Suite 140 Glendale, AZ 85302
Telephone:	(623) 463-2727, ext. 131
Fax:	(623) 934-0583
E-mail:	rxcop@msn.com

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Comments may be written or presented orally. Written comments must be received by 5:00 p.m., Monday, October 27, 2003. An oral proceeding is scheduled for:

Date:	October 27, 2003
Time:	10:00 a.m.
Location:	4425 W. Olive, Suite 140 Glendale, AZ 85302

A person may request information about the oral proceeding by contacting the person listed above.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rule:

None

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section
R4-23-406. ~~Substitution for Prescription Drugs~~ Repealed

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-406. ~~Substitution for Prescription Drugs~~ Repealed

~~**A.** Approved abbreviations. If a substitution is made under A.R.S. § 32-1963.01, a pharmacist may use the approved abbreviation that accompanies the name of the manufacturer or distributor listed in subsection (B) of this Section.~~

~~**B.** Manufacturers and distributors. The names of manufacturers and distributors that meet the requirements of A.R.S. § 32-1963.01(H) are recorded and available as a list at the Board office and at www.pharmacy.state.az.us.~~