NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 23.)

[R12-247]

1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 6, Permits And Distribution Of Drugs
Section numbers: R4-23-601 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary).

2. Subject matter of the proposed rule:

Rule R4-23-601(A) sets out the requirement that a current Board permit is required for all sales of drugs and regulated chemicals within Arizona and shipment of drugs and regulated chemicals into Arizona. It has come to the Board's attention through recent complaint review, that resident permit holders have purchased drugs from persons that do not have a current Board permit, then shipped those products into other states without obtaining a non-resident permit where required. The Board has determined that R4-23-601 needs to be amended to add the requirement that a resident permit holder verify they receive drugs and regulated chemicals only from persons that comply with subsection (A) of R4-23-601, and they comply with any non-resident permit or license requirements.

The rulemaking will amend R4-23-601 General Provisions by adding the requirement that a resident permit holder verify they receive drugs and regulated chemicals only from persons with a current Board permit. Those references are in R4-23-601(B).

The rulemaking will amend R4-23-601 General Provisions by adding the requirement that a resident permit holder selling or delivering drugs and regulated chemicals into other states or jurisdictions comply with the permit or license requirements of those states or jurisdictions. Those references are in R4-23-601(C).

The rulemaking will amend R4-23-601 General Provisions by adding the pedigree requirements found in A.R.S. 32-1984. Those references are in R4-23-601(D).

The rulemaking will amend R4-23-601 General Provisions by adding the prorated permit fee requirements found in A.R.S. 32-1931(B). Those references are in R4-23-601(F).

The rulemaking will amend R4-23-601 General Provisions by adding the DEA registration number to the records requirement found in R4-23-1003(A). Those references are R4-23-601(G)(b) and (c).

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable: R1207

3. A Citation to all published notices relating to the proceeding:

None

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

Name: Sandra Sutcliffe, Compliance Officer

Address: Arizona Board of Pharmacy
P.O. Box 18520
Phoenix, AZ 85005

Telephone: (623) 518-0336

Fax: (602) 771-2749

E-mail address: ssutcliffe@azpharmacy.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
1616 W. Adams, Suite 120
Phoenix, AZ 85007

Mail: P.O. Box 18520
Phoenix, AZ 85005

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None