

REFERENCE TITLE: sale of prescription records; prohibition

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1234

Introduced by
Senators Burton Cahill: Aboud, Aguirre, Alvarez, Garcia, Landrum Taylor,
Lopez, McCune Davis, Rios; Representatives Ableser, Lopes

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 32-1977; RELATING TO THE 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 32-1977, to read:

4 32-1977. Prescription information; sale for commercial purpose
5 prohibited; definition

6 A. ANY PHARMACY BENEFITS MANAGER, INSURANCE COMPANY, ELECTRONIC
7 TRANSMISSION INTERMEDIARY, RETAIL, MAIL-ORDER OR INTERNET PHARMACY OR OTHER
8 SIMILAR ENTITY MAY NOT LICENSE, TRANSFER, USE OR SELL RECORDS RELATING TO
9 PRESCRIPTION INFORMATION THAT CONTAIN PATIENT-IDENTIFIABLE AND
10 PRESCRIBER-IDENTIFIABLE DATA FOR ANY COMMERCIAL PURPOSE, EXCEPT FOR THE
11 FOLLOWING PURPOSES:

- 12 1. PHARMACY REIMBURSEMENT.
- 13 2. FORMULARY COMPLIANCE.
- 14 3. CARE MANAGEMENT.

15 4. UTILIZATION REVIEW BY A HEALTH CARE PROVIDER OR A PATIENT'S
16 INSURANCE PROVIDER, OR THE AUTHORIZED AGENT OF A HEALTH CARE PROVIDER OR A
17 PATIENT'S INSURANCE PROVIDER.

- 18 5. HEALTH CARE RESEARCH.
- 19 6. AS OTHERWISE PROVIDED BY LAW.

20 B. THIS SECTION DOES NOT PROHIBIT:

21 1. THE DISPENSING OF PRESCRIPTION MEDICATIONS TO A PATIENT OR TO THE
22 PATIENT'S AUTHORIZED REPRESENTATIVE.

23 2. THE TRANSMISSION OF PRESCRIPTION INFORMATION BETWEEN AN AUTHORIZED
24 PRESCRIBER AND A LICENSED PHARMACY.

25 3. THE TRANSFER OF PRESCRIPTION INFORMATION BETWEEN LICENSED
26 PHARMACIES.

27 4. THE TRANSFER OF PRESCRIPTION RECORDS THAT MAY OCCUR IF A PHARMACY'S
28 OWNERSHIP IS CHANGED OR TRANSFERRED.

29 5. CARE MANAGEMENT EDUCATIONAL COMMUNICATIONS PROVIDED TO A PATIENT
30 ABOUT THE PATIENT'S HEALTH CONDITION OR ADHERENCE TO A PRESCRIBED COURSE OF
31 THERAPY OR OTHER INFORMATION ABOUT THE DRUG BEING DISPENSED, TREATMENT
32 OPTIONS OR CLINICAL TRIALS.

33 C. THIS SECTION DOES NOT PROHIBIT THE COLLECTION, USE, TRANSFER OR
34 SALE OF DATA BY ZIP CODE, GEOGRAPHIC REGION OR MEDICAL SPECIALTY FOR
35 COMMERCIAL PURPOSES IF PATIENT-IDENTIFIABLE AND PRESCRIBER-IDENTIFIABLE DATA
36 HAS BEEN REDACTED.

37 D. A PERSON WHO VIOLATES THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL
38 CONDUCT.

39 E. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL PURPOSE" INCLUDES
40 ADVERTISING, MARKETING, PROMOTION OR ANY ACTIVITY THAT COULD BE USED TO
41 INFLUENCE THE SALES OR MARKET SHARE OF A PHARMACEUTICAL PRODUCT, INFLUENCE OR
42 EVALUATE THE PRESCRIBING BEHAVIOR OF AN INDIVIDUAL HEALTH CARE PROFESSIONAL
43 OR EVALUATE THE EFFECTIVENESS OF A PROFESSIONAL PHARMACEUTICAL DETAILING
44 SALES FORCE.