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Exempt Action: Final Regulation
Agency Background Document

Agency name	Board of Pharmacy, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC110-20
VAC Chapter title(s)	Regulations Governing the Practice of Pharmacy
Action title	Deletion of subsection of Section 322 (scheduling of chemical in Schedule I)
Final agency action date	12/7/21
Date this document prepared	12/7/21

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

As specified in § 54.1-3443, chemical compounds placed in Schedule I by regulatory action of the Board of Pharmacy remain in effect for 18 months or until the compounds are placed in Schedule I by legislative action of the General Assembly. Accordingly, the Board is deleting subsections A through C in section 322 because all chemicals in those subsections are now scheduled in § 54.1-3446 of the Code of Virginia. Additionally, the Board is adding subsection D to include five chemicals that have been identified by the Department of Forensic Science for scheduling in Schedule I.

The action is exempt in accordance with § 2.2-4006 of the Administrative Process Act.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus is compliance with the provisions of the Code that authorizes the Board of Pharmacy to place chemicals in Schedule I by regulatory action for 18 months or until the compounds are placed in Schedule I by legislative action of the General Assembly.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On December 7, 2021, the Board of Pharmacy amended 18VAC110-20-10 et seq., Regulations Governing the Practice of Pharmacy, to amend section 322 for placement of specified chemicals into Schedule I of the Drug Control Act in Code in accordance with § 54.1-3443.