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Exempt Action: Final Regulation Agency Background Document

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| 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 | Implementation of HB193/SB759 regarding Scheduled drugs |
| Final agency action date | September 6, 2022 |
| Date this document prepared | September 6, 2022 |

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

Pursuant to [Ch. 114](#) and [Ch. 115](#) of the 2022 Acts of Assembly, the Board has amended 18VAC110-20-322 and 18VAC110-20-323 to remove drugs and chemicals placed in Virginia Code §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 by the General Assembly.

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). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

[Ch. 114](#) and [Ch. 115](#) of the 2022 Acts of Assembly placed certain chemicals and drugs in Virginia Code §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 as Scheduled substances which were previously scheduled in 18VAC110-20-322 and 18VAC110-20-323. Therefore those drugs no longer need to be included in the regulatory Schedules.

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 September 6, 2022, the Board of Pharmacy adopted final exempt regulations to remove Scheduled substances from 18VAC110-20-322 and 18VAC110-20-323 consistent with [Ch. 114](#) and [Ch. 115](#) of the 2022 Acts of Assembly.