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Exempt Action
Final Regulation
Agency Background Document

Agency name	Board of Pharmacy, Department of Health Professions
Virginia Administrative Code (VAC) citation(s)	18VAC110-20
Regulation title(s)	Regulations Governing the Practice of Pharmacy
Action title	Scheduling of chemical in Schedule I of the Drug Control Act
Final agency action date	9/25/19
Date this document prepared	9/25/19

While 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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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, the Virginia Department of Forensic Science (DFS) has identified nine (9) compounds for recommended placement by the Board of Pharmacy into Schedule I in the Code of Virginia. The placement by regulatory action will remain in effect for 18 months or until the compounds are placed in Schedule I by legislative action of the General Assembly. The action is exempt in accordance with § 2.2-4006 of the Administrative Process Act.

Mandate and Impetus

Please 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, board decision, etc.). "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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 Board of Pharmacy has placed certain chemical substances in Schedule I of the Drug Control Act pursuant to subsection D of § 54.1-3443, which states: "*If the Board, in consultation with the Department of Forensic Science, determines the substance shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.*"

Statement of Final Agency Action

Please 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 25, 2019, 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 accordance with § 54.1-3443.