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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Board of Pharmacy, Department of Health Professions
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC110-20
<b>VAC Chapter title(s)</b>	Regulations Governing the Practice of Pharmacy
<b>Action title</b>	Scheduling of drugs in Drug Control Act to conform to DEA changes
<b>Final agency action date</b>	5/18/20
<b>Date this document prepared</b>	5/18/20

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 (E), the Board has acted to schedule drugs in the Virginia Drug Control Act in accordance with actions of the U. S. Drug Enforcement Act (DEA) “after the expiration of 30 days from publication in the Federal Register of a final or interim final order or rule.”

This action will add three chemicals compounds in Schedule I, two in Schedule II, two in Schedule IV, one in Schedule V and will change the name of one drug in Schedule II.

### 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The impetus for this regulatory change is compliance with § 54.1-3443 of the Code of Virginia, which sets out a process for scheduling chemicals by regulation to conform to scheduling changes in federal schedules. The action is exempt in accordance with § 2.2-4006 (A) (13) of the Administrative Process Act.

### **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.*

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On May 18, 2020, the Board of Pharmacy amended 18VAC110-20-10 et seq., Regulations Governing the Practice of Pharmacy, to amend section 323 for placement of specified chemicals into the Virginia Drug Control Act in accordance with scheduling changes made by the DEA.