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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	De-scheduling of drug to conform to DEA
Final agency action date	12/10/20
Date this document prepared	12/10/20

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 de-schedule a drug (epidiolex) 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."

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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 for this regulatory change is compliance with § 54.1-3443 of the Code of Virginia, which sets out a process for scheduling or de-scheduling drugs 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.

On December 10, 2020, the Board of Pharmacy amended 18VAC110-20-10 et seq., Regulations Governing the Practice of Pharmacy, to amend section 323 to remove the chemical compound of a drug known as epidiolex from Schedule V from the Drug Control Act in accordance with its de-scheduling by the U.S. Drug Enforcement Administration.