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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	September 2023 scheduling of chemicals in Schedule I
Final agency action date	September 26, 2023
Date this document prepared	September 26, 2023

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.

As specified in Va. Code § 54.1-3443, the Board of Pharmacy, in consultation with the Virginia Department of Forensic Science ("DFS") has identified three (3) compounds for placement into Schedule I in the Virginia Administrative Code. 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. This action is exempt in accordance with Va. Code § 2.2-4006 of the Virginia 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). 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus of this action is identification by DFS of two compounds which DFS recommends be included in Schedule I under the Virginia Administrative Code pursuant to Va. Code § 54.1-3443(D), and the identification of one compound which the Board of Pharmacy determined, after consultation with DFS, should be included in Schedule I.

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 26, 2023, the Board of Pharmacy amended 18VAC110-20-322 of the Regulations Governing the Practice of Pharmacy to place chemicals specified by DFS into Schedule I in accordance with Va. Code § 54.1-3443(D).