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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>	September 2022 action conforming schedules to federal scheduling actions 2021 – July 6, 2022
<b>Final agency action date</b>	September 6, 2022
<b>Date this document prepared</b>	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.*

As specified in Va. Code § 54.1-3443, the Board of Pharmacy has made 25 amendments to Schedules I through V to conform Virginia scheduled drugs with federal scheduling actions. These amendments represent deletions and additions made by the federal government from January 2021 through July 6, 2022. 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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The impetus of this action is scheduling or de-scheduling of drugs by the federal government and the Board’s subsequent action pursuant to Va. Code § 54.1-3443(E).

**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 September 6, 2022, the Board of Pharmacy amended 18VAC110-20-323 of the Regulations Governing the Practice of Pharmacy to schedule and de-schedule drugs and chemicals to conform to federal scheduling actions in accordance with Va. Code § 54.1-3443(E).