



**Virginia  
Regulatory  
Town Hall**

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Board of Pharmacy, Department of Health Professions
<b>VAC Chapter Number:</b>	18 VAC 110-20-10 et seq.
<b>Regulation Title:</b>	Regulations Governing the Practice of Pharmacy
<b>Action Title:</b>	Exclusion from inventory for state lab – Change in law
<b>Date:</b>	4/15/04

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The board is amending Section 720 of its regulations to specify that the Division of Forensic Science within the Department of Criminal Justice Services may exclude certain quantities of controlled substances from a required inventory provided it is in accordance with § 54.1-3404 G of the Code of Virginia. The amendment is made to conform regulations to Chapter 51 (HB783) of the 2004 Acts of the Assembly.

The effective date of this regulation will be July 1, 2004.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

In accordance with the powers and duties of Board of Pharmacy, an amendment to 18 VAC 110-20-10 et seq., Regulations Governing the Practice of Pharmacy was adopted on April 13, 2004. Although required to comply with the Virginia Register Act, the agency is exempt from provisions of the Administrative Process Act for the implementation of these regulations pursuant to § 2.2-4006 A 4, which grants an exemption if the action is: “Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

**Additional Information**

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG’s certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

The text of the amendment to Section 720 is:

5. The Division of Forensic Science within the Department of Criminal Justice Services may exclude from any inventory quantities of controlled substances used to conduct chemical analyses and controlled substances received for analyses as evidentiary material as provided in §54.1-3404 G of the Code of Virginia.

The Assistant Attorney General has certified that amendments to 18 VAC 110-20-10 et seq. are “necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved”. Therefore, § 2.2-4006 (A)(4)(a) is applicable and the amendments are exempt from Article 2 of the Administrative Process Act.

**Family Impact Statement**

***Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.***

The Board determined that there is no impact on the family or family stability as a result of these amendments to regulations.