

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

**Board of Pharmacy**

**855**

Agency and Division

Administrative Rules Chapter Number

Karen MacLean

800 NE Oregon St #150, Portland, OR 97232

971-673-0001

Rules Coordinator

Address

Telephone

**RULE CAPTION**

**Adopt and amend rules regarding administration of drugs, remote dispensing, compounding, and controlled substances schedule.**

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

**March 23, 2011**

**10:00 a.m.\*\***

**800 NE Oregon St, Room 1B, Portland. OR**

**Tony Burtt**

Hearing Date

Time

Location

Hearings Officer

**(\*\*If no parties appear to testify by 10:30, the hearing will end)**

Hearing Date

Time

Location

Hearings Officer

Hearing Date

Time

Location

Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT: 855-019-0265, 855-041-0645**

**AMEND: 855-045-0220, 855-045-0240, 855-041-0600, 855-080-0021**

**REPEAL:**

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 689.205

Stat. Auth.

Other Authority

ORS 689.155 and

Stats. Implemented

**RULE SUMMARY**

Division 019 establishes a new rule regarding administration of drugs by a pharmacist and implements ORS 689.655 (OL 2009 Ch 326) and establishes the conditions under which a pharmacist may administer a drug. Division 041 replaces temporary rules adopted June 2010 regarding Remote Dispensing. Division 045 revises the Compounding rules to accommodate modern technologies where computers can record verification, and there is no need for handwritten initialing. Division 080 revises and replaces temporary rules adopted October 2010 for the Controlled Substances Schedule 1 to include certain synthetic cannabinoids and cathinone-type derivatives that are subject to abuse and have no legitimate medical purpose.

**Text of these rules is on the Board of Pharmacy website: <http://www.pharmacy.state.or.us>**

The Agency requests public comment on whether other options should be considered for achieving the rules' substantive goals while reducing the negative economic impact of the rule on business.

  
Signature

4.30 pm March 23, 2011

**Last Day for Public Comment**

Last day to submit written comments to the Rules Coordinator

**Comments may be sent to [Karen.S.Maclean@state.or.us](mailto:Karen.S.Maclean@state.or.us)**

Gary A. Schnabel

Printed name

January 12, 2011

Date

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

**Board of Pharmacy**

**855**

Agency and Division

Administrative Rules Chapter Number

**Adopt and amend rules regarding administration of drugs, remote dispensing, compounding, and controlled substances schedule.**

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: **Rules for pharmacists and pharmacies, and scheduling additional controlled substances.**

Statutory Authority: **ORS 689.205**

Other Authority: **ORS 475.035**

Stats. Implemented: **ORS 689.155 and 689.655**

Need for the Rule(s): **Revisions to OARs 855-045-0220, 855-045-0240 and 855-041-0600, and adoption of 855-041-0645 are to accommodate modern practices and technology. Adoption of OAR 855-019-0265 implements statutory requirement for Board to adopt rules regarding pharmacist administration of drugs. Revisions to Controlled Substances in Schedule I are necessary as a number of synthetic cannabinoids and cathinone-type derivatives that are potentially dangerous and have no legitimate medical purpose that are being manufactured and sold to young people over the internet and in "head-shops".**

Documents Relied Upon, and where they are available: **Research documents from Europe and US states, the Drug Enforcement Administration, and communications from the Oregon Narcotics Enforcement Association are available from the Board of Pharmacy website.**

- a. Fiscal and Economic Impact: **There is no foreseeable fiscal impact although some health industry facilities may see a reduction in costs by using new technologies that will now be permitted.**

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): **No impact unless local government law enforcement costs increase due to scheduling of additional controlled substances. We cannot quantify such costs.**

2. Cost of compliance effect on small business (ORS 183.336): a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: **The scheduling of synthetic cannabis in Schedule I may result in a loss of revenue in small businesses that formerly sold these products which can not be quantified.**

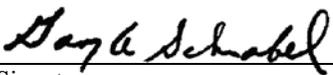
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: **No additional mandated reporting or recordkeeping.**

c. Equipment, supplies, labor and increased administration required for compliance: **None**

How were small businesses involved in the development of this rule? **Not involved.**

Administrative Rule Advisory Committee consulted?: **No**

If not, why?: **Determined not necessary.**

  
Signature

Gary A. Schnabel, R.Ph., R.N.

Printed name

January 12, 2011

Date