

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes clarify that prescribers must store their controlled substances in a securely locked, substantially constructed cabinet. This change is in alignment with federal law, and further protects controlled substances from theft or diversion. The changes also clean up text in alignment with the rule writer's guide (e.g., "shall" to "must").

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 478 - 485](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1720, Idaho Code.

The rule change modifies the retail storage registration or annual renewal fee to a flat fee of \$35 regardless of the number of drug items in stock.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd Day of November 2015.

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DOCKET NO. 27-0101-1501 -- ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the pending fee rule.
Italicized red text that is double underscored is new text that has been added to the pending fee rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 478 through 485.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE
FOR DOCKET NO. 27-0101-1501**

021. FEE SCHEDULE.

05. Administrative Services and Publications. (3-21-12)

d. Commercial lists. (3-21-12)

[Subparagraph 021.05.d.i.]

i. *Pharmacy list* Except for Subparagraph 021.05.d.ii. below, any registrant or licensee lists: fifty dollars (\$50). ~~(3-21-12)~~ ()

[Section 210 - entire section]

210. CONTROLLED SUBSTANCE STORAGE.

Controlled substances must be stored as follows: ()

01. Schedule I. Controlled substances listed in Schedule I must be stored in a securely locked, substantially constructed cabinet. ()

02. Schedules II, III, IV and, V. Controlled substances listed in Schedules II, III, IV, and V must be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse such substances, in whole or in part, throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances. ()