



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Pharmacy](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbop.org/rulemakings.htm

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT:

REPEAL: [21 NCAC 46 .2403](#)

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [09/01/2022](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
06/20/2022	9:00 a.m.	North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

The Department of Health and Human Services, through State Health Director Betsy Tilson and Assistant Secretary for Public Health Mark Benton, has requested that the Board of Pharmacy repeal this rule as unnecessary. The rule publishes a formulary of certain drugs that registered nurses in local health departments may dispense. The formulary is a means by which the Department of Health and Human Services (subject to agreement by the Board of Pharmacy) can communicate to registered nurses in local health departments (which DHHS essentially oversees) which drugs they may dispense. DHHS has more effective ways than this rule to provide notice to those health department employees.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Jay Campbell
Address: 6015 Farrington Rd, Suite 201
Chapel Hill, NC 27517
Phone (optional):
Fax (optional):
EMail (optional) ncboprulemaking@ncbop.org

10. Comment Period Ends: 06/20/2022

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Clinton R. Pinyan
336-271-3157
cpinyan@brookspierce.com

Agency contact, if any:

Name: Jay Campbell
Phone: 919-246-1050
Email: ncboprulemaking@ncbop.org

13. The Agency formally proposed the text of this rule(s) on

Date: 03/08/2022

1 21 NCAC 46 .2403 is proposed for repeal as follows:

2

3 **21 NCAC 46 .2403 DRUGS AND DEVICES TO BE DISPENSED**

4

5 *Authority G.S. 90-12.7; 90-85.6; 90-85.34A; 115C-375.2A.*