The National Association of State Controlled Substances Authorities  
State Regulatory Developments  
JANUARY 2016

ALABAMA

**Schedule I Controlled Substances** - Final rule of the Department of Public Health amends regulations under AAC 420-7-2, Appendix A, to add three synthetic cannabinoid substances to Schedule I of the controlled substances list. The rule is effective Jan. 22, 2016. Contact: Jim McVay; DPH; (334-206-5600)—Alabama Administrative Monthly (12/31/2015)

COLORADO

**Medical Marijuana** - Emergency rule of the Department of Revenue, Marijuana Enforcement Division, amends regulations under 1 CCR 212-1 regarding the sale, manufacture and dispensation of medical marijuana. The rule updates the schedules of application, business license, renewal and administrative fees. The rule is effective Nov. 30, 2015. Contact: Julie Postlethwait; DOR, Marijuana Enforcement Division; (303-866-3461)—Colorado Register (12/25/2015)

**Medical Use of Marijuana** - Final rule of the Department of Public Health and Environment, Board of Health, amends regulations under 5 CCR 1006-2 regarding medical use of marijuana. The rule revises the definitions of “primary caregiver” and “significant responsibility” and removes references to notary requirements. The rule is effective Jan. 14, 2016. Contact: Jamie Thornton; DPHE, Board of Health; (303-692-3464)—Colorado Register (12/25/2015)

**Practice of Pharmacy** - Proposed rule of the Department of Regulatory Agencies, Board of Pharmacy, amends regulations under 3 CCR 719-1 regarding the practice of pharmacy. The rule revises prescription order requirements to provide for telehealth provisions, specifies the conditions under which outlet-to-outlet reconstitution of a drug may be permitted, and clarifies training requirements for pharmacists and pharmacy interns to administer vaccines and immunizations. The rule also addresses compounded drug recall requirements; modifies the list of permitted recipients of compounded prescription drugs from an in-state prescription drug outlet to include naturopathic doctors, direct-entry midwives and acupuncturists; describes the conditions under which allergen extracts may be compounded; and clarifies requirements for compounding sterile products with 12-hour or less beyond-use dating. In addition, the rule clarifies environmental and quality control requirements for compounding aseptic isolators and containment isolators. A hearing is scheduled for Jan. 21, 2016, in Denver. Comments are due Jan. 15, 2016. Contact: Andrea Faley; Board of Pharmacy; (303-894-7754)—Colorado Register (12/25/2015)

NORTH CAROLINA

**Remote Medication Order Processing Services** - Final rule of the Board of Pharmacy amends regulations under 21 NCAC 46.1417 regarding remote medication order processing services. The rule allows health care facility pharmacies to contract for remote medication order processing to supplement pharmacy services during periods when pharmacists are present in those pharmacies. The rule is effective Dec. 1, 2015. Contact: Jay Campbell; Board of Pharmacy; (919-246-1050)—North Carolina Register (01/04/2016)

**Pharmacy Standards, Pharmacists** - Final rule of the Board of Pharmacy amends regulations under OAC 4729-5-24 through - 37-09 (nonconsecutive) and adopts regulations under OAC 4729-9-27 regarding prescriptions, continuing education for pharmacists, automated drug delivery
systems and controlled substances. The rule addresses Schedule I classification of compounds that are fentanyl pharmacophores and updates requirements for outsourcing facilities that provide nonpatient-specific compounded drugs. The rule also updates the definition of wholesale, clarifies requirements for prescription copies, and incorporates by reference provisions concerning charitable pharmacies. In addition, the rule sets forth requirements for employment of individuals with felony convictions and updates the automated prescription reporting system (OARRS) reporting requirements. The rule is effective Jan. 15, 2016. Contact: Cameron McNamee; SBP; (614-466-7322)—Ohio Regulations (01/04/2016)

TEXAS

Low-THC Cannabis Dispensing Organizations/Access and Registration - Final rule of the Department of Public Safety adopts regulations under 37 TAC 12.41 through .44 to implement provisions of the Texas Compassionate-Use Act that require the department to license dispensing organizations of low-THC cannabis and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. The rule sets forth guidelines for access to and registration for the Compassionate-Use Registry. The rule is effective Jan. 10, 2016. Contact: Steve Moninger; DPS, Regulatory Services Division; (512-424-5848)—Texas Register (01/08/2016)

WASHINGTON

Medical Marijuana Consultant Certificate - Proposed rule of the Department of Health adopts regulations under WAC 246-72-010 through -990 to set forth standards for the medical marijuana consultant certificate. The rule establishes fees, training requirements and renewal requirements for the certificate. A hearing is scheduled for Jan. 26, 2016, in Tumwater. Comments are due Jan. 26, 2016. Contact: Chris Baumgartner; DOH; (360-236-4660)—Washington State Register (01/06/2016)

Temporary Prescription Refill During Declared Emergency - Notice announces the intention of the Department of Health, Pharmacy Quality Assurance Commission, to adopt regulations under WAC 246-869-105 to provide for temporary provision of legend drugs or controlled substances to persons displaced from their homes or pharmacy services for longer than 72 hours due to an event that results in a governor-declared emergency proclamation. Comments are requested, but a due date is not specified. Contact: Doreen Beebe; PQAC; (360-236-4834)—Washington State Register (01/06/2016)

Nonnarcotic Stimulants - Proposed rule of the Department of Health, Pharmacy Quality Assurance Commission, amends regulations under WAC 426-887-040 and -045 to include the Schedule II nonnarcotic stimulant lisdexamfetamine and add binge eating disorder in adults to the list of conditions for which Schedule II nonnarcotics can be prescribed, dispensed or administered. A hearing is scheduled for March 3, 2016, in Des Moines. Comments are due Feb. 29, 2016. Contact: Doreen Beebe; DOH, Pharmacy Quality Assurance Commission; (360-236-4834)—Washington State Register (01/20/2016)

Temporary Prescription Refills During Declared Emergency - Emergency rule of the Department of Health, Pharmacy Quality Assurance Commission, adopts regulations under WAC 246-869-105 to provide for temporary provision of legend drugs or controlled substances to persons displaced from their homes or pharmacy services due to an event that results in a governor-declared emergency proclamation. The rule is effective Dec. 28, 2015. Contact: Doreen Beebe; PQAC; (360-236-4834)—Washington State Register (01/20/2016)
Prescription Drug Monitoring Program -
Proposed rule of the Department of Safety and Professional Services, Controlled Substances Board, amends regulations under WAC CSB 4.02, .03, .08, .10 and .11 and adopts regulations under WAC CSB 4.15 regarding the operation of the Prescription Drug Monitoring Program (PDMP). The rule removes Tramadol from the list of monitored prescription drugs. The rule also replaces references to “dispenser” and “dispenser delegate” with “pharmacist” and “pharmacist delegate” and changes references to “PDMP information” to “dispensing data.” In addition, the rule sets forth requirements for the disclosure of PDMP information when the board identifies suspicious or critically dangerous conduct or practices in PDMP data. A hearing is scheduled for Feb. 5, 2016, in Madison. Comments are due Feb. 5, 2016. Contact: Sharon Henes; DSPS; (608-261-2377)—Wisconsin Administrative Register (01/04/2016)