

**GEORGIA BOARD OF PHARMACY**  
**Conference Call**  
**January 10, 2014**  
**2 Peachtree St., N.W., 36<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**3:15 p.m.**

**The following Board members were present:**

Al McConnell, Chairperson  
Jim Bracewell  
Mike Faulk  
Chris Jones  
Laird Miller  
Bill Prather  
Bob Warnock

**Staff present:**

Tanja Battle, Executive Director  
Janet Wray, Senior Assistant Attorney General  
Rick Allen, GDNA  
Anil Foreman, Legal Officer  
Brandi Howell, Business Operations Specialist

**Open Session**

Chairperson McConnell established that a quorum was present and called the meeting to order at 3:17 p.m.

Bill Prather made a motion to adopt emergency Rule 480-34-0.16-.04 Additional Synthetic Cannabinoids. Bob Warnock seconded and the Board voted unanimously in favor of the motion.

**480-34-0.16-.04. Additional Synthetic Cannabinoids.**

(1) This rule was adopted to protect the health, safety, and welfare of the public. This rule places additional newly identified compounds, including any material, compound, mixture, or preparation which contains these substances or their derivatives, salts, isomers, or salts of isomers, halogen analogues, and/or homologues, collectively known as Synthetic Cannabinoids, under Schedule I of the Georgia Controlled Substances Act, Section 16-13-25(12) as follows:

(bb) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)naphthalen-1-yl)methanone (AM-2201 benzimidazole analog)

(cc) quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22)

(dd) naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22)

(2) This rule is based on the following findings of the Board:

(a) that Synthetic Cannabinoids have an extremely high potential for abuse;

(b) that scientific evidence and scientific knowledge of the pharmacological effects of these compounds demonstrate that the public is at extreme risk if they are not regulated as controlled substances;

(c) that the pattern of abuse of these compounds and the scope and significance of that abuse support regulation;

(d) that there exists an imminent peril to the public health and welfare with regard to the abuse of these compounds;

(e) that these compounds have the same risk to the public health of citizens of the State of Georgia as other substances already contained in Schedule I under the Controlled Substances Act;

(f) that these compounds have no known precursor already scheduled under the Act; and

(g) that the DEA encourages all states to add these compounds to their respective Controlled Substances Acts while DEA follows its procedures to add such compounds to the Federal Controlled Substances Act under Schedule I.

A motion was made by Laird Miller, seconded by Chris Jones, and the Board voted that pursuant to O.C.G.A. Section 26-4-28(a)(9), the Board has the right to seize any drugs and devices found by the Board to constitute an imminent danger to the public health and welfare. Pursuant to O.C.G.A. Section 26-3-4(a), any duly authorized agent of the Board who finds or has probable cause to believe any drug is adulterated or misbranded as to be dangerous or fraudulent may tag the article to detain or embargo the article. If the article is unsound or unsafe, O.C.G.A. Section 26-3-4(d) authorizes the Board or its authorized agents to condemn or destroy the article. The agents of the Georgia Drugs and Narcotics Agency (“GDNA”) are authorized agents of the Board. O.C.G.A. Section 26-4-29(b)(5) authorizes agents of GDNA to seize and take possession of all articles of contraband. O.C.G.A. Section 26-4-29(b)(7) provides that the GDNA shall perform such other duties as the Board may direct.

In consideration of these Code sections and the danger to the public health, safety and welfare, the Board is directing GDNA to take the lead in enforcement of Emergency Rule 480-34-0.16-.04, and is directing that GDNA designate, on behalf of the Board, POST certified officers who are members of state and local law enforcement agencies to act as Board agents to: (1) seize drugs, compounds and/or articles identified in Emergency Rule 480-34-0.16-.04 on behalf of the Board and to maintain such seized drugs, compounds and/or articles within their evidence rooms, or (2) tag adulterated or misbranded drugs identified in Emergency Rule 480-34-0.16-.04 to detain or embargo such drugs. Any law enforcement agencies operating on behalf in the Board in enforcing Emergency Rule 480-34-0.16-.04 shall provide GDNA with notification of any seizure, detention or embargo. Finally, GDNA is authorized to utilize in enforcing Emergency Rule 480-34-0.16-.04 any state agency identified in O.C.G.A. Section 26-3-18.

A motion was made by Mike Faulk, seconded by Bob Warnock, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Bill Prather made a motion and Chris Jones seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2) and §43-1-2(k) to deliberate and to receive information on applications. Voting in favor of the motion were those present who included Al McConnell, Jim Bracewell, Mike Faulk, Chris Jones, Laird Miller Bill Prather and Bob Warnock.

### **Executive Session**

#### **Applications**

- A.M.C.
- E.W.
- A.M.
- T.P.P.L.

No votes were taken in Executive Session. Chairperson McConnell declared the meeting back in Open Session.

## Open Session

Mike Faulk made a motion to approve all recommendations based on deliberations in Executive Session as follows:

### Applications

- |            |                     |   |
|------------|---------------------|---|
| • A.M.C.   | Pharmacy Technician | Table pending receipt of additional information |
| • E.W.     | Pharmacy Technician | Table pending receipt of additional information |
| • T.P.P.L. | Retail Pharmacy     | Approved application                            |

Bob Warnock seconded and the Board voted unanimously in favor of the motion.

In the same motion, the Board voted to allow a registrant who paid for his or her renewal prior to the expiration date, but failed to follow up and submit additional information to apply such renewal fee to the new application fee provided the new application is received by January 31, 2014.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, January 22, 2014 at 9:00 a.m. at Mercer University College of Pharmacy, 3001 Mercer University Drive, Atlanta, GA 30341.

The Board meeting adjourned at 3:56 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist  
Minutes edited by Tanja D. Battle, Executive Director