

**NOTICE OF INTENT TO ADOPT PROPOSED RULE TO THE GEORGIA STATE BOARD
OF PHARMACY RULES
RULE 480-39-.10 PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF
RULES**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Pharmacy (hereinafter "Board") proposes a new Rule to the Georgia Board of Pharmacy Rules, Rule 480-39-.10 PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF RULES (hereinafter "proposed rule").

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Peachtree Street, NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Pharmacy's web page at www.gbp.georgia.gov.

A public hearing is scheduled to begin at 11:00 AM on March 19, 2014 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303 to provide the public an opportunity to comment upon and provide input into the proposed rule. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments may be received prior to March 12, 2014. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Peachtree Street NW, Atlanta, Georgia 30303 FAX: 678-717-6694. You may email your comments to thattle@dch.ga.gov.

The proposed rule will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 11:05 AM on March 19, 2014 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36th Floor, Atlanta, GA 30303. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to adopt the proposed rule pursuant to authority contained in O.C.G.A. §§ 26-4-27, 26-4-28, 50-13-3, and 50-13-9.


At its meeting on December 11, 2013, the Board voted that the formulation and adoption of this rule do 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 O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on December 11, 2013, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22 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.

For further information, contact the Board office at 404-651-8000.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 27th day of January, 2014.


Tanja D. Battle
Executive Director
Georgia Board of Pharmacy

Posted: January 27, 2014

**SYNOPSIS OF PROPOSED RULE OF THE
GEORGIA STATE BOARD OF PHARMACY RULES
RULE 480-39-.10 PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF
RULES**

Purpose of Rule: The purpose of this rule is to state the form of the petition for promulgation, amendment, or repeal of rules made pursuant to the Georgia Administrative Procedure Act.

Main Features: The main feature of this rule is to state that within 30 days of receipt of the petition, the Board will deny the petition in writing or initiate rule-making or rule-changing proceedings.

**PROPOSED RULE FOR THE GEORGIA STATE BOARD OF PHARMACY RULES
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RULES**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

480-39-.10 Petition for Promulgation, Amendment, or Repeal of Rules

(1) Form of Petition. Each petition for promulgation, amendment or repeal of rules made pursuant to the Georgia Administrative Procedure Act shall be filed with the Board of Pharmacy. The petition shall be in writing and shall state:

(a) The name and address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

(c) A statement of the reason such rule should be amended, repealed, or promulgated including a statement of all pertinent existing facts which relate to petitioner's interest in the matter;

(d) Citations of legal authority, if any, which authorize, support, or require the action requested by petition. The petition shall be verified under oath by or in proper behalf of; the petitioner.

(2) Proceeding on Petition. Upon receipt of the petition, the Board of Pharmacy shall decide upon the action to be taken. Within thirty days after receipt of the petition, the Board either shall deny the petition in writing (stating its reasons for the denial) or shall initiate rule-making or rule-changing proceedings in accordance with the Georgia Administrative Procedure Act.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 50-13-3, and 50-13-9