



## 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](http://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 .1819](#)

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [03/01/2023](#)

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

If yes:

Date	Time	Location
<a href="#">01/04/2023</a>	<a href="#">10:00 a.m.</a>	<a href="#">North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517</a>

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

**7. Explain Reason For Proposed Rule(s):**

At the outset of the COVID-19 pandemic in March 2020, the North Carolina Secretary of Health and Human Services and the State Health Director proposed that the Boards of Pharmacy and Nursing and the Medical Board adopt a COVID-19 Drug Preservation Rule. At that time, there were many drugs with a suspected potential to treat COVID-19. The rule was drafted to ensure that a supply of those drugs also remained available for patients who were prescribed those drugs for other conditions. On August 15, 2022, the declared state of emergency ended in North Carolina. With that change, the North Carolina Secretary of Health and Human Services and the State Health Director have agreed that there is no current need for this rule. The Board of Pharmacy understands that the Medical Board and the Board of Nursing are considering repealing their analogous rules.

**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 Ste 201  
Chapel Hill, NC 27517  
Phone (optional):  
Fax (optional):  
EMail (optional) ncboprulemaking@ncbop.org

**10. Comment Period Ends: 01/04/2023**

**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:** 09/13/2022

1 21 NCAC 46 .1819 is proposed for repeal as follows:

2

3 **21 NCAC 46 .1819 COVID-19 DRUG PRESERVATION RULE**

4

5 *Authority G.S. 90-85.6; 90-85.26; 90-85.32*