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MEMORANDUM

TO: Mark Whitten, Executive Director
Board of Pharmacy

FROM: Michele Bass, Paralegal Specialist 

RE: Rule 64B16-29.001

DATE: February 12, 2013

We are pleased to inform you that the above-referenced rule was filed for adoption on February 13, 2013, and will become effective March 3, 2013. Attached is a copy of the rule for your records.

Enclosure

cc: Jennifer Tschetter, General Counsel

Board of
FEB 13 REC'D
Pharmacy

CERTIFICATION OF
BOARD OF PHARMACY ADMINISTRATIVE RULES
FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after the subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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[] (g) Are filed not more than 90 days after the notice, not including the days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business regulatory advisory committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

64B16-29.001

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(Month) (Day) (Year)



Signature, Person Authorized
To Certify Rules

Executive Director _____
Title

Number of Pages Certified

DEPARTMENT OF HEALTH

BOARD OF PHARMACY

ADDITIONAL STATEMENT TO THE SECRETARY OF STATE

RULE NO.:

64B16-29.001

RULE TITLE:

Definition

SUMMARY: The rule amendment will update the definitions pursuant to legislative changes in Section 828.055 (1), F.S.

SUMMARY OF THE HEARING ON THE RULE:

No timely request for a hearing was received and no hearing was held.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE PROPOSAL:

The Board proposes the necessary rule amendment pursuant to legislative changes in Section 828.055(1), F.S.

64B16-29.001 Definition.

An "animal control shelter" is a county or municipal animal control agency or Humane Society registered with the Secretary of State which holds a modified Class II Institutional Pharmacy permit issued by the Department of Health pursuant to certification of compliance with Rule 64B16-29.002, F.A.C., by the Board of Pharmacy. An animal control shelter is issued a pharmacy permit for the sole purpose of obtaining the drugs, sodium pentobarbital and sodium pentobarbital with lidocaine, Tiletamine Hydrochloride, alone or combined with Zolazepam (including Telazol), Xylazine (including Rompun), Ketamine, Acepromazine Maleate (also Acetylpromazine, and including Atravet or Acezine), alone or combined with Etorphine (including Immobilon), and Yohimbine Hydrochloride, alone or combined with Atipamezole (including Antisedan), for euthanization or chemical immobilization of animals within their lawful possession.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History--New 10-17-79, Formerly 21S-14.01, Amended 4-24-88, Formerly 21S-14.001, 21S-29.001, 61F10-29.001, 59X-29.001, Amended _____.