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## MEMORANDUM

**TO:** Mark Whitten, Executive Director  
Board of Pharmacy

**FROM:** Michele Bass, Paralegal Specialist 

**RE:** Rule 64B16-29.005

**DATE:** May 30, 2013

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We are pleased to inform you that the above-referenced rule was filed for adoption on May 28, 2013, and will become effective June 17, 2013. Attached is a copy of the rule for your records.

Enclosure

cc: Jennifer Tschetter, General Counsel

RECEIVED

MAY 31 2013

Florida Board of 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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TALLAHASSEE FLORIDA  
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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).

64B16-29.005

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.:

64B16-29.005

RULE TITLE:

Storage.

SUMMARY: The board proposes the rule amendments to update the medicinal drug storage pursuant to legislative changes.

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 proposed rule amendments are necessary to update the medicinal drug storage pursuant to legislative changes.

64B16-29.005 Storage.

All controlled substances, medicinal drugs or legend drugs ~~Sodium pentobarbital and sodium pentobarbital with lidocaine~~ shall be stored in a safe place. At a minimum, this shall require that the drugs be kept in a securely locked cabinet within a locked storage room. Schedule II order forms are to be stored under the same conditions. Records of purchases of all controlled substances, medicinal drugs or legend drugs ~~sodium pentobarbital and sodium pentobarbital with lidocaine~~ shall be maintained in a separate file from the records of administration. The records of purchases and administration shall be maintained at the location.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History--  
New 10-17-79, Formerly 21S-14.05, Amended 4-24-88, Formerly 21S-14.005, 21S-29.005,  
61F10-29.005, 59X-29.005. Amended \_\_\_\_\_.