



## NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

### CHAPTER 855 BOARD OF PHARMACY

**FILED**

06/26/2025 9:23 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Board Delegated Limited Authority for Vaccine Protocol rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/22/2025 4:30 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Rachel Melvin  
Rules Coordinator

#### HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 07/22/2025

TIME: 9:30 AM

OFFICER: Rachel Melvin

#### REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 429564160

#### SPECIAL INSTRUCTIONS:

This hearing will be held virtually via Microsoft Teams.

If you wish to present oral testimony virtually during this hearing, sign up on our website at

[www.oregon.gov/pharmacy/pages/](http://www.oregon.gov/pharmacy/pages/)

rulemaking-information or email your first and last name and email address to

pharmacy.rulemaking@bop.oregon.gov. Please indicate which

rule(s) you would like to comment on.

You must submit written comments before 4:30PM on July 22, 2025. Email written comments to

pharmacy.rulemaking@bop.oregon.gov.

#### NEED FOR THE RULE(S)

Proposes adding a new rule to allow the board to delegate to the Board President the limited authority to amend the board's vaccine protocols to adopt recommendations by the Advisory Committee on Immunization Practices (ACIP) adopted by the Centers for Disease Control and Prevention (CDC).

#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Advisory Committee on Immunization Practices (ACIP) <https://www.cdc.gov/acip/index.html>

## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule is expected to affect racial equity in this state.

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### FISCAL AND ECONOMIC IMPACT:

No fiscal anticipated. Licensees, registrants and interested parties will have an opportunity to provide fiscal and economic impact statements during the open comment period.

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### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

The proposed rule will have no additional economic impact on state agencies, units of local government, the public or registrants or licensees who identify as a small business.

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### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Registrants who identify as a small business and who have signed up to receive notices will receive an email notice of proposed rulemaking via GovDelivery and will have an opportunity to provide public comment on the proposed rules for the board's consideration.

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### WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. The resources involved in convening a RAC were not necessary to amend this rule.

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### ADOPT: 855-102-0130

**RULE SUMMARY:** Proposes to adopt a new rule that allows the board to delegate to the Board President the limited authority to amend the Board's vaccine protocols to adopt recommendations issued by the Advisory Committee on Immunization Practices (ACIP) adopted by the Centers for Disease Control and Prevention (CDC) and allows the Board President to further delegate that authority to agency staff. The board interprets "advising" for purposes of ORS 689.649 to not include amendments to the board's vaccine protocol rules in OAR 855-115-0345 that are required by recommendations issued by the ACIP adopted by the CDC because those amendments are required by law and the board's only course of action.

### CHANGES TO RULE:

#### 855-102-0130

#### Amendment of Vaccine Protocol Rules to Adopt ACIP Recommendations

Pursuant to ORS 689.645(5), the board delegates to the Board President the limited authority to amend the board's vaccine protocols in OAR 855-115-0345 to adopt recommendations issued by the Advisory Committee on Immunization Practices (ACIP) adopted by the Centers for Disease Control and Prevention (CDC). The Board President may further delegate this authority to board staff. ORS 689.649 does not apply to rule amendments made pursuant to the delegation of authority in this rule because those amendments are required and the board's only course of action.

Statutory/Other Authority: ORS 689.205, ORS 689.645

Statutes/Other Implemented: ORS 689.205, ORS 689.645