VERMONT
DEPARTMENT OF HEALTH

Public Comment Responsiveness Summary
Regulated Drug Rule

A public hearing was held on April 4, 2019 in Burlington, Vermont, regarding the proposed Regulated Drug Rule. During both the public comment period as well as the hearing, the Vermont Department of Health ("Department") received and reviewed written public comments submitted from March 19, 2019 through April 12, 2019.

The following is summary of comments received from the public and the Department's response to each comment. Comments of a similar or consistent nature have been consolidated and responded to accordingly.

1. **Comment:** One commenter recommended that a physician and a pharmacist review the list of medications to determine whether the substances listed in the rule have misuse potential that could tangibly endanger the public. The commenter believed that certain substances, such as buspirone, do not have significant abuse potential and should be removed from the rule.

   Response: 18 V.S.A. § 4202 requires that the Department of Health consult with the Board of Medical Practice and the Board of Pharmacy for this rulemaking. Accordingly, the substances included in this rule have been reviewed by a physician and a pharmacist, and their inclusion is consistent with the purpose and intent of this statute.

2. **Comment**: The same commenter proposed that in determining an unlawful dosage for a substance included in this rule, that a Morphine Milligram Equivalent (MME) be used for opioids, and "an upper limit of a daily dose" approved by the FDA to be used for "other medications".

   Response: 18 V.S.A. Chapter 84 defines the quantities for specific substances, which are therefore not subject to change via rulemaking. For depressants, stimulants and narcotic drugs, the statute also establishes "benchmark unlawful dosages" which are defined as the quantity of a drug commonly consumed over a twenty-four-hour period for any therapeutic purpose, as established by the manufacturer of the drug.