

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 484

Short Title: Increase Pharmacy Board Membership. (Public)

Sponsors: Senators Ballance; Dalton, Foxx, Hoyle, Rand, Soles, and Wellons.

Referred to: Commerce.

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA BOARD
OF PHARMACY FROM SIX TO NINE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.6(b) reads as rewritten:

"(b) Membership. – The Board shall consist of ~~six~~nine members, one of whom shall be a representative of the public, and the remainder of whom shall be pharmacists."

SECTION 2. G.S. 90-85.7 reads as rewritten:

"§ 90-85.7. Board of Pharmacy; selection; vacancies; commission; term; per diem; removal.

(a) The Board of Pharmacy shall consist of ~~six~~nine persons. ~~Five~~Eight of the members shall be licensed as pharmacists within this State and shall be elected and commissioned by the Governor as hereinafter provided. ~~Pharmacist~~State. Five pharmacist members shall be chosen in an election held as hereinafter provided in which every person licensed to practice pharmacy in North Carolina and residing in North Carolina shall be entitled to vote. Each ~~pharmacist member of said~~of the five pharmacists elected to the Board shall be elected for a term of five years and until his or her successor ~~shall be~~is elected and ~~shall qualify~~qualified. Members chosen by election under this section shall be elected upon the expiration of the respective terms of the members of the present Board of Pharmacy. No pharmacist shall be nominated for membership on said the Board, or shall be elected to membership on ~~said~~the Board, unless, at the time of ~~such~~the nomination, and at the time of ~~such~~the election, he or she is licensed to practice pharmacy in North Carolina. In case of death, resignation or removal from the State of any pharmacist member of ~~said~~the Board, the pharmacist members of the Board shall elect in his or her place a pharmacist who meets the criteria set forth in this section to fill the unexpired term.

1 The other four members shall be appointed members. One member of the Board
2 shall be a person who is not a pharmacist and who represents the interest of the public at
3 large. The Governor shall appoint this member. The other three appointed members
4 shall be pharmacists. Each pharmacist shall be licensed to practice pharmacy in North
5 Carolina at the time of the appointment.

6 The three pharmacist appointees shall be appointed as follows: (i) one shall be
7 appointed by the General Assembly, upon the recommendation of the President Pro
8 Tempore of the Senate; (ii) one shall be appointed by the General Assembly, upon the
9 recommendation of the Speaker of the House of Representatives; and (iii) one shall be
10 appointed by the Governor. In appointing members, the appointing authorities shall
11 consider the geographic, gender, and racial diversity of the State, and appoint at least
12 one member who is an employee of an organization operating five or more community
13 pharmacies in North Carolina.

14 ~~All Board members serving on June 30, 1989, shall be eligible to complete their~~
15 ~~respective terms.~~ No member appointed or elected to a term on or after July 1, 1989,
16 shall serve more than two complete consecutive five-year terms. The Governor may
17 remove any member appointed by him for good cause shown and may appoint persons
18 to fill unexpired terms of members appointed by him.

19 It shall be the duty of a member of the Board of Pharmacy, within 10 days after
20 receipt of notification of his appointment and commission, to appear before the clerk of
21 the superior court of the county in which he resides and take and subscribe an oath to
22 properly and faithfully discharge the duties of his office according to law.

23 (b) ~~All nominations and~~ elections of the elected pharmacist members of the
24 Board shall be conducted by the Board of Pharmacy, which is hereby constituted a
25 Board of Pharmacy Elections. Every pharmacist with a current North Carolina license
26 residing in this State shall be eligible to vote in all elections. The list of pharmacists
27 shall constitute the registration list for elections. The Board of Pharmacy Elections is
28 authorized to make rules and regulations relative to the conduct of these elections,
29 provided such rules and regulations are not in conflict with the provisions of this section
30 and provided that notice shall be given to all pharmacists residing in North Carolina. All
31 such rules and regulations shall be adopted subject to the procedures of Chapter 150B of
32 the General Statutes of North Carolina. From any decision of the Board of Pharmacy
33 Elections relative to the conduct of such elections, appeal may be taken to the courts in
34 the manner otherwise provided by Chapter 150B of the General Statutes.

35 (c) All rules, regulations, and bylaws of the North Carolina Board of Pharmacy
36 so far as they are not inconsistent with the provisions of this Article, shall continue in
37 effect.

38 (d) Notwithstanding G.S. 93B-5, Board members shall receive as compensation
39 for their services per diem not to exceed one hundred dollars (\$100.00) for each day
40 during which they are engaged in the official business of the Board."

41 **SECTION 3.** G.S. 90-85.9 reads as rewritten:

42 "**§ 90-85.9. Meetings.**

43 The Board shall meet at least twice annually for the purpose of administering
44 examinations and conducting other business. ~~Four~~ A majority of the Board members

1 shall constitute a quorum. The Board shall keep a record of its proceedings, a register of
2 all licensed persons, and a register of all persons to whom permits have been issued.
3 The Board shall report, in writing, annually to the Governor and the presiding officer of
4 each house of the General Assembly."

5 **SECTION 4.** Notwithstanding the provisions of G.S. 90-85.7(a), as enacted
6 in Section 2 of this act, the member appointed by the General Assembly, upon the
7 recommendation of the President Pro Tempore of the Senate, who is licensed to practice
8 pharmacy in this State, shall be appointed for a five-year term to commence when this
9 act becomes effective, and to expire April 30, 2006; the member appointed by the
10 General Assembly, upon the recommendation of the Speaker of the House of
11 Representatives, who is licensed to practice pharmacy in this State, shall be appointed
12 for a five-year term to commence when this act becomes effective, and to expire April
13 30, 2006; and the member appointed by the Governor, who is licensed to practice
14 pharmacy in this State, shall be appointed for a five-year term to commence when this
15 act becomes effective, and to expire April 30, 2006. Members described in this section
16 shall serve for the terms for which they were appointed and until their successors are
17 appointed and qualified.

18 **SECTION 5.** This act is effective when it becomes law.