

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 484
Commerce Committee Substitute Adopted 4/4/01

Short Title: Increase Pharmacy Board Membership.

(Public)

Sponsors:

Referred to:

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA BOARD
3 OF PHARMACY FROM SIX TO NINE.

4 The General Assembly of North Carolina enacts:

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

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

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

10 "§ 90-85.7. Board of Pharmacy; selection; vacancies; commission; term; per diem;
11 removal.

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

28 The other four members shall be appointed and shall serve for a term of five years
29 and until their successor is appointed and qualified. ~~One member of the Board shall be a~~

1 ~~person who is not a pharmacist and who represents the interest of the public at large.~~
2 The Governor shall appoint ~~this member.~~ the following two members: (i) a person who
3 is not a pharmacist and who represents the interest of the public at large; (ii) a person
4 who is a licensed pharmacist and an employee of an organization operating five or more
5 community pharmacies in North Carolina. One member shall be appointed by the
6 General Assembly, upon the recommendation of the President Pro Tempore of the
7 Senate. One member shall be appointed by the General Assembly, upon the
8 recommendation of the Speaker of the House of Representatives. Each pharmacist shall
9 be licensed to practice pharmacy in North Carolina at the time of the appointment. In
10 appointing members, the appointing authorities shall consider the geographic, gender,
11 and racial diversity of the State.

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

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

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

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

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

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

40 "**§ 90-85.9. Meetings.**

41 The Board shall meet at least twice annually for the purpose of administering
42 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.** This act is effective when it becomes law.