

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 667
HOUSE BILL 53

AN ACT TO TRANSFER THE NORTH CAROLINA DRUG COMMISSION TO THE
DEPARTMENT OF HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-377 and G.S. 143B-378, as the same appear in the 1975 Cumulative Supplement to Volume 3C of the General Statutes, are hereby repealed.

Sec. 2. Article 3 of Chapter 143B of the General Statutes is hereby amended by adding a new Part 23 to read as follows:

"PART 23.

"North Carolina Drug Commission.

"§ 143B-210. **North Carolina Drug Commission; creation; powers and duties.** — There is hereby created the North Carolina Drug Commission of the Department of Human Resources, which is designated as the single State agency to coordinate all State efforts relating to drug abuse prevention, education, control, treatment, and rehabilitation, and which shall have the following functions and duties:

- (1) to advise the department in the coordination of all State efforts related to drug abuse prevention, education, control, treatment, and rehabilitation to the end that the effort to control drug abuse shall be efficiently and effectively administered and duplicating and overlapping efforts eliminated;
- (2) to review all requests by non-State agencies to federal agencies for funds to finance drug abuse prevention, education, control, treatment, or rehabilitation programs, with the requirement that such federal funds may be spent within the State of North Carolina only when approved by the North Carolina Drug Commission except in those instances in which requirements for approval by the drug commission violate federal law or regulation;
- (3) to advise in the coordination of the State's efforts with the efforts of local and municipal governments within the State and with the efforts of other states and the federal government;
- (4) to assist private agencies and community organizations by providing needed coordination and information;
- (5) to assist in the planning and supervision of public informational programs related to drug abuse;
- (6) to assist with the formulation and coordination of programs relating to the early diagnosis, treatment, and rehabilitation of drug abusers;
- (7) to assist with the formulation and coordination of training and informational programs for State employees and others;
- (8) to advise in the coordination of the State's efforts to obtain federal funds available for drug abuse programs;
- (9) to establish standards and adopt rules and regulations:
 - a. for the licensing of drug treatment facilities as provided by G.S. 90-109;

- b. relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as provided by G.S. 90-100;
 - c. as may be required by the federal government but not inconsistent with the laws of this State for grants-in-aid for drug abuse prevention, education, control, treatment and rehabilitation purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid;
- (10) to advise the Secretary of Human Resources upon any matter the secretary may refer to it.

"§ 143B-211. North Carolina Drug Commission; review of programs; State Plan for Drug Abuse Prevention. — All drug abuse prevention, education, treatment, rehabilitation and evaluation programs which are implemented after June 30, 1977, with appropriated monies from the North Carolina General Assembly or the United States Congress shall be implemented only after review by the North Carolina Drug Commission and approval by the Secretary of Human Resources. Before any agency or organization, public or private, shall receive approval for program implementation from the secretary, the commission must make a finding that such programs are consonant with the North Carolina State Plan for Drug Abuse Prevention.

"§ 143B-212. North Carolina Drug Commission; members; selection; quorum; compensation. — The North Carolina Drug Commission of the Department of Human Resources shall consist of the following 21 voting members: the Attorney General or his designee, the Executive Officer of the State Board of Pharmacy, the Secretary of Correction or his designee, the Superintendent of Public Instruction or his designee, the Chairman of the Board of Governors of the North Carolina University System or his designee and the following persons who shall serve for a term of two years commencing July 1 of each odd-numbered year: a member of the North Carolina Board of Medical Examiners appointed by the Board of Medical Examiners, a member of the North Carolina State Board of Dental Examiners appointed by the Board of Dental Examiners, a representative of the North Carolina Hospital Association appointed by said association's governing body, a member of the North Carolina House of Representatives appointed by the Speaker of the House of Representatives, a member of the North Carolina Senate appointed by the President Pro Tempore of the Senate, and 11 persons appointed by the Governor. The following persons shall serve as ex officio members of the commission without vote: the directors of the following divisions of the Department of Human Resources or their designees: youth services, mental health, health, and vocational rehabilitation.

The Governor shall select his appointees to include representation for (1) nongovernmental organizations and local public agencies concerned directly or indirectly with drug abuse, such as groups in frequent contact with drug abusers, local citizen groups, employee groups, labor and management, other provider, consumer, and consumer advocate groups, local elected officials, courts, local law enforcement agencies, and (2) the minority, poverty, and major population groups which are significantly affected by the problems of drug abuse and which are to be served under the comprehensive State plan for drug abuse. The commission shall be so constituted as to give representation to different geographical areas of the State.

Notwithstanding the provisions of G.S. 143B-13(a) relating to existing commission members, the Governor shall appoint the initial members of the Drug Commission in accordance with the foregoing membership requirements.

At the end of the respective terms of office of the initial members of the commission, the appointment of their successors, with the exception of those from State agencies, shall be for terms of two years and until their successors are appointed and qualify. Any appointment to fill

a vacancy on the commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the commission from office in accordance with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973 with the exception that the provision of G.S. 143B-13(c) shall only apply to State employees and shall not apply to other members of the commission.

The Governor shall designate a member of the commission to serve as chairman at the pleasure of the Governor.

Legislative members of the commission shall be compensated in accordance with the provisions of G.S. 120-3.1. Public members of the commission shall be compensated in accordance with the provisions of G.S. 138-5. State officers or employees who are members of the commission shall be compensated in accordance with the provisions of G.S. 138-6.

A majority of the commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the commission shall be supplied by the Secretary of Human Resources."

Sec. 3. Article 5 of Chapter 90 is hereby amended as follows:

(1) G.S. 90-88 is amended as follows:

a. By rewriting the first two sentences of G.S. 90-88(a) to read as follows:

"(a) The North Carolina Drug Commission may add, delete, or reschedule substances within Schedules I through VI of this Article on the petition of any interested party, or its own motion."

b. By substituting the word "Commission" for the word "Authority" on lines 7, 10, 14 and 21 of subsection (a); on line 1 of subsection (b); on line 1 of subsection (c); on lines 2, 6, 7, 9, 12 and 14 of subsection (d); on line 1 of subsection (e); on line 1 of subsection (g); and on line 4 of subsection (i).

c. By substituting the words "Department of Human Resources" for the words "Drug Authority" on line 2 of subsection (h) and on line 1 of subsection (i).

(2) G.S. 90-89, G.S. 90-90, G.S. 90-91, G.S. 90-92, G.S. 90-93 and G.S. 90-94 are amended by substituting the words "Drug Commission" for the words "Drug Authority" wherever these words appear.

(3) G.S. 90-96(c) is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" on line 3.

(4) G.S. 90-99 is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" on line 1.

(5) G.S. 90-100 is amended by substituting the word "Commission" for the word "Authority" on line 1.

(6) G.S. 90-101 is amended:

a. by rewriting lines 6 and 7 of subsection (a) as follows: "by the North Carolina Department of Human Resources in accordance with rules and regulations promulgated by the North Carolina Drug Commission";

b. by substituting the words "Department of Human Resources" for the words "Drug Authority" on line 1 of subsection (b) and on line 1 of subsection (f);

c. by substituting the word "Commission" for the word "Authority" on line 1 of subsection (d);

- d. by rewriting line 3 of subsection (f) as follows: "accordance with rules and regulations promulgated by the North Carolina Drug Commission".
- (7) G.S. 90-102 is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" wherever these words appear.
- (8) G.S. 90-103, G.S. 90-104, and G.S. 90-106 are amended by substituting the words "Drug Commission" for the words "Drug Authority" wherever these words appear.
- (9) G.S. 90-107 is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" on line 6.
- (10) G.S. 90-109 is amended as follows:
 - a. by substituting the words "Department of Human Resources" for the words "Drug Authority" wherever these words appear;
 - b. by substituting the word "Secretary" for the word "Director" on line 3 of subsection (b);
 - c. by deleting the period and adding at the end of subsection (a) the following: "in accordance with rules and regulations adopted by the North Carolina Drug Commission";
 - d. by adding at the end of subsection (c) the following: "a decision of the North Carolina Department of Human Resources to deny or revoke a drug treatment facility license may be appealed to the North Carolina Drug Commission in accordance with rules and regulations adopted by the Commission".
- (11) G.S. 90-109.1 is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" and by substituting the word "Secretary" for the word "Director" wherever these words appear.
- (12) G.S. 90-111 is amended by substituting the words "Department of Human Resources" for the words "Drug Authority" wherever these words appear.
- (13) G.S. 90-113.2 is amended by substituting the word "Commission" for the word "Authority" on lines 2 and 6.
- (14) G.S. 90-113.3 is amended as follows:
 - a. by substituting the words "Department of Human Resources" for the words "Drug Authority" in line 1 of subsection (c);
 - b. by striking the words and punctuation "with the North Carolina Department of Human Resources" from lines 16 and 17 of subsection (c);
 - c. by substituting the words "Department of Human Resources" for the words "Drug Authority" wherever these words appear in subsections (d), (e) and (f)

Sec. 4. Nothing herein contained shall be construed to obligate the General Assembly to make additional appropriations to implement the provisions of this act.

Sec. 5. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 22nd day of June, 1977.