

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 717
HOUSE BILL 295

AN ACT TO AMEND CHAPTER 90, ARTICLE 4 OF THE GENERAL STATUTES,
RELATING TO PHARMACY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-55 is rewritten to read as follows:

"§ 90-55. Board of Pharmacy; selection; terms; vacancies. — (a) The Board of Pharmacy shall consist of six persons. Five of the members shall be licensed as pharmacists within this State and shall be elected and commissioned by the Governor as hereinafter provided. 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 Board shall be elected for a term of three years and until his successor shall be elected and shall qualify. 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 Board, or shall be elected to membership on said Board, unless, at the time of such nomination, and at the time of such election, he is licensed to practice pharmacy in North Carolina. In case of death, resignation or removal from the State of any pharmacist member of said Board, the pharmacist members of the Board shall elect in his place a pharmacist who meets the criteria set forth in this section to fill the unexpired term.

One member of the Board shall be a person who is not a licensed pharmacist and who represents the interest of the public at large. The Governor shall appoint this member not later than July 1, 1981.

All Board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed or elected to a term on or after July 1, 1981, shall serve more than two complete consecutive three-year terms. The Governor may remove any member appointed by him for good cause shown and may appoint persons to fill unexpired terms of members appointed by him.

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

(b) All nominations and elections of pharmacist members of the Board shall be conducted by the Board of Pharmacy, which is hereby constituted a Board of Pharmacy Elections. Every pharmacist with a current North Carolina license residing in this State shall be eligible to vote in all elections. The list of licensed pharmacists shall constitute the registration list for elections. The Board of Pharmacy Elections is authorized to make rules and regulations relative to the conduct of these elections, provided such rules and regulations are not in conflict with the provisions of this section and provided that notice shall be given to all licensed pharmacists residing in North Carolina. All such rules and regulations shall be adopted subject to the procedures of Chapter 150A of the General Statutes of North Carolina. From any decision of the Board of Pharmacy Elections relative to the conduct of such elections, appeal

may be taken to the courts in the manner otherwise provided by Chapter 150A of the General Statutes.

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

Sec. 2. G.S. 90-57.1 is hereby repealed.

Sec. 3. G.S. 90-60 is amended on line 7 by deleting the phrase ", and renewal thereof, twenty-five dollars (\$25.00)".

Sec. 4. G.S. 90-61 is amended on line 2 of the second paragraph by deleting the words "shall be not less than 21 years of age; he".

Sec. 5. G.S. 90-61.1 is amended on lines 3 and 4 by deleting the words "shall be not less than 20 years of age,".

Sec. 6. The title of G.S. 90-64 is rewritten to read as follows:

"§ 90-64. Applicants licensed in other states. — "

Sec. 7. G.S. 90-64(a) is rewritten to read as follows:

"If an applicant for licensure is already licensed in another state to practice pharmacy, the Board shall issue a license to practice pharmacy to the applicant upon evidence that:

- (1) the applicant is currently an active, competent practitioner in good standing, and
- (2) the applicant currently holds a valid license in another state, and
- (3) no disciplinary proceeding or unresolved complaint is pending anywhere at the time a license is to be issued by this State, and
- (4) the licensure requirements in the other state are equivalent to or higher than those required by this State.

Any license issued upon the application of any pharmacist from any other state shall be subject to all of the provisions of this Article with reference to the license issued by the North Carolina Board of Pharmacy upon examination of applicants, and the rights and privileges to practice the profession of pharmacy under any license so issued shall be subject to the same duties, obligations, restrictions and conditions as imposed by this Article on pharmacists originally examined by the North Carolina Board of Pharmacy."

Sec. 8. G.S. 90-65(a) is amended at the end of line 26 by deleting the period and substituting therefor a semicolon.

G.S. 90-65(a) is further amended by inserting at the end thereof a new subsection to read as follows:

"(9) Negligence in the practice of pharmacy."

Sec. 9. G.S. 90-85.1 is amended by adding a new sentence at the end thereof which shall read as follows:

"Actions under this section shall be commenced in the judicial district in which the respondent resides or has his principal place of business."

Sec. 10. G.S. 143-34.12 is amended by deleting line 5 which reads as follows:

"Chapter 90, Article 4, entitled 'Pharmacy'."

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1981.