

No. 1985-105

AN ACT

SB 1102

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," providing for the reestablishment and continuation of the Pennsylvania Drug, Device and Cosmetic Board; and further providing for the terms of office, meetings and compensation of members of the board.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 31(b) and (c) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, are amended and the section is amended by adding a subsection to read:

Section 31. Board Creation.—* * *

(b) The board shall consist of the Secretary of Health, his successors in office, and ten additional members whom the Governor shall appoint, by and with the **[advice and]** consent of **[two-thirds] a majority** of all the members of the Senate. Of the members: one shall be a physician, one a dentist, one a veterinarian, one a psychologist or psychiatrist and one a pharmacist, each of whom shall be duly licensed in their respective professions by the Commonwealth; one shall be a biochemist and one shall be a pharmacologist, each of whom shall have earned an advanced degree in that field from an institution of higher learning and shall have been engaged as such for three years in this State; one shall be a manufacturer registered to manufacture drugs or an employe thereof; and the two remaining persons shall be members of the general public not engaged in any of the aforementioned but one of whom shall be well informed on the problems caused by the abuse and misuse of drugs or other chemicals. Two members initially shall serve for terms of one, two, three and four years, respectively, the particular term of each to be designated by the Governor at the time of appointment. Any additional member, the appointment of whom is authorized by amending act, shall serve for a term of four years. **[The terms of all their successors shall be four years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Every member's term shall extend until his successor is appointed and qualified.]** *Thereafter, the term of office of each member shall be four years from his appointment, or until his successor has been appointed and qualified, but no longer than six months beyond the four-year period. In the event that any member shall die or resign or otherwise become disqualified during his term of office, his successor shall be appointed in the same way and with the same qualifications as above set*

forth and shall hold office for the unexpired term. Any appointed member of the board shall be eligible for reappointment. Each member, who is not otherwise an officer or employe of the Commonwealth, when actually engaged in official meetings or otherwise in the performances of his official duties as directed by the chairman, shall receive [reimbursement for expenses incurred and per diem compensation at a rate to be set by the Executive Board.] *sixty dollars (\$60) per diem and shall receive, in addition, the amount of reasonable travel, hotel and other necessary expenses incurred in performing his duties for the board.*

(b.1) The department shall provide the public members of the board with orientation and training.

(c) The Secretary of Health, or his designate, shall serve as chairman of the board. A majority of the members shall constitute a quorum for the purpose of organizing the board, conducting its business, and exercising all of its powers. A vote of the majority of the members present shall be sufficient for all actions of the board unless the bylaws require a greater number. *The board shall meet at least four times yearly. A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Secretary of Health, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.*

* * *

Section 2. (a) This act, with respect to the Pennsylvania Drug, Device and Cosmetic Board, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

(b) The presently confirmed members of the Pennsylvania Drug, Device and Cosmetic Board as of December 31, 1985, shall continue to serve as board members until their present term of office expires.

(c) Each bylaw, rule and regulation of the board in effect on December 31, 1985, shall remain in effect after such date until repealed or amended as provided by law.

Section 3. This act shall take effect January 1, 1986.

APPROVED—The 20th day of December, A. D. 1985.

DICK THORNBURGH