

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of
1985

INTRODUCED BY WILT AND WILLIAMS, SEPTEMBER 20, 1985

SENATOR WILT, PUBLIC HEALTH AND WELFARE, AS AMENDED,
OCTOBER 7, 1985

AN ACT

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

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

17 Section 1. Section 31(b) and (c) of the act of April 14,
18 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
19 Device and Cosmetic Act, are amended and the section is amended
20 by adding a subsection to read:

21 Section 31. Board Creation.--* * *

22 (b) The board shall consist of the Secretary of Health, his
23 successors in office, and ten additional members whom the

1 Governor shall appoint, by and with the [advice and] consent of <—
2 [two-thirds] A MAJORITY of all the members of the Senate. Of the <—
3 members: one shall be a physician, one a dentist, one a
4 veterinarian, one a psychologist or psychiatrist and one a
5 pharmacist, each of whom shall be duly licensed in their
6 respective professions by the Commonwealth; one shall be a
7 biochemist and one shall be a pharmacologist, each of whom shall
8 have earned an advanced degree in that field from an institution
9 of higher learning and shall have been engaged as such for three
10 years in this State; one shall be a manufacturer registered to
11 manufacture drugs or an employe thereof; and the two remaining
12 persons shall be members of the general public not engaged in
13 any of the aforementioned but one of whom shall be well informed
14 on the problems caused by the abuse and misuse of drugs or other
15 chemicals. Two members initially shall serve for terms of one,
16 two, three and four years, respectively, the particular term of
17 each to be designated by the Governor at the time of
18 appointment. Any additional member, the appointment of whom is
19 authorized by amending act, shall serve for a term of four
20 years. [The terms of all their successors shall be four years
21 each, except that any person appointed to fill a vacancy shall
22 serve only for the unexpired term. Every member's term shall
23 extend until his successor is appointed and qualified.]
24 Thereafter, the term of office of each member shall be four
25 years from his appointment, or until his successor has been
26 appointed and qualified, but no longer than six months beyond
27 the four-year period. In the event that any member shall die or
28 resign OR OTHERWISE BECOME DISQUALIFIED during his term of <—
29 office, his successor shall be appointed in the same way and
30 with the same qualifications as above set forth and shall hold

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

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

13 (c) The Secretary of Health, or his designate, shall serve
14 as chairman of the board. A majority of the members shall
15 constitute a quorum for the purpose of organizing the board,
16 conducting its business, and exercising all of its powers. A
17 vote of the majority of the members present shall be sufficient
18 for all actions of the board unless the bylaws require a greater
19 number. The board shall meet at least four times yearly. A
20 member of the board who fails to attend three consecutive
21 meetings shall forfeit his seat unless the Commissioner of <—
22 Professional and Occupational Affairs SECRETARY OF HEALTH, upon <—
23 written request from the member, finds that the member should be
24 excused from a meeting because of illness or the death of an
25 immediate family member.

26 * * *

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

1 Act.

2 (B) THE PRESENTLY CONFIRMED MEMBERS OF THE PENNSYLVANIA <—
3 DRUG, DEVICE AND COSMETIC BOARD AS OF DECEMBER 31, 1985, SHALL
4 CONTINUE TO SERVE AS BOARD MEMBERS UNTIL THEIR PRESENT TERM OF
5 OFFICE EXPIRES.

6 (C) EACH BYLAW, RULE AND REGULATION OF THE BOARD IN EFFECT
7 ON DECEMBER 31, 1985, SHALL REMAIN IN EFFECT AFTER SUCH DATE
8 UNTIL REPEALED OR AMENDED AS PROVIDED BY LAW.

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