

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2039  
(Legislative Council)  
(Industry, Business, and Labor Committee)

AN ACT to amend and reenact sections 43-15-03, 43-15-12, 43-15-25, and 43-15-26 of the North Dakota Century Code, relating to the board of pharmacy, the North Dakota pharmaceutical association, and pharmacist license fees; and to repeal sections 43-15-13.1, 43-15-13.2, 43-15-13.3, 43-15-13.4, 43-15-13.5, 43-15-13.6, and 43-15-30 of the North Dakota Century Code, relating to membership in the North Dakota pharmaceutical association.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 43-15-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-03. Board of pharmacy - Appointment - ~~Qualifications.~~** The state board of pharmacy ~~shall consist~~ consists of ~~five~~ seven members appointed by the governor ~~upon the recommendation of the North Dakota pharmaceutical association.~~ The persons appointed Five members of the board must be licensed pharmacists and members of such association, one member must be a registered pharmacy technician, and one member must represent the public and may not be affiliated with any group or profession that provides or regulates any type of health care.

**SECTION 2. AMENDMENT.** Section 43-15-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-12. State board of pharmacy - Report.** The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. ~~The board shall submit an annual report to the North Dakota pharmaceutical association rendering an account of all moneys received and disbursed by it.~~

**SECTION 3. AMENDMENT.** Section 43-15-25 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-25. Term of license - Renewal - Fee - Where displayed.** The license issued by the board to a pharmacist under ~~the provisions of~~ this chapter, and the registration thereof, ~~shall entitle~~ entitles the holder to act in the capacity therein stated for one year unless duly canceled, suspended, or revoked. Every licensee who desires to retain a license, on or before the first day of March in each year, shall pay to the secretary of the board a renewal fee in an amount to be fixed by the board not to exceed ~~two~~ one hundred dollars. Upon payment of the fee, the board shall issue a renewal license ~~must be issued.~~ The license and renewal must be displayed in a conspicuous place in the pharmacy and drugstore where the holder is employed. After a licensee has held licenses duly issued over a period of fifty consecutive years, the secretary of the board may issue the licensee a lifetime license ~~which will entitle~~ that entitles the licensee to act in the capacity of pharmacist thereafter without further payment unless ~~such~~ the license is canceled, revoked, or suspended.

**SECTION 4. AMENDMENT.** Section 43-15-26 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-26. Failure to renew license - Renewal fee - Cancellation of license - Reinstatement.** If a licensed pharmacist in this state fails to pay the fee for a renewal of a license within the time required, the secretary of the board shall mail the pharmacist a notice, addressed to the pharmacist's last-known place of residence, notifying the pharmacist of failure to obtain a renewal license. The delinquent licenseholder, within sixty days after the notice is mailed, may procure a

renewal license upon the payment of a renewal fee to be set by the board not to exceed ~~two~~ one hundred dollars. If the licenseholder fails to have a license renewed within sixty days after the notice is mailed, the original or renewal license, as the case may be, ~~shall become~~ becomes void and the registry thereof ~~shall~~ must be canceled. The board, on application of the delinquent licenseholder and upon the payment of all unpaid fees, may authorize the issuance of a new license without examination, if it is satisfied that the applicant is a proper ~~person~~ individual to receive the same.

**SECTION 5. REPEAL.** Sections 43-15-13.1, 43-15-13.2, 43-15-13.3, 43-15-13.4, 43-15-13.5, 43-15-13.6, and 43-15-30 of the North Dakota Century Code are repealed.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2039.

Senate Vote:    Yeas    43        Nays    0        Absent    4

House Vote:    Yeas    89        Nays    3        Absent    2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State