

AMENDED IN SENATE JUNE 24, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2104

Introduced by Assembly Member Hayashi

February 18, 2010

~~An act to amend Section 4003 of, and to add Section 4008.1 to, the Business and Professions Code, relating to pharmacy.~~ *An act to amend Section 4003 of the Business and Professions Code, relating to pharmacy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as amended, Hayashi. California State Board of Pharmacy. Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy by the California State Board of Pharmacy within the Department of Consumer Affairs. ~~Under existing law, the board is comprised of 13 members and the Governor appoints 11 of those members and one member each is appointed by the Senate Committee on Rules and the Speaker of the Assembly. The department is under the control of the Director of Consumer Affairs.~~ Existing law authorizes the board to appoint a person exempt from civil service designated as the executive officer who performs the duties delegated by the board. ~~Under existing law, the executive officer may or may not be a member of the board, as determined by the board. Existing law prohibits any board from submitting to the Legislature any fiscal impact analysis relating to legislation pending before the Legislature until the analysis has been submitted to the Director of Consumer Affairs for review and comment.~~

This bill would instead authorize the ~~Governor~~ *board* to appoint the executive officer and would authorize the Governor to determine whether the executive officer may or may not be a member of the board. The bill would require the board to submit to the Department of Consumer Affairs and receive prior approval for every piece of state legislation the board seeks to sponsor, support, or oppose and would require that same submittal and approval process after subsequent substantive amendments to legislation *with the approval of the director*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4003 of the Business and Professions
- 2 Code is amended to read:
- 3 4003. (a) The ~~Governor~~ *board, with the approval of the*
- 4 *director*, may appoint a person exempt from civil service who shall
- 5 be designated as an executive officer and who shall exercise the
- 6 powers and perform the duties delegated by the board and vested
- 7 in him or her by this chapter. The executive officer may or may
- 8 not be a member of the board as the ~~Governor~~ *board* may
- 9 determine.
- 10 (b) The executive officer shall receive the compensation as
- 11 established by the board with the approval of the Director of
- 12 Finance. The executive officer shall also be entitled to travel and
- 13 other expenses necessary in the performance of his or her duties.
- 14 (c) The executive officer shall maintain and update in a timely
- 15 fashion records containing the names, titles, qualifications, and
- 16 places of business of all persons subject to this chapter.
- 17 (d) The executive officer shall give receipts for all money
- 18 received by him or her and pay it to the ~~Department of Consumer~~
- 19 ~~Affairs~~ *department*, taking its receipt therefor. Besides the duties
- 20 required by this chapter, the executive officer shall perform other
- 21 duties pertaining to the office as may be required of him or her by
- 22 the board.
- 23 (e) In accordance with Sections 101.1 and 473.1, this section
- 24 shall remain in effect only until January 1, 2013, and as of that
- 25 date is repealed, unless a later enacted statute, that is enacted before
- 26 January 1, 2013, deletes or extends that date.

1 ~~SEC. 2. Section 4008.1 is added to the Business and Professions~~
2 ~~Code, to read:~~
3 ~~4008.1. The board shall submit to the department and receive~~
4 ~~prior approval for every piece of state legislation the board seeks~~
5 ~~to sponsor, support, or oppose. The board shall resubmit and~~
6 ~~receive subsequent approval from the department on the same~~
7 ~~legislation after any substantive amendments.~~

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