

By Mr. Businger of Brookline, petition of The Boston Consumers' Council and John A. Businger for legislation to expedite the processing and hearings of applications pending before the Board of Registration in Pharmacy. Social Welfare.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-One.

**AN ACT TO EXPEDITE THE PROCESSING AND HEARINGS OF APPLI-  
CATIONS PENDING BEFORE THE BOARD OF REGISTRATION IN  
PHARMACY.**

1     *Whereas*, The deferred operation of this Act will impair the  
2 public interest by delaying the processing and hearing of cer-  
3 tain applications pending before the Board of Registration in  
4 Pharmacy, this Act is hereby declared to be an emergency law  
5 necessary for the immediate preservation of the public conven-  
6 ience and the immediate protection of the public interest.

*Be it enacted by the Senate and House of Representatives in  
General Court assembled, and by the authority of the same, as  
follows:*

1     SECTION 1. Chapter 112 of the General Laws is hereby  
2 amended by adding after section 39 the following new sec-  
3 tions: —

4     *Section 39A.* The Board of Registration in Pharmacy shall  
5 render a decision on all applications filed under section thirty-  
6 nine of this chapter within ninety days from the date of such  
7 filing with the board. Whenever more than ninety days shall  
8 elapse after the filing of such application without any decision  
9 by the board denying or allowing registration of a pharmacy,  
10 the application shall be deemed to be denied unless the appli-  
11 cant, or if the applicant is a corporation the president or clerk  
12 thereof, gives written consent to extension of the time within  
13 which such decision may be made.

14     *Section 39B.* Any applicant denied registration applied for  
15 under the provisions of section thirty-nine of this chapter may

16 petition the Superior Court for review of the board's decision  
17 in accordance with section fourteen of chapter thirty A of the  
18 General Laws. All of the provisions of said section fourteen  
19 shall apply to such petitions except that (a) the original or  
20 certified copy of the record required to be filed under para-  
21 graph (2) of said section shall be filed within fifteen days after  
22 service of a copy of the petition upon the board and (b) if the  
23 Superior Court shall find that it is unable to do justice to the  
24 board and to the applicant upon the record so filed, said court  
25 shall hear such testimony and receive such evidence as may be  
26 necessary to enable it to determine whether to affirm or set  
27 aside the decision of the board and compel any action unlaw-  
28 fully withheld; provided, that the Superior Court may, if it  
29 finds upon evidence duly presented that the applicant substan-  
30 tially contributed to the failure of the board to render a  
31 decision within ninety days after filing of the application,  
32 remand for further proceedings by the board, in which case the  
33 board shall be ordered to render a decision within sixty days  
34 from the date of remand.

35 *Section 39C.* A final decree of the Superior Court rendered  
36 under section thirty-nine B of this chapter may be reviewed in  
37 accordance with the provisions of section fifteen of chapter  
38 thirty A of the General Laws.

1 SECTION 2. Applications under section 39 of chapter 112  
2 of the General Laws to register retail drug stores filed before  
3 the effective date of this act and not theretofore acted upon  
4 by the board shall for purposes of section 39A of said chapter  
5 112 be deemed to have been filed thirty days prior to said  
6 effective date or upon the date actually filed, whichever is the  
7 later.