



STATE OF NORTH DAKOTA  
GOVERNOR DOUG BURGUM

## **NORTH DAKOTA STATE BOARD OF PHARMACY OFFICE OF THE EXECUTIVE DIRECTOR**

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### **Senate Bill No 2285 – Judicial Deference**

House Judiciary Committee – 327B Room  
9:00 AM - Wednesday – March 12, 2025

Chairman Klemin, Members of the House Judiciary Committee for the record I am Mark Hardy, Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to provide testimony on this legislation.

Our office does have concerns with the provisions of this Bill, as written, and the impact it may have on our Board. I admit that it is rare that the Board of Pharmacy has administrative hearings on complaints and most often can resolve them through an agreed upon stipulation with the parties involved. In that spirit, the existing model has functioned very well. There is a high level of complexity in the profession and businesses in which the Board of Pharmacy regulates. This is why there are administrative boards like ours to act on behalf of the public.

This legislation may lead to more administrative hearings, given the provisions would change the parameters involved in those hearings. An increase in these hearings would come at a higher cost to all parties involved and would bring more financial risk over our Board.

Another situational consequence that we see this legislation creates is judges being unable to utilize the Board's professional expertise on a case. The Judge is likely not to have the expertise or understanding of the standard of care that may be applied in a particular matter. I am unaware of where they may turn in these situations. A common example in our industry is the highly technical field of pharmaceutical compounding. There are compatibilities, techniques, and other important standards that are expected for safety. To a Judge that has no understanding of these technical aspects of practice, where do they get their understanding of standards?

Changes to make it clear that this only applies to ambiguous areas of our laws and rules would be helpful to make this legislation clearer and minimize the negative effects. We appreciate the opportunity to testify on this legislation and provide our concerns.