

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

11:00 A.M.

Thursday, June 18, 2015
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The June 18, 2015 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Mizner at 11:25 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: John F. Mizner, Esq., Chairman
 George D. Bedwick, Vice Chairman
 Dennis A. Watson, Esq.

Telephone: W. Russell Faber

Absent: Murray Ufberg, Esq.

II. APPROVAL OF THE MAY 28, 2015 PUBLIC MEETING MINUTES

Chairman Mizner asked for a motion for approval of the May 28, 2015 public meeting minutes, as submitted. Vice Chairman Bedwick made the motion and Commissioner Faber seconded, and the motion passed 4-0.

III. NEW BUSINESS

A. ACTION ITEMS

1. No. 3099 Department of Health #10-193: Schedules of Controlled Substances

Jim Smith, Regulatory Analyst, stated the rulemaking amends the schedules of controlled substances. He advised there have been no public comments on the regulation and reported it has been deemed approved by the House and Senate committees.

Lawrence Clark, Policy Director, and Susan Coble, Director of the Bureau of Community Program Licensure and Certification, Department of Health, were available on behalf of the Department. Mr. Clark said previously the Food and Drug Administration had defined the drug Clobazam as a Schedule I substance and changed it to a Schedule IV, on the basis that it is now known to deal with epilepsy and has a very limited chance for abuse.

Mr. Clark said the final-omit regulation is "a cleanup effort" to match existing regulations. He told the Commission there is no financial impact from the rescheduling and has been no public comment expressing any concerns.

Vice Chairman Bedwick noted he and Mr. Clark were colleagues for many years as staffers in the House, and said their friendship will not affect his vote. He said they look to Mr. Clark on a variety of health issues.

Commissioner Watson noted the rescheduling was effectuated by an order published in the *Pennsylvania Bulletin* in 2012, and questioned why it took three years to do a final rulemaking. Mr. Clark said it was moving through the previous administration but then the process had to be run again when the administration changed. He could not say why it was delayed in 2012 and 2013. Commissioner Watson said he is not sure how long an emergency rulemaking should remain in place before a proper one is enacted. Chairman Mizner recommended a more expeditious approach on similar measures in the future.

Chairman Mizner asked if there are a lot of different situations where the state's list of controlled substances differs from the Drug Enforcement Administration's. Ms. Coble noted Clobazam has been the only one brought to them over the course of her tenure. Mr. Clark noted there is legislation moving through the General Assembly that would speed the process up.

Vice Chairman Bedwick made a motion for approval. Commissioner Faber seconded, and the motion passed 4-0.

2. No. 3026 Pennsylvania Liquor Control Board #54-74: Conversion of Suspension to Fine

Michelle Elliott, Regulatory Analyst, stated the rulemaking increases the minimum amount of fines that may be imposed when the Pennsylvania Liquor Control Board is asked to convert an unserved suspension into a fine in connection with a license transfer application, as authorized by the Liquor Code. She advised there have been no public comments on the regulation and reported it has been deemed approved by the House and Senate committees.

Rodrigo Diaz, Executive Deputy Chief Counsel, and Justin Blake, Assistant Counsel, Pennsylvania Liquor Control Board, were available for questions.

Vice Chairman Bedwick asked if there are any pending requests for conversion. Mr. Diaz said not at this time.

Chairman Mizner questioned whether the request has come from the industry. Mr. Diaz explained what happened previously, where a buyer of a license would have to serve the suspension to start, even when they did nothing wrong. He said some owners would rather pay a fine.

Chairman Mizner made a motion for approval. Vice Chairman Bedwick seconded, and the motion passed 4-0.

IV. OTHER BUSINESS

Approval of Vouchers

Commissioner Watson made motions to approve vouchers and expenses for the period April 17, 2015 through May 28, 2015. Vice Chairman Bedwick seconded, and the motions passed 4-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Mizner announced the next public meeting is scheduled for Thursday, July 9, 2015, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Mizner announced that no executive session would be held.

VII. ADJOURNMENT

Chairman Mizner announced the meeting adjourned at 11:36 a.m.