

SUPREME COURT OF NORTH CAROLINA

NORTH CAROLINA BOARD)	
OF PHARMACY)	
)	
Plaintiff-Appellant,)	<u>From Wake County</u>
)	No. 99 CVS 06558
v.)	
)	<u>From Court of Appeals</u>
THE RULES REVIEW)	No. COA04-929
COMMISSION, et al.)	
)	
Defendants-Appellees.)	

BRIEF OF AMICI CURIAE

NORTH CAROLINA CITIZENS FOR BUSINESS AND INDUSTRY, NORTH CAROLINA HOME BUILDERS ASSOCIATION, NORTH CAROLINA PORK COUNCIL, INC., NORTH CAROLINA RETAIL MERCHANTS ASSOCIATION, NORTH CAROLINA ASSOCIATION OF REALTORS, INC., NORTH CAROLINA FORESTRY ASSOCIATION, NORTH CAROLINA AGGREGATES ASSOCIATION, CAROLINAS ASSOCIATED GENERAL CONTRACTORS, NATIONAL FEDERATION OF INDEPENDENT BUSINESSES LEGAL FOUNDATION, NORTH CAROLINA FARM BUREAU, and MANUFACTURERS & CHEMICAL INDUSTRY COUNCIL OF NORTH CAROLINA

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III. IF ANY CONSTITUTIONAL ISSUE IS PROPERLY PRESENTED BY THIS CASE, THAT ISSUE IS LIMITED TO THE CONSTITUTIONALITY OF N.C. GEN. STAT. § 150B-21.9(A)(1), NOT THE BROAD ARRAY OF ISSUES RAISED BY THE PHARMACY BOARD.12

IV. THE RRC PERFORMS THE EXECUTIVE BRANCH'S INTERNAL REVIEW OF STATUTORY AUTHORITY FOR ADMINISTRATIVE RULES, AND SUCH REVIEW DOES NOT VIOLATE CONSTITUTIONAL PRINCIPLES OF SEPARATION OF POWERS.16

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