



THE AMERICAN BOARD OF FORENSIC TOXICOLOGY, INC.

BYLAWS

Bylaws were enacted on October 18, 1975.

This version was approved on October 29, 2024.

AMERICAN BOARD OF FORENSIC TOXICOLOGY, INC.

BYLAWS

ARTICLE I

Definitions

Section 1. All definitions of terms and words herein, unless applicable law otherwise requires, shall be as defined by the Articles of Incorporation, the Bylaws, or the ABFT Board of Directors, in that order of precedence.

ARTICLE II

Name and Purposes

Section 1. Name. The name of this organization shall be the AMERICAN BOARD OF FORENSIC TOXICOLOGY, INC., hereinafter referred to as the "ABFT" or the "Corporation." The ABFT Board of Directors is hereinafter referred to as the "BOD" or the "board".

Section 2. Purposes. The purposes of the ABFT, in the public interest, shall be:

- (a) To encourage the study of, improve the practice of, establish and enhance standards for, and advance the science of forensic toxicology.
- (b) To encourage and promote adherence to high standards of ethics, conduct, and professional practice in forensic toxicology.
- (c) To grant certification and issue certificates, and/or other recognition, in cognisance of special qualifications in forensic toxicology to voluntary applicants who conform to the standards established by the ABFT and who have established their fitness and competence.
- (d) To cooperate with the several branches of federal and state governments and appropriate governmental and private agencies and organizations, and to secure general recognition and acceptance of certification by the American Board of Forensic Toxicology, Inc.
- (e) To maintain and furnish lists of individuals who have been granted certification by the ABFT (hereinafter referred to as certificants).
- (f) To engage in any activities, not prohibited by law or the ABFT Articles of Incorporation, which may contribute to the above purposes, or which are in furtherance of the objects and purposes enumerated in the Articles of Incorporation.

ARTICLE III

Offices

Section 1. Office of Record. The ABFT office of record shall be in the City of Washington,

District of Columbia at 1155 15th Street N.W., Suite 502, Washington, D.C. 20005; or such other location as the BOD may, from time to time, designate.

Section 2. Other Offices. The ABFT may have such other offices at such locations, within or without the District of Columbia, as the BOD may, from time to time, designate.

ARTICLE IV

Officers

Section 1. Officers of the Corporation. The officers of the Corporation shall be a president, a vice president, a secretary, and a treasurer. They shall be elected annually by the BOD from its certificant.

Section 2. Officers of the ABFT Board of Directors. The officers of the Corporation shall serve, in the same respective capacities, as officers of the BOD of the Corporation.

Section 3. Functions and Duties. The functions and duties of the president, vice president, secretary, and treasurer shall be such as usually and customarily pertain to their respective offices, and such other functions and duties as may, from time to time, be delegated or designated by the BOD or as are herein prescribed. The president shall be the chief executive officer of the ABFT.

ARTICLE V

Board of Directors

Section 1. Authority. The governing body of the Corporation shall be a board of directors, which shall be empowered to have, hold, control, manage and administer all property, funds, business, affairs and operations of the ABFT pursuant to its Articles of Incorporation; with authority to do everything necessary and desirable in the conduct of the affairs and business of the ABFT and in accordance with these Bylaws.

Section 2. Composition. The BOD shall consist of a minimum of nine (9) and not more than twenty-five (25) persons, elected by the directors.

Section 3. Qualifications of Directors.

- (a) Directors shall be chosen with due regard for their general attainments and their professional qualifications and experience in forensic toxicology and/or closely related fields.
- (b) Every person elected as a director shall be a certificant of the ABFT; provided, however, that one (1) position on the BOD may be held by a public member who shall not be a certificant of the ABFT.
- (c) Any diplomate or fellow certificant of the ABFT may be elected as a member of the BOD

whenever an eligible vacancy exists. Analysts shall not serve on the BOD.

Section 4. Duties and Functions. The duties and functions of the BOD shall be as follows:

- (a) The BOD shall exercise overall control over the affairs and operations of the ABFT.
- (b) The BOD shall be charged with establishing professional standards for forensic toxicology in accordance with the Articles of Incorporation and these Bylaws. These standards shall not be discriminatory and shall apply on an equal basis to all persons applying for certification.
- (c) The BOD shall hold at least one (1) meeting annually and may hold additional meetings on reasonable notice upon the call of the president of the ABFT or upon the written request of a majority of the directors.
- (d) The BOD may, from time to time, designate qualified persons (who need not be directors) or organizations to act on behalf of the BOD in performing such duties and functions as the BOD may direct. Such persons and organizations may be compensated for their services and reimbursed for the actual and necessary expenses incurred in the discharge of such duties and functions and shall serve at the pleasure of the BOD.

ARTICLE VI

Executive Committee

Section 1. Composition. The Executive Committee of the BOD shall consist of the president, who shall serve as its chair, the vice president, the secretary, the treasurer, the chair of the Examination Committee, and the immediate past president, ex officio. A quorum of the Executive Committee shall consist of a majority of its members, and its formal actions shall require a majority vote unless otherwise provided herein.

Section 2. Authority. The Executive Committee shall have full authority and power to act for and on behalf of the BOD between meetings of said BOD, except as herein otherwise provided. Actions taken by the Executive Committee on behalf of the BOD shall be reported to the BOD as soon as practicable.

Nominating Committee

Section 1. Composition. The Nominating Committee shall be composed as follows:

- (a) Five members to be designated by the president. Each member shall serve a three-year term. Two of the members shall have previously served as directors of the board.
- (b) The secretary shall chair the Nominating Committee. The chair is a non-voting member of the Nominating Committee.

Section 2. Qualifications. Each member of the Nominating Committee shall:

- (a) Be a certificiant of the ABFT for a minimum of five years and be in good standing.

- (b) Be active in the practice of forensic toxicology.
- (c) Not currently be serving on the BOD.

ARTICLE VII

Committees

Section 1. General. The BOD may, by resolution adopted by a majority of the directors in office, designate and establish, and determine the scope of authority, functions and duties of, such standing and special committees as, from time to time, it deems necessary.

Section 2. Composition. Each standing or special committee shall consist of two (2) or more persons, as approved by the BOD. The chair of each committee shall be a member of the BOD; other members of a committee may be members of the BOD or other certificants of the ABFT. The president shall be an ex-officio member of all committees.

Section 3. Appointment and Authority. The chair and other members of each standing or special committee, unless otherwise provided herein, shall be appointed by the president of the ABFT with the advice and consent of the BOD. Every committee may, unless otherwise provided herein, exercise in the manner and to the extent provided for in the resolution establishing the committee.

Section 4. Term of Office. Unless otherwise provided herein or in the resolution of the BOD establishing a standing or special committee, the chair and other members of every standing or special committee shall serve one (1) year terms and be eligible for reappointment if they remain in good standing with the ABFT.

ARTICLE VIII

Elections-and-Terms of Office

Section 1. Election of Officers. The BOD shall annually elect from its certificants a president, a vice president, a secretary, and a treasurer. The election shall be by ballot, and a majority of votes cast shall be required to elect an officer.

Section 2. Officers' Terms of Office. The officers shall take office on July 1 following their election, and each shall hold office for one (1) year, or until his or her successor has been duly elected and qualified.

Section 3. Vacancies Among Officers. The vice president shall fill a vacancy in the office of president occurring during his or her term of office as vice president. Other vacancies among officers shall be filled by election by the BOD from its certificants. Such election may be conducted by mail or electronic ballot.

Section 4. Election of Directors. Prior to the annual meeting of the BOD, the BOD shall solicit

nominations from the Nominating Committee, to fill eligible vacancies on the BOD. In addition, nominations for eligible vacancies may be made from the floor during the annual meeting of the BOD. Thereafter, the BOD shall elect directors to fill the vacancies which will occur during the ensuing ABFT year. A majority of votes cast shall be required to elect a nominated director.

Section 5. Election of Directors at-Large. Any diplomate or fellow certificant of the ABFT may be elected by the BOD as a member at-large of the BOD at the annual meeting, at any special meeting, by mail or electronic ballot, whenever an eligible vacancy exists. Analysts shall not serve on the BOD. Such election shall require a two-thirds (2/3) affirmative vote.

Section 6. Term of Office of Directors. The terms of all directors shall be three (3) years, unless otherwise specified herein. Directors shall serve no more than three consecutive terms, unless elected to be an officer of the board, in which case they may serve an additional term. Notwithstanding the above, Directors who have served more than three terms as of February 2002 may continue to serve until the termination of their current term and any additional terms for which they are elected.

Section 7. Vacancies among Directors. A vacancy in the office of a director shall be filled by vote of the remaining directors as soon as practicable after the vacancy occurs and for the unexpired term of said office. Such election may be conducted by mail or electronic ballot.

ARTICLE IX

Indemnification and Surety

Section 1. Indemnification. The Corporation shall indemnify any person made a party to any action, suit or proceeding, by reason of the fact that such person, or such person's testator or intestate, is or was a director, officer or employee of the Corporation, or of any corporation which such person served as such at the request of the Corporation, against the reasonable expenses, including attorneys' fees actually and necessarily incurred by such person in connection with the defence of such action, suit or proceeding, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding that there was negligence or misconduct in the performance of such person's duties. The Corporation may also reimburse to any such director, officer or employee the reasonable costs of settlement of any such action, suit or proceeding, if it shall be found by a majority of a committee composed of the directors not involved in the matter in controversy (whether or not a quorum) that it was in the interests of the Corporation that such settlement be made and that such director, officer, or employee was not guilty of negligence or misconduct. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights to which such director, officer or employee may be entitled apart from the provisions of this section.

Section 2. Surety. The BOD may, in their discretion, procure or cause to be procured, at the ABFT's expense, appropriate liability insurance coverage for the ABFT officers, directors, agents and employees.

Section 3. Fidelity Bonds. The treasurer of the ABFT and such other officers, directors, agents and employees of the ABFT as the BOD may, from time to time, determine it may be required to furnish, at the expense of the ABFT, an appropriate fidelity bond approved by the BOD, in such sum as the BOD shall prescribe.

ARTICLE X

Meetings and Operations

Section 1. Annual Meeting. The annual meeting of the BOD shall be held at the call of the president, at a location designated by him or her within or without the District of Columbia. Notice of the annual meeting shall be given to each director at least thirty (30) days before the meeting date. An annual meeting may be conducted by mail, by conference, or electronic/virtual equivalent upon the written consent of two-thirds (2/3) of the directors in office.

Section 2. Special Meetings. Special meetings of the BOD may be called by the president, or upon the written request of a majority of the directors in office, on a date and at a time and location to be designated by the president, within or without the District of Columbia. Notice of a special meeting shall be given to each director at least fifteen (15) days before the meeting date, with information regarding the subject(s) to be considered.

Section 3. Quorum. A quorum for all purposes herein, unless otherwise provided, shall consist of a majority of the directors. In the event less than this number are present at a meeting, the president may adjourn the meeting, from time to time, until a quorum is present. No director shall be entitled to vote through use of a proxy.

Section 4. Conduct of BOD Business.

- (a) Business of the BOD including that of an annual meeting may be conducted by mail, by conference, electronic/virtual equivalent, or by a committee of the BOD comprised of not less than two (2) persons when authorized by a majority of the directors in office.
- (b) When such business conducted by mail or electronic ballot requires a vote of the BOD, a two-thirds (2/3) affirmative vote shall be required to carry a motion.
- (c) Business of the BOD carried on by conference or by standing or special committees of the BOD shall be conducted in such manner as the BOD may direct, or in the absence of such directions as the committees may elect in accordance with the general spirit of these Bylaws and the requirements of the Articles of Incorporation.

Section 5. Territory. The operations of the ABFT are to be conducted in the United States of America and its territories and possessions, and in such other place(s) as the BOD may, from time to time, authorize and direct.

ARTICLE XI

Finances

Section 1. Fiscal Year. The fiscal year of the ABFT shall be from July 1 through June 30, inclusive.

Section 2. Income. The income of the ABFT shall be derived from application fees and other fees and charges, from gifts, grants and contributions, and from such other sources and activities as may be approved by the BOD. All monies accruing to the ABFT shall be collected by such person(s) as the BOD may designate.

Section 3. Compensation and Reimbursements. No member of the BOD shall be paid any salary or fee for services as a director or an officer. Subject to the availability of funds, a director or an officer may be reimbursed for actual and necessary expenses incurred in attending meetings of the BOD or in performing other duties or functions on behalf of the ABFT. The BOD shall determine the compensation and reimbursements to be paid to other parties than officers and directors of the board, for services performed or for activities carried out on behalf of the ABFT.

ARTICLE XII

Certification

Section 1. Standards. The BOD shall establish, maintain, and revise as necessary, standards and qualifications for the granting, issuing, and renewing of certifications and/or other forms of recognition in cognizance of special qualifications in forensic toxicology.

Section 2. Evaluation of Applicants. The BOD shall arrange for suitable means to evaluate the fitness, competence, and qualifications of persons seeking certification by the ABFT.

Section 3. Certification. The BOD shall have authority to approve certification and issue or cause to be issued a Certificate of Qualification to persons who have met the standards of the ABFT for certification and have fully complied with all applicable requirements. A Certificate of Qualification shall be in such form as prescribed or approved by the BOD and the certification shall be valid for such period of time as the BOD may determine. Each certificate shall be and remain the property of the ABFT, but every person to whom a certificate has been properly issued shall be entitled to its continued possession unless and until certification is revoked or is no longer active. A person certified by the ABFT shall be entitled to use the designation “Fellow of the American BOD of Forensic Toxicology”, “Diplomate of the American BOD of Forensic Toxicology”, or “Analyst of the American BOD of Forensic Toxicology”, as appropriate for the type of qualification conferred by the ABFT unless said certification is revoked.

Section 4. Fees. The BOD shall annually establish the fees and other charges incident to application for and granting, issuing, and renewal of certification and/or other forms of recognition.

Section 5. Denial and Revocation of Certification. The right to deny certification and to suspend or revoke certification shall reside with the BOD. Certification by the ABFT is subject to revocation for one or more of the following reasons:

- (a) A certificant fails to meet continuing education requirements.
- (b) A misstatement or misrepresentation, or concealment or omission, of a material fact or facts in an application or any other communication to the BOD or its representative(s).
- (c) Conviction of an applicant for certification or of a certificant of the ABFT by a court of competent jurisdiction of a felony or of any crime involving, in the opinion of the BOD, unprofessional conduct.
- (d) Granting of certification contrary to or in violation of any laws, standards, rules, or regulations governing the ABFT and its certification programs at the time of certification; or determination that the person certified was not in fact eligible to receive such certification.
- (e) Unethical conduct or other conduct, by a certificant of the ABFT, which in the judgment of the BOD brings the speciality of forensic toxicology into disrepute.

ARTICLE XIII

Appeals and Reconsiderations

Section 1. Reconsideration of BOD Actions. An applicant/certificant denied certification, recertification, or a request for reasonable accommodation, shall be entitled to request reconsideration of any such action by the BOD, by submitting a written request for such reconsideration within 30 days of the date of notification of any such action by the BOD, together with any supporting documentation.

Section 2. Appeals of BOD Actions. A person whose certification or recertification is suspended or revoked in accordance with the provisions of these Bylaws, shall be entitled to appeal any such action by the BOD. Any such appeal must be initiated in writing by the affected party within 30 days of the date of notification of any such action and shall be lodged in accordance with the process and procedures set forth in the ABFT Appeals Policy.

Section 3. Appeals Policy. The BOD shall adopt and promulgate, maintain, and revise as necessary, an Appeals Policy relative to resolution of questions or challenges concerning the BOD's suspension or revocation of any certification previously granted by the BOD.

Section 4. Finality of Actions. The BOD, acting through its duly elected officers and directors and its duly designated agents, shall have the sole jurisdiction, power, authority, and right to determine the outcome of and final action upon any challenge to or appeal of any action or decision of the BOD, and the outcome of any request for reconsideration of actions or decisions of the BOD. The decision of the BOD on any such request for reconsideration, challenge, or appeal shall be final and conclusive.

ARTICLE XIV

Parliamentary Authority

Section 1. Parliamentary Authority. Unless otherwise provided in its Articles of Incorporation or Bylaws, the conduct of meetings of the BOD shall be governed by rules promulgated by the BOD or, in the absence of such rules, by the rules contained in Robert's Rules of Order, Newly Revised, latest edition available. Any question as to priority of business shall be decided by the chair without debate.

Section 2. Suspension of Rules. The rules promulgated by the BOD governing the conduct of meetings may be suspended at any meeting by a majority vote of the directors present.

ARTICLE XV

Seal and Insignia

Section 1. The ABFT shall have a corporate seal, and may have other devices and insignia, of such design as the BOD adopts.

ARTICLE XVI

Amendments

Section 1. These Bylaws may be amended, altered, or repealed, in whole or in part, in one of the following ways:

- (a) Upon two-thirds (2/3) affirmative vote of the directors present at a meeting of the BOD at which a quorum is present, provided that a copy of the proposed change(s) has been submitted to all directors at least fifteen (15) days prior to such meeting.
- (b) Upon two-thirds (2/3) affirmative vote by mail or electronic ballot of the directors within thirty (30) days after a copy of the proposed change(s) has been submitted to all directors.
- (c) By the unanimous written consent of all members of the BOD.

ARTICLE XVII

Effective Date of Bylaws

Section 1. These Bylaws were enacted on October 18, 1975, and the current version became effective January 1, 2025, upon adoption by the ABFT BOD of Directors.

ARTICLE XVIII

ABFT-FTCB Merger Agreement

These Bylaws are amended in accordance with the Merger Agreement by and between the American BOD of Forensic Toxicology, Inc., and the Forensic Toxicologist Certification BOD, Inc. dated February 18, 2014.