

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 770 Session of  
2019

INTRODUCED BY DeLUCA, MILLARD, HILL-EVANS, MURT, READSHAW,  
KULIK, YOUNGBLOOD, CALTAGIRONE, McNEILL, DEASY, CIRESI,  
RAVENSTAHL, MATZIE, KORTZ, KENYATTA, T. DAVIS AND HOWARD,  
MARCH 11, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, SEPTEMBER 22, 2020

## AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),  
2 entitled "An act relating to the regulation of the practice  
3 of pharmacy, including the sales, use and distribution of  
4 drugs and devices at retail; and amending, revising,  
5 consolidating and repealing certain laws relating thereto,"  
6 further providing for definitions; and providing for pharmacy  
7 technician and pharmacy technician trainee registration,  
8 qualifications and supervision.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of September 27, 1961  
12 (P.L.1700, No.699), known as the Pharmacy Act, is amended by  
13 adding clauses to read:

14 Section 2. Definitions.--As used in this act:

15 \* \* \*

16 (20) "Pharmacy technician" means an individual who:

17 (i) Is registered with the board as a pharmacy technician.

18 (ii) May assist in the practice of pharmacy under the direct

19 and immediate personal supervision of a licensed pharmacist

1 after meeting the requirements of this act and the regulations  
2 promulgated under this act. THE TERM "PHARMACY TECHNICIAN" SHALL <--  
3 NOT INCLUDE AN INDIVIDUAL PERFORMING CLERICAL SUPPORT WITH NO  
4 DIRECT INTERACTION WITH PRESCRIPTION MEDICATION OR ABILITY TO  
5 ENTER A PRESCRIPTION DRUG ORDER.

6 (21) "Pharmacy technician trainee" means an individual who  
7 has been issued a temporary permit by the board that authorizes  
8 the individual to perform the duties of a pharmacy technician  
9 under the direct and immediate personal supervision of a  
10 licensed pharmacist.

11 (22) "Direct and immediate personal supervision" means:

12 (i) Review by the pharmacist of the prescription or drug  
13 order prior to dispensing.

14 (ii) Verification by the pharmacist of the final product.

15 (iii) Immediate availability of the pharmacist on the  
16 premises to direct the work of the supervised individual and to  
17 respond to questions or problems.

18 Section 2. The act is amended by adding a section to read:

19 Section 3.3. Pharmacy Technician and Pharmacy Technician  
20 Trainee Registration, Qualifications and Supervision.--(a) A  
21 pharmacy technician shall register with the board biennially on  
22 a form prescribed by the board and pay a registration fee  
23 established by the board by regulation. An individual must  
24 possess an unrestricted registration from the board to practice  
25 as a pharmacy technician. The following shall apply:

26 (1) A pharmacy technician shall be responsible to and under  
27 the direct and immediate personal supervision of a board-  
28 licensed pharmacist.

29 (2) A registration for a pharmacy technician may not be  
30 issued if the applicant:

1 (i) is unfit or unable to practice under section 3(a)(2); or  
2 (ii) has been convicted of an offense described under  
3 section 3(a)(6) in this Commonwealth or another state unless the  
4 provisions of section 3(a)(6)(i), (ii) and (iii) have been  
5 satisfied.

6 (3) An applicant for pharmacy technician registration shall  
7 meet the following requirements:

8 (i) Be at least seventeen years of age and possess a high  
9 school diploma or equivalent.

10 (ii) Complete a board-approved pharmacy technician training  
11 program.

12 (iii) Submit to a criminal history record check as required  
13 by the board.

14 (4) An individual practicing as a pharmacy technician for at  
15 least one year of the two-year period immediately preceding the  
16 effective date of this section shall not be required to comply  
17 with clause (3)(i) or (ii), provided the individual applies  
18 within one year of the promulgation of regulations by the board  
19 implementing this section.

20 (5) The board shall renew, refuse, revoke or suspend the  
21 registration of a pharmacy technician and temporary permit <--  
22 REGISTRATION for a pharmacy technician trainee, or otherwise <--  
23 discipline a pharmacy technician and a pharmacy technician  
24 trainee, under regulations promulgated by the board. This clause  
25 is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice  
26 and procedure of Commonwealth agencies) and 7 Subch. A (relating  
27 to judicial review of Commonwealth agency action). Provisions  
28 and procedures with respect to refusal and discipline contained  
29 in sections 5(a), (c) and (d) and 7 shall apply to pharmacy  
30 technician registrations and pharmacy technician trainee

1 permits.

2 (6) Except as provided for in clause (7), or unless ordered  
3 to do so by a court of proper jurisdiction, the board may not  
4 reinstate the registration of an individual whose registration  
5 to practice as a pharmacy technician has been revoked or if the  
6 individual is unfit or unable to practice under section 3(a)(2)  
7 or has been convicted of an offense described under section 3(a)  
8 (6).

9 (7) If an individual desires to practice after revocation,  
10 the individual shall apply for registration after the lapse of a  
11 five-year period and in accordance with this section and  
12 regulations.

13 (8) A pharmacy technician shall wear a name tag that clearly  
14 identifies the pharmacy technician's first name with the title  
15 "Registered Pharmacy Technician."

16 (b) Upon the submission of a board-approved written  
17 application and fee, the board may issue a temporary ~~permit~~ <--  
18 REGISTRATION to practice as a pharmacy technician trainee. The <--  
19 following shall apply:

20 (1) A pharmacy technician trainee shall be responsible to  
21 and under the direct and immediate personal supervision of a  
22 board-licensed pharmacist.

23 (2) A registration for a pharmacy technician trainee may not  
24 be issued if the applicant is unfit or unable to practice under  
25 section 3(a)(2) or has been convicted of an offense described  
26 under section 3(a)(6) in this Commonwealth or another state  
27 unless the provisions of section 3(a)(6)(i), (ii) and (iii) have  
28 been satisfied.

29 (3) An applicant for pharmacy technician trainee  
30 registration shall meet the following requirements:

1 (i) Be at least sixteen years of age.

2 (ii) Submit to a criminal history record check as required  
3 by the board.

4 (4) THE BOARD MAY CHARGE A REGISTRATION FEE THAT IS NOT MORE <--  
5 THAN ONE-HALF THE REGISTRATION FEE CHARGED UNDER SUBSECTION (A).

6 ~~(4)~~ (5) The board shall issue only one temporary permit <--  
7 REGISTRATION to an applicant and the temporary permit <--  
8 REGISTRATION shall expire two years after the date of issue or <--  
9 upon obtaining registration as a pharmacy technician under  
10 subsection (a). IF A PHARMACY TECHNICIAN TRAINEE APPLIES FOR <--  
11 REGISTRATION AS A PHARMACY TECHNICIAN UNDER SUBSECTION (A)  
12 WITHIN THE TWO-YEAR REGISTRATION PERIOD, THE FEE FOR THE INITIAL  
13 TEMPORARY REGISTRATION SHALL BE USED TO OFFSET THE PHARMACY  
14 TECHNICIAN REGISTRATION FEE.

15 ~~(5)~~ (6) Upon expiration of the temporary permit <--  
16 REGISTRATION, the applicant shall promptly return the permit <--  
17 TEMPORARY REGISTRATION to the board. <--

18 ~~(6)~~ (7) A pharmacy technician trainee shall wear a name tag <--  
19 that clearly identifies the pharmacy technician trainee's first  
20 name with the title "Pharmacy Technician Trainee."

21 Section 3. No individual is required to register as a  
22 pharmacy technician under section 3.3 of the act until one year  
23 after the State Board of Pharmacy has promulgated final  
24 regulations.

25 Section 4. Within 18 months of the effective date of this  
26 act, the State Board of Pharmacy shall promulgate final  
27 regulations to implement this act.

28 Section 5. This act shall take effect in 60 days.