
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of
2007

INTRODUCED BY RAFFERTY, STACK, ERICKSON, TARTAGLIONE, ORIE AND
LOGAN, MARCH 9, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 9, 2007

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
7 registration, qualifications and supervision of pharmacy
8 technicians and pharmacy technician trainees.

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 (19) "Pharmacy technician" means an individual who is
17 registered with the State Board of Pharmacy as a pharmacy
18 technician and who may assist in the practice of pharmacy under
19 the immediate supervision of a licensed pharmacist after meeting
20 the requirements of this act and the regulations promulgated

1 pursuant to this act.

2 (20) "Pharmacy technician trainee" means an individual who
3 has been issued a temporary permit by the State Board of
4 Pharmacy which authorizes that individual to perform the duties
5 of a pharmacy technician under the immediate supervision of a
6 licensed pharmacist.

7 (21) "Immediate supervision" means a level of control which
8 assures that a pharmacist has the ultimate responsibility for
9 the accuracy, safety and patient outcome with respect to the
10 actions of pharmacy technicians and pharmacist interns and the
11 use of automation in all practice settings.

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

13 Section 3.3. Pharmacy Technician Registration,
14 Qualifications and Supervision.--(a) The board may promulgate
15 regulations governing the use of pharmacy technicians and the
16 duties of pharmacy technicians in pharmacies licensed by the
17 board. Regulations shall provide that pharmacy technicians be
18 responsible to and under the immediate supervision of a
19 pharmacist licensed by the board.

20 (b) A pharmacy technician shall register with the board
21 annually, on a form prescribed by the board, and pay a
22 registration fee as determined by the board. The board may
23 promulgate regulations governing the registration of pharmacy
24 technicians and standards for recognition and approval of
25 training programs for pharmacy technicians. No registration for
26 a pharmacy technician may be issued if the applicant is unfit or
27 unable to practice under section 3(a)(2) or has been convicted
28 of an offense described under section 3(a)(6) in this
29 Commonwealth or another state. Regulations shall require that a
30 pharmacy technician meet all of the following:

1 (1) Be at least seventeen years of age.

2 (2) Have completed a board-approved training program for
3 pharmacy technicians.

4 (3) Have submitted a criminal history background check.

5 (c) The board shall renew, revoke or suspend the
6 registration of pharmacy technicians pursuant to regulations
7 promulgated by the board. This subsection is subject to 2
8 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
9 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
10 review of Commonwealth agency action).

11 (d) Unless ordered to do so by a court, the board shall not
12 reinstate the registration of an individual whose registration
13 to practice as a pharmacy technician has been revoked or if the
14 individual is unfit or unable to practice under section 3(a)(2)
15 or has been convicted of an offense described under section
16 3(a)(6). If an individual desires to practice after revocation,
17 the individual must apply for registration after a five-year
18 period in accordance with this section.

19 (e) Upon the submission of a written application, on forms
20 provided by it, the board may issue a temporary permit to an
21 applicant who has met the requirements of subsection (b)(1). The
22 board shall issue only one temporary permit to an applicant, and
23 the temporary permit shall expire one year after the date of
24 issue. Issuance by the board of a temporary permit shall
25 authorize the applicant to perform the duties of a pharmacy
26 technician as defined in this act. Upon expiration, the
27 temporary permit shall be promptly returned by the applicant to
28 the board.

29 (f) A pharmacy technician shall wear a name tag that clearly
30 identifies the pharmacy technician with the title "registered

1 pharmacy technician." A holder of a temporary permit issued
2 pursuant to subsection (e) shall wear a name tag that clearly
3 identifies the temporary permit holder with the title "pharmacy
4 technician trainee."

5 Section 3. The board shall promulgate the regulations
6 required by section 3.3 of the act within 18 months of the
7 effective date of this section.

8 Section 4. No person is required to register as a pharmacy
9 technician under section 3.3 of the act until 18 months after
10 the board has promulgated the regulations required by that
11 section.

12 Section 5. This act shall take effect immediately.