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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 454 Session of  
2017

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INTRODUCED BY DeLUCA, BAKER, McNEILL, D. COSTA, CALTAGIRONE,  
GAINNEY, MILLARD, MURT, WATSON, MATZIE, FABRIZIO, YOUNGBLOOD,  
PASHINSKI, D. MILLER, HARKINS AND NEILSON, FEBRUARY 13, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 13, 2017

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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 and

19 (ii) may assist in the practice of pharmacy under the direct

20 and immediate personal supervision of a licensed pharmacist

1 after meeting the requirements of this act and the regulations  
2 promulgated under this act.

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

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

9 (i) review by the pharmacist of the prescription or drug  
10 order prior to dispensing;

11 (ii) verification by the pharmacist of the final product;  
12 and

13 (iii) immediate availability of the pharmacist on the  
14 premises to direct the work of the supervised individual and to  
15 respond to questions or problems.

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

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

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

27 (2) A registration for a pharmacy technician may not be  
28 issued if the applicant is unfit or unable to practice under  
29 section 3(a)(2) or has been convicted of an offense described  
30 under section 3(a)(6) in this Commonwealth or another state.

1 (3) An applicant for pharmacy technician registration shall  
2 meet the following requirements:

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

5 (ii) Complete a board-approved pharmacy technician training  
6 program.

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

9 (4) An individual currently practicing as a pharmacy  
10 technician on or before the effective date of this section shall  
11 not be required to comply with clause (3)(i) or (ii).

12 (5) The board shall renew, revoke or suspend the  
13 registration of pharmacy technicians under regulations  
14 promulgated by the board. This clause is subject to 2 Pa.C.S.  
15 Chs. 5 Subch. A (relating to practice and procedure of  
16 Commonwealth agencies) and 7 Subch. A (relating to judicial  
17 review of Commonwealth agency action).

18 (6) Except as provided for in clause (7), or unless ordered  
19 to do so by a court of proper jurisdiction, the board may not  
20 reinstate the registration of an individual whose registration  
21 to practice as a pharmacy technician has been revoked or if the  
22 individual is unfit or unable to practice under section 3(a)(2)  
23 or has been convicted of an offense described under section 3(a)  
24 (6).

25 (7) If an individual desires to practice after revocation,  
26 the individual must apply for registration after the lapse of a  
27 five-year period and in accordance with this section and  
28 regulations.

29 (8) A pharmacy technician shall wear a name tag that clearly  
30 identifies the pharmacy technician's first name with the title

1 "Registered Pharmacy Technician."

2 (b) Upon the submission of a board-approved written  
3 application and fee, the board may issue a temporary permit to  
4 practice as a pharmacy technician trainee. The following shall  
5 apply:

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

9 (2) A registration for a pharmacy technician trainee may not  
10 be issued if the applicant is unfit or unable to practice under  
11 section 3(a)(2) or has been convicted of an offense described  
12 under section 3(a)(6) in this Commonwealth or another state.

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

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

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

18 (4) The board shall issue only one temporary permit to an  
19 applicant and the temporary permit shall expire one year after  
20 the date of issue and may be renewed for one additional year.

21 (5) Upon expiration of the temporary permit, the applicant  
22 shall promptly return the permit to the board.

23 (6) A pharmacy technician trainee shall wear a name tag that  
24 clearly identifies the pharmacy technician trainee's first name  
25 with the title "Pharmacy Technician Trainee."

26 Section 3. No person is required to register as a pharmacy  
27 technician under section 3.3 of the act until one year after the  
28 State Board of Pharmacy has promulgated final regulations.

29 Section 4. Within 18 months of the effective date of this  
30 act, the State Board of Pharmacy shall promulgate final

1 regulations to implement this act.

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