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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 770 Session of  
2019

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INTRODUCED BY DeLUCA, MILLARD, HILL-EVANS, MURT, READSHAW,  
KULIK, YOUNGBLOOD, CALTAGIRONE, McNEILL, DEASY, CIRESI,  
RAVENSTAHL AND MATZIE, MARCH 11, 2019

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 11, 2019

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

19 and immediate personal supervision of a licensed pharmacist

20 after meeting the requirements of this act and the regulations

1 promulgated under this act.

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

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

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

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

11 (iii) Immediate availability of the pharmacist on the  
12 premises to direct the work of the supervised individual and to  
13 respond to questions or problems.

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

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

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

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

27 (i) is unfit or unable to practice under section 3(a)(2); or

28 (ii) has been convicted of an offense described under  
29 section 3(a)(6) in this Commonwealth or another state unless the  
30 provisions of section 3(a)(6)(i), (ii) and (iii) have been

1 satisfied.

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

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

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

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

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

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

27 (6) Except as provided for in clause (7), or unless ordered  
28 to do so by a court of proper jurisdiction, the board may not  
29 reinstate the registration of an individual whose registration  
30 to practice as a pharmacy technician has been revoked or if the

1 individual is unfit or unable to practice under section 3(a)(2)  
2 or has been convicted of an offense described under section 3(a)  
3 (6).

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

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

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

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

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

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

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

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

29 (4) The board shall issue only one temporary permit to an  
30 applicant and the temporary permit shall expire two years after

1 the date of issue or upon obtaining registration as a pharmacy  
2 technician under subsection (a).

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

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

8 Section 3. No individual is required to register as a  
9 pharmacy technician under section 3.3 of the act until one year  
10 after the State Board of Pharmacy has promulgated final  
11 regulations.

12 Section 4. Within 18 months of the effective date of this  
13 act, the State Board of Pharmacy shall promulgate final  
14 regulations to implement this act.

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