STATE OF NEW YORK

8115--A

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. SOLAGES, McDONALD -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to allowing pharmacy technicians to practice in any pharmacy under the supervision of a pharmacist

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 6841 of the education law, as added by chapter 414 of the laws of 2019, is amended to read as follows:

1. A registered pharmacy technician may, under the direct personal supervision of a licensed pharmacist, assist such licensed pharmacist, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders or in compounding, preparing, and labeling in anticipation of a valid prescription or medication order for a patient to be served by the facility, in accordance with article one hundred thirty-seven of this title where such tasks require no professional judgment. Such professional judgment shall only be exercised by a licensed pharmacist. A registered pharmacy technician may only practice [~~in a facility licensed in accordance with article twenty-eight of the public health law, or a pharmacy owned and operated by such a facility,~~] under the direct personal supervision of a licensed pharmacist employed in such a [~~facility or~~] pharmacy. Such [~~facility~~] **pharmacy** shall be responsible for ensuring that the registered pharmacy technician has received appropriate training to ensure competence before he or she begins assisting a licensed pharmacist in compounding, preparing, labeling, or dispensing of drugs, in accordance with this article and article one hundred thirty-seven of this title. For the purposes of this article, direct personal supervision means supervision of proce-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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dures based on instructions given directly by a supervising licensed pharmacist who remains in the [~~immediate~~] area where the procedures are being performed, authorizes the procedures and evaluates the procedures performed by the registered pharmacy technicians and a supervising licensed pharmacist shall approve all work performed by the registered pharmacy technician prior to the actual dispensing of any drug.

§ 2. This act shall take effect immediately.