

STATE OF NEW YORK

1050--B

Cal. No. 653

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. COONEY, GALLIVAN, JACKSON, SEPULVEDA, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Subdivision 1 of section 6841 of the education law, as
2 added by chapter 414 of the laws of 2019, is amended to read as follows:
3 1. A registered pharmacy technician may, under the direct personal
4 supervision of a licensed pharmacist, assist such licensed pharmacist,
5 as directed, in compounding, preparing, labeling, or dispensing of drugs
6 used to fill valid prescriptions or medication orders or in compounding,
7 preparing, and labeling in anticipation of a valid prescription or medi-
8 cation order for a patient to be served by the facility, in accordance
9 with article one hundred thirty-seven of this title where such tasks
10 require no professional judgment. Such professional judgment shall only
11 be exercised by a licensed pharmacist. A registered pharmacy technician
12 may only practice [~~in a facility licensed in accordance with article~~
13 ~~twenty-eight of the public health law, or a pharmacy owned and operated~~
14 ~~by such a facility,~~] under the direct personal supervision of a licensed
15 pharmacist employed in such a [~~facility or~~] pharmacy. Such [~~facility~~
16 pharmacy] shall be responsible for ensuring that the registered pharmacy
17 technician has received appropriate training to ensure competence before
18 [~~he or she begins assisting~~] beginning to assist a licensed pharmacist

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

LBD02687-04-4

1 in compounding, preparing, labeling, or dispensing of drugs, in accord-
2 ance with this article and article one hundred thirty-seven of this
3 title. For the purposes of this article, direct personal supervision
4 means supervision of procedures based on instructions given directly by
5 a supervising licensed pharmacist who remains in the immediate area
6 where the procedures are being performed, authorizes the procedures and
7 evaluates the procedures performed by the registered pharmacy techni-
8 cians and a supervising licensed pharmacist shall approve all work
9 performed by the registered pharmacy technician prior to the actual
10 dispensing of any drug.

11 § 2. This act shall take effect immediately.