

# HOUSE BILL 1031

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CF SB 815

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By: **Delegates Pena–Melnyk, Angel, Hayes, Hill, Kelly, Miele, Morales, Oaks, Sample–Hughes, Szeliga, and K. Young**  
Introduced and read first time: February 8, 2017  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy – Registered Pharmacy Technicians – Exemption for**  
3 **Pharmacy Students**

4 FOR the purpose of providing that a certain provision of law requiring an individual to be  
5 registered and approved by the State Board of Pharmacy as a pharmacy technician  
6 before performing delegated pharmacy acts does not apply to a certain pharmacy  
7 student; repealing an obsolete provision of law; and generally relating to the State  
8 Board of Pharmacy, registered pharmacy technicians, and pharmacy students.

9 BY repealing and reenacting, without amendments,  
10 Article – Health Occupations  
11 Section 12–101(a), (f), (h), (s), and (w)  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health Occupations  
16 Section 12–6B–01  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2016 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 12–101.

23 (a) In this title the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) (1) “Delegated pharmacy act” means an activity that constitutes the  
2 practice of pharmacy delegated by a licensed pharmacist under this title and regulations  
3 adopted by the Board.

4 (2) “Delegated pharmacy act” does not include:

5 (i) An act within the parameters of a therapy management contract  
6 as provided under Subtitle 6A of this title;

7 (ii) The administration of an influenza vaccination in accordance  
8 with § 12–508 of this title;

9 (iii) The delegation of a pharmacy act by a registered pharmacy  
10 technician, pharmacy student, or pharmacy technician trainee;

11 (iv) A pharmacy activity performed by a pharmacy student in  
12 accordance with § 12–301(b) of this title;

13 (v) A pharmacy activity performed by an applicant for a license to  
14 practice pharmacy in accordance with regulations adopted by the Board; or

15 (vi) The performance of other functions prohibited in regulations  
16 adopted by the Board.

17 (h) “Direct supervision” means that a licensed pharmacist is physically available,  
18 notwithstanding appropriate breaks, on-site and in the prescription area or in an area  
19 where pharmacy services are provided to supervise the practice of pharmacy and delegated  
20 pharmacy acts.

21 (s) “Pharmacy student” means an individual who is enrolled as a student in a  
22 school or college of pharmacy approved by the Board or accredited by the Accreditation  
23 Council for Pharmacy Education.

24 (w) “Registered pharmacy technician” means an individual who is registered with  
25 the Board to perform delegated pharmacy acts.

26 12–6B–01.

27 (a) Except as otherwise provided in this title, [on or after January 1, 2007,] an  
28 individual shall be registered and approved by the Board as a pharmacy technician before  
29 the individual may perform delegated pharmacy acts.

30 (b) This section does not apply to [a]:

31 (1) A pharmacy technician trainee under the direct supervision of a  
32 licensed pharmacist provided that the individual does not perform delegated pharmacy acts  
33 for more than 6 months; OR

1           **(2) A PHARMACY STUDENT WHO:**

2                   **(1) IS CURRENTLY COMPLETING THE FIRST YEAR OF A**  
3 **PROFESSIONAL PHARMACY EDUCATION PROGRAM; AND**

4                   **(2) UNDER THE DIRECT SUPERVISION OF A LICENSED**  
5 **PHARMACIST, PERFORMS DELEGATED PHARMACY ACTS IN ACCORDANCE WITH**  
6 **REGULATIONS ADOPTED BY THE BOARD.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2017.