

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2846

BY DELEGATES FAST, O'NEAL, KESSINGER,

SOBONYA, ROWAN, G. FOSTER,

MR. SPEAKER (MR. ARMSTEAD) AND FRICH

[Passed April 8, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §30-5-11a, all relating to pharmacy technician trainees; establishing
3 qualifications; requiring a criminal background check; providing rulemaking authority; and
4 providing emergency rulemaking authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §30-5-11a, all to read as follows:

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS
AND PHARMACIES.**

§30-5-11a. Pharmacy technician trainee qualifications.

1 (a) To be eligible for registration as a pharmacy technician trainee to assist in the practice
2 of pharmacist care, the applicant shall:

3 (1) Submit a written application to the board;

4 (2) Pay the applicable fees;

5 (3) (A) Have graduated from a high school or obtained a Certificate of General Educational
6 Development (GED), or

7 (B) Be currently enrolled in a high school competency based pharmacy technician
8 education and training program;

9 (4) (A) Be currently enrolled in a competency-based pharmacy technician education and
10 training program of a learning institution or training center approved by the board; or

11 (B) Be an employee of a pharmacy in an on-the-job competency-based pharmacy
12 technician training program.

13 (5) Not be an alcohol or drug abuser as these terms are defined in section 11, article one-
14 a, chapter twenty-seven of this code: *Provided*, That an applicant in an active recovery process,
15 which may, in the discretion of the board, be evidenced by participation in a twelve-step program

16 or other similar group or process, may be considered;

17 (6) Not have been convicted of a felony in any jurisdiction within ten years preceding the
18 date of application for registration, which conviction remains unreversed;

19 (7) Not have been convicted of a misdemeanor or felony in any jurisdiction which bears a
20 rational nexus to the practice of pharmacist care, which conviction remains unreversed; and

21 (8) Have requested and submitted to the board the results of a fingerprint-based state and
22 a national electronic criminal history records check.

23 (b) The rules, authorized duties and unauthorized prohibitions as set out in section twelve
24 of this article for pharmacy technicians apply to pharmacy technician trainees.

25 (c) The board shall promulgate an emergency rule and legislative rule pursuant article two,
26 chapter twenty-nine-a, to authorize the requirements of this section to permit pharmacy technician
27 trainees.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2017.

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Governor