

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2846**

BY DELEGATES FAST, O'NEAL, KESSINGER, SOBONYA,  
ROWAN, G. FOSTER, MR. SPEAKER, MR. ARMSTEAD AND  
FRICH

[Originating in Committee on Health and Human  
Resources; Reported on March 21, 2017]



1 A BILL 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.

NOTE: The purpose of this bill is to include high school students participating in a competency-base pharmacy technician education and training program, as persons qualifying to be a pharmacy technician trainee.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.