A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public health law, in relation to prescriber
assistance in allowing unlicensed certified pharmacy tech-
nicians to assist in dispensing of drugs (Part __);

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

PART __

Section 1. The public health law is amended by adding a new section
280-d to read as follows:

§ 280-d. Prescriber assistance. 1. Unlicensed assistants may be
employed in licensed pharmacies for purposes other than the practice of
pharmacy, including at least two unlicensed persons per pharmacist to
assist in the dispensing of drugs, provided, however, that a pharmacist
may obtain the assistance of up to four additional unlicensed persons
where such additional unlicensed persons are certified as pharmacy tech-
nicians by a nationally accredited pharmacy technician certification
program. Proof of certification for such individuals employed by a phar-
macy shall be maintained by the pharmacy and provided to state agencies
upon request. The department and state board of pharmacy shall consider
and may establish regulations permitting a pharmacist to obtain the
assistance of a greater number of unlicensed persons.

2. (a) The compounding, preparation, labeling, or dispensing of drugs,
in accordance with article one hundred thirty-seven of the education
law, in facilities licensed in accordance with article twenty-eight of
this chapter shall be performed by: (i) a licensed pharmacist, as defined in article one hundred thirty-seven of the education law; (ii) a pharmacy intern, under the direct supervision of a licensed pharmacist as defined in article one hundred thirty-seven of the education law; or (iii) under the direct supervision of a licensed pharmacist an individual who has received certification from a nationally accredited pharmacy technician certification program may assist in the preparation and dispensing of drugs including weighing, mixing, and measuring when properly trained. Proof of certification and training for such individuals employed by a facility shall be maintained by the facility and provided to state agencies upon request.

(b) A person employed in a facility licensed in accordance with article twenty-eight of this chapter who directly assists licensed pharmacists to dispense prescriptions in such facility on the effective date of this section shall be exempt from the certification requirement in paragraph (a) of this subdivision if he or she submits evidence to, and verified by, his or her employer, of a minimum of five (5) years of employment in good standing in a pharmacy within the previous eight (8) years, including eighteen consecutive months with a single employer. Such evidence and verification shall be documented and maintained by the facility and provided to state agencies upon request. Such individual shall not be permitted to assist in the compounding of medications.

§ 2. This act shall take effect immediately.