



January 27, 2012

SENATE BILL No. 407

DIGEST OF SB 407 (Updated January 25, 2012 1:12 pm - DI 104)

Citations Affected: IC 25-26.

Synopsis: Pharmacy technicians. Allows a pharmacist to supervise not more than six licensed pharmacy technicians or pharmacy technicians in training at any time. (Currently, a pharmacist may supervise not more than four licensed pharmacy technicians or pharmacy technicians in training.) Prohibits the Indiana board of pharmacy from issuing a pharmacy technician certificate to an individual who has been convicted of a felony involving controlled substances.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Health and Provider Services.
January 26, 2012, amended, reported favorably — Do Pass.

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SB 407—LS 6627/DI 14+



January 27, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 407

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-26-13-18, AS AMENDED BY P.L.1-2009,
2 SECTION 142, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) To be eligible for issuance
4 of a pharmacy permit, an applicant must show to the satisfaction of the
5 board that:
- 6 (1) Persons at the location will engage in the bona fide practice of
7 pharmacy. The application must show the number of hours each
8 week, if any, that the pharmacy will be open to the general public.
 - 9 (2) The pharmacy will maintain a sufficient stock of emergency
10 and frequently prescribed drugs and devices as to adequately
11 serve and protect the public health.
 - 12 (3) Except as provided in section 19 of this chapter, a registered
13 pharmacist will be in personal attendance and on duty in the
14 licensed premises at all times when the practice of pharmacy is
15 being conducted and that the pharmacist will be responsible for
16 the lawful conduct of the pharmacy.
 - 17 (4) ~~One (1) pharmacist will have not more than four (4)~~ Certified

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1 pharmacy technicians or pharmacy technicians in training
 2 certified under IC 25-26-19 **must practice** under ~~the~~ **a licensed**
 3 pharmacist's immediate and personal supervision at ~~any time~~. **all**
 4 **times. A pharmacist may not supervise more than six (6)**
 5 **pharmacy technicians or pharmacy technicians in training at**
 6 **any time.** As used in this ~~clause~~, **subdivision**, "immediate and
 7 personal supervision" means within reasonable visual and vocal
 8 distance of the pharmacist.

9 (5) The pharmacy will be located separate and apart from any area
 10 containing merchandise not offered for sale under the pharmacy
 11 permit. The pharmacy will:

12 (A) be stationary;

13 (B) be sufficiently secure, either through electronic or physical
 14 means, or a combination of both, to protect the products
 15 contained in the pharmacy and to detect and deter entry during
 16 those times when the pharmacy is closed;

17 (C) be well lighted and ventilated with clean and sanitary
 18 surroundings;

19 (D) be equipped with a sink with hot and cold running water
 20 or some means for heating water, a proper sewage outlet, and
 21 refrigeration;

22 (E) have a prescription filling area of sufficient size to permit
 23 the practice of pharmacy as practiced at that particular
 24 pharmacy; and

25 (F) have such additional fixtures, facilities, and equipment as
 26 the board requires to enable it to operate properly as a
 27 pharmacy in compliance with federal and state laws and
 28 regulations governing pharmacies.

29 (b) Prior to opening a pharmacy after receipt of a pharmacy permit,
 30 the permit holder shall submit the premises to a qualifying inspection
 31 by a representative of the board and shall present a physical inventory
 32 of the drug and all other items in the inventory on the premises.

33 (c) At all times, the wholesale value of the drug inventory on the
 34 licensed items must be at least ten percent (10%) of the wholesale
 35 value of the items in the licensed area.

36 SECTION 2. IC 25-26-19-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The board shall
 38 issue a pharmacy technician certificate to an individual who:

39 (1) applies to the board in the form and manner prescribed by the
 40 board;

41 (2) is at least eighteen (18) years of age;

42 (3) has not been convicted of:

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1 (A) a crime that has a direct bearing upon the individual's
2 ability to practice competently; **or**
3 **(B) a felony involving controlled substances;**
4 (4) is not in violation of this chapter or rules adopted by the board
5 under section 4 of this chapter;
6 (5) has paid the fee set by the board under section 4 of this
7 chapter; and
8 (6) has completed a program of education and training approved
9 by the board or has passed a certification examination offered by
10 a nationally recognized certification body approved by the board.
11 (b) For good cause, the board may waive the age requirement under
12 subsection (a)(2).

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, after "times." insert "**A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time.**".

Page 2, line 4, strike "clause," and insert "**subdivision,**".

Page 2, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 2. IC 25-26-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The board shall issue a pharmacy technician certificate to an individual who:

- (1) applies to the board in the form and manner prescribed by the board;
- (2) is at least eighteen (18) years of age;
- (3) has not been convicted of:
 - (A) a crime that has a direct bearing upon the individual's ability to practice competently; **or**
 - (B) a felony involving controlled substances;
- (4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;
- (5) has paid the fee set by the board under section 4 of this chapter; and
- (6) has completed a program of education and training approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2)."

Delete page 3.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 407 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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