

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1223

H.P. 843

House of Representatives, March 26, 2009

### **An Act To Allow Pharmacists To Administer Certain Immunizations**

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative HOGAN of Old Orchard Beach.  
Cosponsored by Representatives: PERRY of Calais, PINKHAM of Lexington Township,  
Senator RECTOR of Knox, Senator RAYE of Washington and  
Representatives: BLANCHARD of Old Town, CAMPBELL of Newfield, CLEARY of  
Houlton, CONNOR of Kennebunk, MAZUREK of Rockland, STRANG BURGESS of  
Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §13702-A, sub-§28**, as enacted by PL 2007, c. 402, Pt. DD,  
3 §2, is amended to read:

4 **28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and  
5 evaluation of prescription drug orders; the compounding, dispensing, labeling of drugs  
6 and devices, except labeling by a manufacturer, packer or distributor of nonprescription  
7 drugs and commercially packaged legend drugs and devices; the participation in drug  
8 selection and drug utilization reviews; the proper and safe storage of drugs and devices  
9 and the maintenance of proper records for these drugs and devices; the administration of  
10 influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes  
11 zoster vaccine, tetanus-diphtheria-pertussis vaccine, tetanus-diphtheria vaccine and  
12 hepatitis B vaccine; the responsibility for advising, when necessary or regulated, of  
13 therapeutic values, content, hazards and use of drugs and devices; and the offering or  
14 performing of those acts, services, operations or transactions necessary in the conduct,  
15 operation, management and control of a pharmacy.

16 **Sec. 2. 32 MRSA c. 117, sub-c. 13** is enacted to read:

17 **SUBCHAPTER 13**

18 **ADMINISTRATION OF DRUGS AND IMMUNIZATIONS**

19 **§13831. Authority**

20 **1. Pharmacist.** A pharmacist licensed in this State who meets the qualifications and  
21 requirements of section 13832 and rules adopted by the board may administer topically or  
22 by injection or by inhalation influenza vaccine, intranasal influenza vaccine,  
23 pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis  
24 vaccine, tetanus-diphtheria vaccine and hepatitis B vaccine to a person according to a  
25 valid prescription, treatment protocol established by a physician or a written standing  
26 order from a physician or a person authorized under the laws of this State to issue an  
27 order, a prescription or a protocol to a person 12 years of age or older.

28 **2. Emergency administration of certain drugs.** A pharmacist may administer  
29 epinephrine or diphenhydramine, or both, to a person in an emergency situation resulting  
30 from an adverse reaction to an immunization administered by the pharmacist.

31 **§13832: Qualifications; requirements**

32 In order to administer a drug or immunization under this subchapter, a pharmacist  
33 must meet the following requirements.

34 **1. Didactic; practical course.** The pharmacist must satisfactorily complete a  
35 didactic and practical course approved by the board that includes the current guidelines  
36 and recommendations of the federal Department of Health and Human Services, Centers  
37 for Disease Control and Prevention, the American Council on Pharmaceutical Education

1 or a similar health authority or professional body, and that includes, but is not limited to,  
2 disease epidemiology, indications for use of the vaccine, vaccine characteristics, injection  
3 techniques, adverse reactions to the vaccine, emergency response to adverse events and  
4 related topics.

5 **2. Cardiopulmonary resuscitation.** The pharmacist must complete training in  
6 cardiopulmonary resuscitation acceptable to the board.

7 **3. Treatment protocol.** The pharmacist shall administer drugs and immunizations  
8 in compliance with a treatment protocol established by a physician or any other person  
9 authorized under the laws of this State to order administration of those drugs and  
10 immunizations approved by the board. The treatment protocol must include:

11 A. Standards for observation of the person receiving the drug or immunization to  
12 determine whether the person has an adverse reaction, as adopted in rules by the  
13 board;

14 B. Procedures to be followed by the pharmacist when administering epinephrine,  
15 diphenhydramine, or both, to a person who has an adverse reaction to an  
16 immunization administered by the pharmacist; and

17 C. Notification to the physician or the authorized person who issued the prescription,  
18 standing order or protocol under section 13831, subsection 1 of the administration by  
19 the pharmacist of the drug or immunization, or both, within 7 days.

20 **4. Continuing education.** The pharmacist pursuant to section 13734 licensed in this  
21 State shall complete a minimum of 2 hours of continuing education for license renewal.

22 **§13833. Prohibited acts**

23 **1. Delegate authority.** A pharmacist may not delegate the pharmacist's authority to  
24 administer drugs or immunizations.

25 **2. Administer drugs.** A pharmacist may not engage in the administration of drugs  
26 or immunizations unless the qualifications and requirements of section 13832 are met.

27 **§13834. Rules**

28 The board shall adopt rules to implement this subchapter. Rules adopted pursuant to  
29 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 **Sec. 3.** The Department of Professional and Financial Regulation, Maine Board of  
31 Pharmacy shall adopt the rules pursuant to this Act within 3 months of the effective date  
32 of this Act.

33 **SUMMARY**

34 This bill allows a pharmacist to administer drugs and immunizations. The  
35 Department of Professional and Financial Regulation, Maine Board of Pharmacy shall  
36 adopt routine technical rules to implement this bill.