

# MAINE STATE LEGISLATURE

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L.D. 1715

Date: 3/22/12

(Filing No. H-815)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1715, Bill, "An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines"

Amend the bill by striking out all of section 1 and inserting the following:

**Sec. 1. 32 MRSA §13702-A, sub-§28**, as amended by PL 2009, c. 308, §1, is further amended to read:

**28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of ~~influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine and tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the responsibility for advising, when necessary or regulated, of therapeutic values, content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.'

Amend the bill in section 2 in §13755 in the first line (page 1, line 19 in L.D.) by striking out the following: "drug and"

Amend the bill in section 3 by striking out all of subsection 2 (page 1, lines 23 to 38 in L.D.) and inserting the following:

**2. Administration of other vaccines.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis~~

**COMMITTEE AMENDMENT**

~~vaccine, tetanus diphtheria vaccine and booster tetanus diphtheria vaccine vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine or booster tetanus diphtheria vaccine vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults.'~~

Amend the bill in section 4 in subsection 4 in the 2nd line (page 2, line 3 in L.D.) by striking out the following: "drug and"

Amend the bill in section 8 in subsection 1 in the first line (page 3, line 1 in L.D.) by striking out the following: "drug and vaccine" and inserting the following: 'drug vaccine'

Amend the bill in section 8 in subsection 1 in the 4th line (page 3, line 4 in L.D.) by striking out the following: "drug and"

Amend the bill by inserting after section 9 the following:

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the licensing system modification costs associated with allowing a pharmacist or pharmacy to operate a vaccine administration clinic.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	\$2,500
	<hr/>	<hr/>
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$2,500</b>

**Licensing and Enforcement 0352**

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the rulemaking costs associated with allowing a pharmacist or pharmacy to operate a vaccine administration clinic.

H. 208  
COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1715

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
2	All Other	\$0	\$2,500
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$2,500</u>

5	<b>PROFESSIONAL AND FINANCIAL</b>		
6	<b>REGULATION, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
8			
9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$5,000</b>
10			
11	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$5,000</b></u>
12			

13 **SUMMARY**

14 This amendment narrows the scope of vaccines that a licensed pharmacist may  
15 administer proposed in the bill from all vaccines licensed by the United States Food and  
16 Drug Administration to vaccines licensed by the United States Food and Drug  
17 Administration that are recommended by the United States Centers for Disease Control  
18 and Prevention Advisory Committee on Immunization Practices for administration to  
19 adults. It also allows for the administration of a vaccine by a pharmacist according to a  
20 valid prescription from a nurse practitioner. It also strikes the term "drug" from the  
21 reference to vaccine clinics to clarify that vaccine clinics are for the administration of  
22 only vaccines and not other drugs, except those drugs that may be administered in the  
23 event of an adverse reaction to a vaccine. The amendment also adds an appropriations  
24 and allocations section.

25 **FISCAL NOTE REQUIRED**

26 (See attached)

**COMMITTEE AMENDMENT**



# 125th MAINE LEGISLATURE

LD 1715

LR 2580(02)

## An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-815)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$5,000	\$0	\$0

#### Fiscal Detail and Notes

This bill includes one-time Other Special Revenue Funds allocation of \$2,500 to both the Office of Professional and Occupational Regulation and the Administrative Services Division within the Department of Professional and Financial Regulation in fiscal year 2012-13 for the costs associated with rulemaking and licensing system modifications necessary for pharmacists or pharmacies to operate a vaccine administration clinic. According to officials at the Department of Professional and Financial Regulation, there are sufficient funds within the board's existing budget to fund the additional allocations without increasing fees.

Assumes the additional vaccines to be administered by licensed pharmacists to adults under this bill would not be included in the Maine Immunization Registry administered by the Department of Health and Human Services. Including these vaccines in the Maine Immunization Registry would result in additional costs to the Department that it could not absorb within existing budgeted resources.