

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1715

H.P. 1267

House of Representatives, December 23, 2011

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator RECTOR of Knox and
Representatives: CUSHING of Hampden, FOSSEL of Alna, MOULTON of York, Speaker
NUTTING of Oakland, VOLK of Scarborough, WALLACE of Dexter, Senators: DIAMOND
of Cumberland, MARTIN of Kennebec.

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

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

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

17 **Sec. 2. 32 MRSA §13755** is enacted to read:

18 **§13755. Vaccine clinics**

19 A pharmacy may operate a drug and vaccine administration clinic inside, outside or
20 off the pharmacy's premises.

21 **Sec. 3. 32 MRSA §13831, sub-§§2 and 3**, as enacted by PL 2009, c. 308, §3, are
22 amended to read:

23 **2. Administration of other vaccines.** A pharmacist licensed in this State who meets
24 the qualifications and requirements of section 13832 and rules adopted by the board, in
25 addition to influenza vaccines under subsection 1, may administer ~~pneumococcal vaccine,~~
26 ~~shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria~~
27 ~~vaccine and booster tetanus diphtheria vaccine~~ all vaccines licensed by the United States
28 Food and Drug Administration to a person 18 years of age or older according to a valid
29 prescription when the person has an existing primary care physician or other existing
30 relationship with an authorized practitioner in this State. When the person does not have
31 an existing relationship with a primary care physician or other practitioner in this State
32 the pharmacist may proceed to administer according to a treatment protocol established
33 by an authorized practitioner or a written standing order from a practitioner authorized
34 under the laws of this State to issue an order, a prescription or a protocol to a person 18
35 years of age or older ~~for pneumococcal vaccine, shingles or herpes zoster vaccine,~~
36 ~~tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine or booster tetanus-~~
37 ~~diphtheria vaccine~~ any vaccine licensed by the United States Food and Drug
38 Administration.

39 **3. Emergency administration of certain drugs.** A pharmacist may administer
40 epinephrine or diphenhydramine, or both, to a person in an emergency situation resulting
41 from an adverse reaction to ~~an immunization~~ a vaccine administered by the pharmacist.

1 **Sec. 4. 32 MRSA §13831, sub-§4** is enacted to read:

2 **4. Vaccine clinics.** A pharmacist or pharmacy licensed under this chapter may
3 operate a drug and vaccine administration clinic inside, outside or off the pharmacy's
4 premises if the pharmacist or pharmacy obtains approval from the board for the plan of
5 operation of such clinics pursuant to rules adopted under section 13835, subsection 1.

6 **Sec. 5. 32 MRSA §13832, first ¶**, as enacted by PL 2009, c. 308, §3, is amended
7 to read:

8 In order to administer a drug or ~~immunization~~ vaccine under this subchapter, a
9 pharmacist must:

10 **Sec. 6. 32 MRSA §13833**, as enacted by PL 2009, c. 308, §3, is amended to read:

11 **§13833. Treatment protocol**

12 The pharmacist shall administer drugs and ~~immunizations~~ vaccines in compliance
13 with a treatment protocol established by a practitioner authorized under the laws of this
14 State to order administration of those drugs and ~~immunizations~~ vaccines approved by the
15 board. A copy of the treatment protocol must be submitted to the board. At a minimum
16 the treatment protocol must include:

17 **1. Standards.** Standards for observation of the person receiving the drug or
18 ~~immunization~~ vaccine to determine whether the person has an adverse reaction, as
19 adopted in rules by the board;

20 **2. Procedures.** Procedures to be followed by the pharmacist when administering
21 epinephrine; or diphenhydramine, or both, to a person who has an adverse reaction to ~~an~~
22 ~~immunization~~ a vaccine administered by the pharmacist; and

23 **3. Notification.** Notification to the authorized practitioner who issued the
24 prescription, standing order or protocol under section 13831, subsection 2 of the
25 administration by the pharmacist of the drug or ~~immunization~~ vaccine, or both, within 3
26 business days.

27 **Sec. 7. 32 MRSA §13834**, as enacted by PL 2009, c. 308, §3, is amended to read:

28 **§13834. Prohibited acts**

29 **1. Delegate authority.** A pharmacist may not delegate the pharmacist's authority to
30 administer drugs or ~~immunizations~~ vaccines.

31 **2. Administer drugs.** A pharmacist may not engage in the administration of drugs
32 or ~~immunizations~~ vaccines unless the pharmacist meets the qualifications and
33 requirements of section 13832 and the pharmacist has obtained a board-issued certificate
34 of administration.

35 **Sec. 8. 32 MRSA §13835, sub-§1**, as enacted by PL 2009, c. 308, §3, is amended
36 to read:

