

MAINE STATE LEGISLATURE

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Date 5/23/23

(Filing No S-126)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S P 478, L D 1151, "An Act to Decrease Barriers for Preventive Health Services by Allowing Pharmacy Technicians to Administer Vaccines"

Amend the bill by striking out the title and substituting the following

'An Act Concerning the Authority for Pharmacists to Administer Vaccines'

Amend the bill by inserting after the title and before the enacting clause the following

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

Whereas, federal guidance issued under the federal Public Readiness and Emergency Preparedness Act authorized licensed pharmacists to administer certain vaccines under certain circumstances in response to the COVID-19 pandemic for the duration of the federal public health emergency declaration, and

Whereas, the federal public health emergency declaration expired on May 11, 2023, and

Whereas, codifying in state law the authority of pharmacists to administer vaccines is necessary to ensure there is no gap in the provision of vaccination services by pharmacists, and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 32 MRSA §13831, sub-§1, as amended by PL 2015, c 211, §1, is further amended to read

COMMITTEE AMENDMENT

1 **1. Administration of influenza vaccines.** A pharmacist licensed in this State who
 2 meets the qualifications and requirements of section 13832 and rules adopted by the board
 3 may administer topically or by injection or by inhalation all forms of influenza vaccines,
 4 including intranasal influenza vaccines, to a person ~~7~~ 3 years of age or older without a
 5 prescription

6 **Sec. 2. 32 MRSA §13831, sub-§2,** as amended by PL 2013, c 6, §1, is further
 7 amended to read

8 **2. Administration of other vaccines.** A pharmacist licensed in this State who meets
 9 the qualifications and requirements of section 13832 and rules adopted by the board, in
 10 addition to influenza vaccines under subsection 1, may administer vaccines licensed by the
 11 United States Food and Drug Administration that are recommended by the United States
 12 Centers for Disease Control and Prevention Advisory Committee on Immunization
 13 Practices, or successor organization, for administration ~~to adults~~ to a person 18 years of age
 14 or older ~~according to a valid prescription when the person has an existing primary care~~
 15 ~~physician or other existing relationship with a nurse practitioner or an authorized~~
 16 ~~practitioner in this State~~ A pharmacist may administer vaccines licensed by the United
 17 States Food and Drug Administration that are recommended by the United States Centers
 18 for Disease Control and Prevention Advisory Committee on Immunization Practices, or
 19 successor organization, for administration to a person 3 years of age or older and under 18
 20 years of age according to a valid prescription from a prescriber licensed under chapters 31,
 21 36 or 48 A pharmacist may administer vaccines licensed by the United States Food and
 22 Drug Administration that are outside the guidelines recommended by the United States
 23 Centers for Disease Control and Prevention Advisory Committee on Immunization
 24 Practices, or successor organization, for administration to a person 18 years of age or older
 25 according to a valid prescription ~~when the person has an existing primary care physician or~~
 26 ~~other existing relationship with a nurse practitioner or an authorized practitioner in this~~
 27 ~~State if the prescription specifically states that the vaccine is medically necessary~~ When
 28 the person does not have an existing relationship with a primary care physician, nurse
 29 practitioner or other practitioner in this State, the pharmacist may proceed to administer
 30 according to a treatment protocol established by an authorized practitioner or a written
 31 standing order from a practitioner authorized under the laws of this State to issue an order,
 32 a prescription or a protocol to a person 18 years of age or older for vaccines licensed by the
 33 United States Food and Drug Administration that are recommended by the United States
 34 Centers for Disease Control and Prevention Advisory Committee on Immunization
 35 Practices, or successor organization, for administration to adults

36 **Sec. 3. 32 MRSA §13831, sub-§6** is enacted to read

37 **6. Notification of vaccines administration.** A pharmacist licensed in this State who
 38 meets the qualifications and requirements of section 13832 and rules adopted by the board
 39 shall provide a written immunization record to the person, or the person's representative,
 40 receiving a vaccine administered under this section Within 72 hours of administering a
 41 vaccine, a pharmacist shall notify the person's primary care provider, if any, of
 42 administration of the vaccine Beginning August 1, 2023, a pharmacist shall report the
 43 administration of the vaccine to the appropriate state immunization information reporting
 44 system within 72 hours of administering the vaccine

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Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved '

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment replaces the bill The amendment does the following

1 It changes the age of a person to whom a pharmacist may administer influenza vaccines without a prescription from a person 7 years of age or older to a person 3 years of age or older,

2 It authorizes a pharmacist to administer vaccines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices to a person 18 years of age or older without a prescription and to a person 3 years of age or older and under 18 years of age with a prescription Under current law, a pharmacist may administer other vaccines to a person 18 years of age or older with a prescription that states the vaccine is medically necessary, and

3 It requires a pharmacist to provide a written immunization record to the person immunized and to notify the person's primary care provider within 72 hours Beginning August 1, 2023, the amendment also requires a pharmacist to notify the state immunization reporting system within 72 hours of administering a vaccine

The amendment removes the provision in the bill that authorizes certain pharmacy technicians to administer vaccines under the supervision of a pharmacist

The amendment also adds an emergency preamble and emergency clause to the bill

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1151

LR 547(02)

An Act to Decrease Barriers for Preventive Health Services by Allowing Pharmacy Technicians to Administer Vaccines

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-1216)
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Professional and Financial Regulation, Maine Board of Pharmacy to implement the provisions of this legislation can be absorbed within existing budgeted resources