

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2071

H.P. 1384

House of Representatives, December 17, 2025

**An Act to Expand Access to Vaccines Approved by the United States
Food and Drug Administration by Allowing Pharmacists to
Prescribe, Dispense and Administer Vaccines and Require
Insurance Coverage**

(EMERGENCY)

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

Received by the Clerk of the House on December 15, 2025. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CLUCHEY of Bowdoinham.

Cosponsored by Representatives: ARATA of New Gloucester, ARFORD of Brunswick,
Speaker FECTEAU of Biddeford, MATHIESON of Kittery, SHAGOURY of Hallowell.

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

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to expand access to vaccines and protect the lives and health of the people
5 of this State; and

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

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

11 **Sec. 1. 22 MRSA §3174-QQQ** is enacted to read:

12 **§3174-QQQ. Reimbursement for vaccines**

13 The department shall provide reimbursement under the MaineCare program for
14 vaccines with no copayments or other out-of-pocket cost sharing, including deductibles,
15 and shall provide reimbursement for off-label use of vaccines. As used in this section, "off-
16 label use" has the same meaning as in Title 24-A, section 4301-A, subsection 11-A.

17 **Sec. 2. 24-A MRSA §4301-A, sub-§9-A** is enacted to read:

18 **9-A. Medically accepted indication.** "Medically accepted indication" includes any
19 use of a drug that has been approved by the federal Food and Drug Administration and
20 includes another use of the drug if that use is supported by one or more citations in the
21 standard reference compendia or if the carrier involved, based upon guidance provided by
22 the federal Department of Health and Human Services Medicare program pursuant to 42
23 United States Code, Section 1395x(t), determines that that use is medically accepted based
24 on supportive clinical evidence in peer-reviewed medical literature.

25 **Sec. 3. 24-A MRSA §4301-A, sub-§11-A** is enacted to read:

26 **11-A. Off-label use.** "Off-label use" means the prescription and use of drugs for
27 medically accepted indications other than those stated in the labeling approved by the
28 federal Food and Drug Administration.

29 **Sec. 4. 24-A MRSA §4320-W** is enacted to read:

30 **§4320-W. Coverage for vaccines**

31 A carrier offering a health plan in this State shall provide coverage for vaccines without
32 any deductible, copayment, coinsurance or other cost-sharing requirement and shall
33 provide coverage for off-label use of vaccines.

34 **Sec. 5. 32 MRSA §13831, sub-§1,** as amended by PL 2023, c. 170, §1, is further
35 amended to read:

36 **1. Administration of influenza vaccines.** A pharmacist licensed in this State who
37 meets the qualifications and requirements of section 13832 and rules adopted by the board
38 may prescribe or dispense or administer topically or by injection or by inhalation all forms
39 of influenza vaccines, including intranasal influenza vaccines, to a person 3 years of age or
40 older without a prescription.

Sec. 6. 32 MRSA §13831, sub-§2, as corrected by RR 2023, c. 2, Pt. A, §49, is amended to read:

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 prescribe, dispense or administer 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 a person 18 years of age or older. A pharmacist may administer 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 a person 3 years of age or older and under 18 years of age according to a valid prescription from a prescriber licensed under chapter 31, 36 or 48. A pharmacist may administer vaccines licensed by the United States Food and Drug Administration that are outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to a person 18 years of age or older according to a valid prescription if the prescription specifically states that the vaccine is medically necessary.~~

Sec. 7. 32 MRSA §13831, sub-§2-A, as enacted by PL 2021, c. 28, Pt. B, §2, is amended to read:

2-A. Administration of COVID-19 vaccines. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board may prescribe, dispense, administer and order COVID-19 vaccines licensed or authorized under an emergency use authorization 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, to a person 3 years of age or older.~~ For the purposes of this subsection, "COVID-19" has the same meaning as in Title 24-A, section 4320-P, subsection 1, paragraph A.

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

SUMMARY

This bill allows pharmacists to prescribe, dispense or administer vaccines. It requires insurance carriers and the MaineCare program to provide coverage for vaccines without any deductible, copayment, coinsurance or other cost-sharing reimbursement and to provide coverage for off-label use of vaccines.