

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

1-A, 1-B and 1-C. The committee has the authority to report out a bill to the Second Regular Session of the 131st Legislature based on the report.

Sec. 5. Retroactivity. This Act applies retroactively to January 1, 2023.

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

Effective June 15, 2023.

CHAPTER 170

S.P. 478 - L.D. 1151

An Act Concerning the Authority for Pharmacists to Administer Vaccines

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,

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

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

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

Sec. 2. 32 MRSA §13831, sub-§2, as amended by PL 2013, c. 6, §1, is further 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 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 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~~ 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 chapters 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 when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State if the prescription specifically states that the vaccine is medically necessary. 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 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.

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

6. Notification of vaccines administration. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board shall provide a written immunization record to the person, or the person's representative, receiving a vaccine administered under this section. Within 72 hours of administering a vaccine, a pharmacist shall notify the person's primary care provider, if any, of administration of the vaccine. Beginning August 1, 2023, a pharmacist shall report the administration of

the vaccine to the appropriate state immunization information reporting system within 72 hours of administering the vaccine.

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

Effective June 15, 2023.

**CHAPTER 171
S.P. 370 - L.D. 873**

**An Act to Continue the
Department of Education
Diploma Program Related to
the COVID-19 Pandemic**

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

Whereas, the provision allowing a student to apply for a Department of Education diploma if the student experienced a significant interruption in education as a result of the COVID-19 pandemic and civil emergency is set to expire on September 1, 2023; and

Whereas, this legislation is necessary to continue the effect of this provision without interruption; 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,

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

Sec. 1. 20-A MRSA §257-A, sub-§1-A, as enacted by PL 2021, c. 61, §1, is amended to read:

1-A. Eligibility for students impacted by COVID-19 pandemic. Notwithstanding the eligibility requirements in subsection 1, a student is eligible to apply for a Department of Education diploma if that student is a 4th year secondary school student and is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced a significant interruption to the student's education as a result of the COVID-19 pandemic and civil emergency during the student's secondary school education history.

This subsection is repealed on September 1, ~~2023~~ 2026.

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

Effective June 15, 2023.

**CHAPTER 172
H.P. 352 - L.D. 547**

**An Act to Amend the Hunting
Laws as They Pertain to the
Training of Dogs**

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

Whereas, this legislation expands the area in which dogs may be trained for hunting in this State; and

Whereas, the season for training hunting dogs begins July 1st, and this legislation needs to take effect by that date in order that residents may take advantage of the expanded training area this year; 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,

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

Sec. 1. 12 MRSA §12051, sub-§1, ¶D is enacted to read:

D. Notwithstanding paragraph C, until May 1, 2025, in those portions of Washington County and Hancock County that are situated south of Route 9, a resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear except that permission is required to train dogs on land used for wild blueberry production.

This paragraph is repealed May 1, 2025.

Sec. 2. Report. The Department of Inland Fisheries and Wildlife shall report any findings and recommendations resulting from the changes in practice under section 1 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15, 2025. The committee may report out a bill related to the subject matter of the report to the 132nd Legislature in 2025.

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

Effective June 15, 2023.