

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

CHAPTER 245
H.P. 555 - L.D. 899

**An Act to Authorize Vaccine
Administration by Pharmacy
Technicians and Reduce
Vaccine Administration
Training Requirements for
Pharmacists**

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 Public Readiness and Emergency Preparedness Act authorized trained pharmacy technicians to administer certain immunizations under certain circumstances in response to the COVID-19 pandemic for the duration of the federal public health emergency declaration; and

Whereas, preparing for the end of the federal public health emergency declaration by codifying in state law the authority of pharmacy technicians to administer vaccines is necessary to ensure there is no gap in the provision of services by pharmacy technicians; 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-§6 is enacted to read:

6. Administration of vaccines by pharmacy technician. A pharmacy technician may administer vaccines in accordance with the requirements of this section if the pharmacy technician:

A. Holds a valid unrestricted pharmacy technician license in this State;

B. Consistent with rules adopted by the board, works under the direct supervision of a pharmacist who meets the requirements of section 13832;

C. Possesses a current certificate of administration issued by the board. The pharmacy technician must submit an application in the form prescribed by the board together with the requirements set forth under this section and certificate fee as set forth under section 13724. The certificate of administration expires and is subject to the conditions in the same manner as in section 13734; and

D. Submits evidence acceptable to the board that the pharmacy technician has completed a certification program approved by the board consisting of

at least 6 hours of vaccine-related training that includes, at a minimum, training on the safe and effective administration of vaccines, hands-on injection technique, clinical evaluation of indications and contraindications of vaccines and the recognition and treatment of emergency reactions to vaccines and cardiovascular life support training as described in section 13832, subsection 5.

Sec. 2. 32 MRSA §13832, sub-§3, as enacted by PL 2009, c. 308, §3, is amended to read:

3. Training. Submit evidence acceptable to the board that the pharmacist, ~~within the 3 years immediately preceding application for a certificate of administration:~~

A. Has completed a 20-hour course of study in the areas of drug administration authorized under this subchapter and as described in subsection 4 within the 3 years immediately preceding application for a certificate of administration;

B. Has graduated with a Doctor of Pharmacy degree from a college of pharmacy accredited by the American Council on Pharmaceutical Education or successor organization within the 3 years immediately preceding application for a certificate of administration that includes completion of training in the areas of drug administration authorized under this subchapter satisfactory to the board, including instruction in the areas identified in subsection 4 received as part of the pharmacist's pharmacy degree program; or

C. ~~Possesses a current~~ Has a valid certificate of administration issued by ~~another~~ any jurisdiction of the United States or its territories within the 3 years immediately preceding application for a certificate of administration that authorizes the pharmacist to administer drugs comparable to those authorized under this chapter and that is based on the pharmacist's completion of training or course work as described in subsection 4, or its equivalent as determined by the board, and has continuous administration practice since the pharmacist received such training or since completion of a retraining program as required in this subchapter, as long as such retraining incorporates the areas identified in subsection 4;

Sec. 3. 32 MRSA §13834, as amended by PL 2013, c. 98, §1, is further amended to read:

§13834. Prohibited acts

1. Delegate authority. A pharmacist may not delegate the pharmacist's authority to administer drugs or vaccines; except that a pharmacist licensed under this chapter who has obtained a certificate of administration pursuant to section 13832 may delegate the authority to administer ~~drugs and~~ vaccines to a pharmacy technician who is under that pharmacist's direct supervision and

has met the requirements of section 13831, subsection 6 or may delegate the authority to administer drugs and vaccines to a pharmacy intern who is under that pharmacist's direct supervision and who has obtained drug administration training pursuant to section 13832, subsection 3. A pharmacy intern may administer drugs and vaccines only to a person 18 years of age or older.

2. Administer drugs or vaccines. A pharmacist may not engage in the administration of drugs or vaccines unless the pharmacist meets the qualifications and requirements of section 13832 and the pharmacist has obtained a board-issued certificate of administration. A pharmacy technician may not engage in the administration of vaccines unless the pharmacy technician meets the qualifications and requirements of section 13831, subsection 6 and the pharmacy technician has obtained a board-issued certificate of administration.

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

Effective June 22, 2023.

CHAPTER 246

S.P. 134 - L.D. 313

An Act to Allow Game Wardens to Transfer Retirement Service, Allow Certain Employees of Participating Local Districts to Purchase Service Credit and Allow Transfer of Membership from the State Employee Retirement Plan to Another Plan

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

Sec. 1. 5 MRSA §17656, sub-§1, as amended by PL 2007, c. 542, §§1 and 2, is further amended to read:

1. Reemployment with new employer. Membership of a member who is reemployed with a new employer, or who transfers from one state employee plan to another state employee plan, is governed as follows:

A. Any member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program whose service is terminated as a state employee, teacher or participating local district employee and who becomes employed as a state employee, teacher or participating local district employee with a new employer or who transfers from one state employee plan to another state employee plan shall, if the member

has not previously withdrawn the member's accumulated contributions:

- (1) Have the membership transferred to the member's account with the new employer or new plan; and
- (2) Be entitled to all benefits that:
 - (a) Are based on creditable service and earnable compensation with the previous employer or previous plan and the provisions of this Part in effect with respect to the previous employer or previous plan at the date of termination of service by the member; and
 - (b) Do not require additional contributions by the new employer.

B. The new employer or new plan may elect to include the creditable service and earnable compensation of the member with the previous employer with the creditable service and earnable compensation with the new employer. If that election is made, the new employer shall make, from time to time, whatever contributions are necessary to provide the benefits under the applicable retirement program for the member as have accrued to the member by reason of the member's previous employment and as may accrue to the member by reason of the member's new employment.

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph D, all funds in the applicable retirement program contributed by the member's former employer or under the previous plan on account of the member's previous employment must be transferred to the account of the new employer or new plan and must be used to liquidate the liability incurred by reason of the previous employment.

D. Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a game warden, a law enforcement officer as defined in Title 25, section 2801-A, subsection 5, or a state firefighter, whose previous membership was based upon employment as a municipal firefighter as defined in section 286-M, a game warden, a law enforcement officer or a state firefighter, or their employer, may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan, including a transfer from one state employee plan to a different state employee plan. For members moving from one state employee plan to another state employee plan, no separation of service or reemployment is necessary. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of