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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1384, L.D. 2071, “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”

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

Sec. 1. 24-A MRSA §4320-A, sub-§1, ¶B, as enacted by PL 2017, c. 343, §1 and affected by §2, is amended to read:

B. With respect to the individual insured, immunizations that have a recommendation from the federal Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices or have been licensed by the federal Food and Drug Administration and that are consistent with the recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or a successor organization;

Sec. 2. 32 MRSA §13831, sub-§1, as amended by PL 2023, c. 170, §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 prescribe, dispense or administer topically or by injection or by inhalation all forms of influenza vaccines, including intranasal influenza vaccines, to a person 3-years 6 months of age or older ~~without a prescription~~.

Sec. 3. 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

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1 vaccines licensed by the United States Food and Drug Administration that are
2 recommended by the United States Centers for Disease Control and Prevention Advisory
3 Committee on Immunization Practices or consistent with recommendations of the
4 American Academy of Pediatrics, the American Academy of Family Physicians or the
5 American College of Obstetricians and Gynecologists, or a successor organization, for
6 administration to a person 18 years of age or older. A pharmacist may administer vaccines
7 licensed by the United States Food and Drug Administration that are recommended by the
8 United States Centers for Disease Control and Prevention Advisory Committee on
9 Immunization Practices or consistent with the recommendations of the American Academy
10 of Pediatrics, the American Academy of Family Physicians or the American College of
11 Obstetricians and Gynecologists, or a successor organization, for administration to a person
12 3 years of age or older and under 18 years of age according to a valid prescription from a
13 prescriber licensed under chapter 31, 36 or 48. A pharmacist may administer vaccines
14 licensed by the United States Food and Drug Administration that are outside the guidelines
15 recommended by the United States Centers for Disease Control and Prevention Advisory
16 Committee on Immunization Practices, or successor organization, for administration to a
17 person 18 years of age or older according to a valid prescription if the prescription
18 specifically states that the vaccine is medically necessary.

19 **Sec. 4. 32 MRSA §13831, sub-§2-A**, as enacted by PL 2021, c. 28, Pt. B, §2, is
20 amended to read:

21 **2-A. Administration of COVID-19 vaccines.** A pharmacist licensed in this State
22 who meets the qualifications and requirements of section 13832 and rules adopted by the
23 board may prescribe, dispense, administer and order COVID-19 vaccines licensed or
24 authorized under an emergency use authorization by the United States Food and Drug
25 Administration ~~that are recommended by the United States Centers for Disease Control and~~
26 ~~Prevention Advisory Committee on Immunization Practices, or successor organization,~~ to
27 a person ~~3 years~~ 6 months of age or older. For the purposes of this subsection, "COVID-
28 19" has the same meaning as in Title 24-A, section 4320-P, subsection 1, paragraph A.

29 **Sec. 5. 32 MRSA §13831, sub-§7**, as enacted by PL 2023, c. 170, §3 and
30 reallocated by RR 2023, c. 1, Pt. A, §28, is amended to read:

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

39 **Sec. 6. 32 MRSA §13834, sub-§1**, as amended by PL 2023, c. 245, §3, is further
40 amended to read:

41 **1. Delegate authority.** A pharmacist may not delegate the pharmacist's authority to
42 administer drugs or vaccines; except that a pharmacist licensed under this chapter who has
43 obtained a certificate of administration pursuant to section 13832 may delegate the
44 authority to administer vaccines to a pharmacy technician who is under that pharmacist's
45 direct supervision and has met the requirements of section 13831, subsection 6 or may

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

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

7 **SUMMARY**

8 This amendment, which is the majority report of the committee, replaces the
9 substantive provisions of the bill but retains the emergency clause and emergency
10 preamble. The amendment allows pharmacists to prescribe, dispense or administer
11 vaccines to a person 18 years of age or older, or a person over 6 months of age specifically
12 for influenza and COVID-19 vaccines, and to dispense or administer other vaccines with a
13 prescription to a person 3 years of age or older. Vaccines must be licensed by the federal
14 Food and Drug Administration and may be recommended by the United States Centers for
15 Disease Control and Prevention Advisory Committee on Immunization Practices or be
16 consistent with recommendations of the American Academy of Pediatrics, the American
17 Academy of Family Physicians or the American College of Obstetricians and
18 Gynecologists. It removes the prohibition on pharmacy interns administering drugs and
19 vaccines to a person under 18 years of age, which will allow pharmacy interns with
20 appropriate training to administer a drug or vaccine under a pharmacist's direct supervision.
21 It removes the requirement that a pharmacist notify the person's primary care provider
22 within 72 hours of administering a vaccine, as this information is required to be reported
23 in the state immunization information reporting system.

24 The amendment also clarifies that insurance carriers are authorized to provide coverage
25 for vaccines without any deductible, copayment, coinsurance or other cost-sharing
26 reimbursement that have been licensed by the federal Food and Drug Administration and
27 that are consistent with the recommendations of the American Academy of Pediatrics, the
28 American Academy of Family Physicians or the American College of Obstetricians and
29 Gynecologists.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**