

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
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

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

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 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 consistent with 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, 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 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, 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. 4. 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 6 months 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.

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

7. 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.

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

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 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.~~