

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

S.P. 864 - L.D. 2146

An Act to Increase Access to Critical Vaccinations

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

Sec. 1. 22 MRSA §1066, sub-§3, ¶E, as amended by PL 2025, c. 440, §11 and affected by §17, is further amended to read:

E. By January 1, 2011 and annually thereafter, the board shall determine the list of vaccines to be made available by the program during the succeeding program year beginning July 1st. In making its determination, the board shall consider:

- (1) Vaccines that are available under contract with the United States Department of Health and Human Services, Centers for Disease Control and Prevention, by direct manufacturer purchase, through the Minnesota Multistate Contracting Alliance for Pharmacy or a its successor organization or by any other low-cost bulk purchase option;
- (2) Recommendations of the department; ~~and~~
- (3) Clinical and cost-benefit analyses; ~~and~~
- (4) Recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or their successor organizations as long as any recommendation preserves and strengthens access to vaccines as part of the routine standard of care; is based on evidence from scientific and public health experts; and is not intended to weaken or replace evidence-based immunization standards of the United States Department of Health and Human Services, Centers for Disease Control and Prevention Advisory Committee on Immunization Practices or its successor organization.

The board shall review new vaccines and update the list of vaccines to be made available through the program on a timely basis in accordance with the considerations described in this paragraph.

Sec. 2. 22 MRSA §1066, sub-§4-A is enacted to read:

4-A. Additional funding request. Notwithstanding subsection 5, the board may request funding from the State to cover the cost of vaccines for children who qualify for vaccines under the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program for those vaccines that are recommended by the department or the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or their successor organizations in accordance with subsection 3, paragraph E. Any funding request made by the board under this subsection is subject to legislative approval in the biennial budget process. The board shall submit the funding request to the State Budget Officer in accordance with the provisions of law that apply to departments of State Government and Title 5, section 1665. At the same time that the funding request is submitted to the State Budget Officer, the board shall also notify the joint standing committee of the Legislature having jurisdiction over health and human services matters of the amount of the funding request.

Sec. 3. 22 MRSA §1066, sub-§5, ¶G, as amended by PL 2025, c. 440, §12 and affected by §17, is further amended to read:

G. If the assessments under this subsection are insufficient to cover the cost of vaccines to be provided to individuals covered by assessed entities, the State is not required to cover the cost of vaccines for those individuals, except as otherwise provided in subsection 4-A.

Sec. 4. 32 MRSA §13831, sub-§8 is enacted to read:

8. Immunity from liability. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board is not liable in any civil action alleging negligence for the act of administering a vaccine that is outside the guidelines recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or its successor organization, as long as the administration of the vaccine is in accordance with guidelines recommended by the State or the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or their successor organizations.