

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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.