

STATE OF MAINE

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

—
S.P. 478 - L.D. 1151

An Act Concerning the Authority for Pharmacists to Administer Vaccines

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

Whereas, the federal public health emergency declaration expired on May 11, 2023; and

Whereas, codifying in state law the authority of pharmacists to administer vaccines is necessary to ensure there is no gap in the provision of vaccination services by pharmacists; 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-§1, as amended by PL 2015, c. 211, §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 administer topically or by injection or by inhalation all forms of influenza vaccines, including intranasal influenza vaccines, to a person ~~7~~ 3 years of age or older without a prescription.

Sec. 2. 32 MRSA §13831, sub-§2, as amended by PL 2013, c. 6, §1, is further 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 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 successor organization, for administration to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. 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 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 chapters 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 when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State if the prescription specifically states that the vaccine is medically necessary. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for 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 successor organization, for administration to adults.

Sec. 3. 32 MRSA §13831, sub-§6 is enacted to read:

6. 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.

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