

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**HOUSE BILL 96
RATIFIED BILL**

AN ACT TO AUTHORIZE IMMUNIZING PHARMACISTS TO DISPENSE, DELIVER,
AND ADMINISTER CERTAIN TREATMENT AND MEDICATIONS AND TO
REQUIRE PARENTAL CONSENT FOR ADMINISTRATION OF VACCINES UNDER
AN EMERGENCY USE AUTHORIZATION TO A MINOR.

Whereas, it is the intention of the North Carolina General Assembly to improve access to care and health outcomes for its citizens; and

Whereas, North Carolina's public health ranking is in the bottom one-half to one-third of the nation; and

Whereas, one-third of our nation's states have authorized pharmacists to help with access to care related to public health needs beyond immunizations; and

Whereas, North Carolinians need and deserve better accessibility to care; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.15B, as amended by Section 2.9 of S.L. 2021-3 and Sections 2 and 3 of this act, reads as rewritten:

"§ 90-85.15B. Immunizing pharmacists.

(a) Except as provided in ~~subsection (b) and (c)~~ subsections (b), (b1), and (c) of this section, an immunizing pharmacist may administer vaccinations or immunizations only if the vaccinations or immunizations are recommended or required by the Centers for Disease Control and Prevention and administered to persons at least 18 years of age pursuant to a specific prescription order.

...

(c) An immunizing pharmacist may administer ~~the influenza vaccine to persons at least 10 years of age pursuant to 21 NCAC 46. 2507 and 21 NCAC 32U. 0101. An immunizing pharmacist may administer an influenza vaccine~~ any other vaccinations approved by the United States Food and Drug Administration in accordance with the protocols established by the Advisory Committee on Immunization Practices to persons at least six years of age pursuant to a specific prescription order initiated by a prescriber following a physical examination of the patient by the prescriber.

...

(c2) An immunizing pharmacist may dispense, deliver, or administer the following medications:

- (1) Nicotine replacement therapy that is approved by the United States Food and Drug Administration.
- (2) Self-administered oral or transdermal contraceptives after the patient completes an assessment consistent with the Centers for Disease Control and Prevention's United States Medical Eligibility Criteria (US MEC) for Contraceptive Use; however, an immunizing pharmacist shall not dispense,



deliver, or administer ulipristal acetate for emergency contraception without a prescription from a prescriber licensed under this Chapter.

(3) Prenatal vitamins.

(4) Post-exposure prophylaxis medications for the prevention of human immunodeficiency virus pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention.

(5) Glucagon for the treatment of severe hypoglycemia.

(c3) An immunizing pharmacist may administer to a patient any prescribed, self-administered injectable medication.

...

(d1) An immunizing pharmacist who dispenses, delivers, or administers a medication listed in subsection (c2) of this section to a patient shall do all of the following:

(1) Maintain a record of medication administered to the patient in a patient profile.

(2) Within 72 hours after administration of the medication, notify any primary care provider identified by the patient. If the patient does not identify a primary care provider, the immunizing pharmacist shall direct the patient to information describing the benefits to a patient of having a primary care provider, including information about federally qualified health centers, free clinics, and local health departments, prepared by any of the following: North Carolina Medical Board, North Carolina Academy of Family Physicians, North Carolina Medical Society, or Community Care of North Carolina.

(3) Furnish patient records to the patient upon the patient's request.

(4) Furnish patient records to the primary care provider identified by the patient upon the primary care provider's request.

(5) If the immunizing pharmacist has administered or dispensed a hormonal contraceptive to the patient, the immunizing pharmacist shall counsel the patient about preventative care, including well-woman visits, sexually transmitted infection testing information, and Pap smear testing.

(e) An immunizing pharmacist that dispenses, delivers, or administers the medications listed in subsection (c2) of this section shall do all of the following:

(1) Comply with rules adopted by the North Carolina Medical Board and the North Carolina Board of Pharmacy governing the approval of the individual immunizing pharmacist to dispense, deliver, or administer the medications with limitations that the Boards determine to be in the best interest of patient health and safety.

(2) Have current approval from both Boards.

(3) Provide the name, business address, business phone, and business fax number of the pharmacy on any communication with a prescriber."

SECTION 2. G.S. 90-85.15B(c1), as amended by Section 2.9 of S.L. 2021-3, reads as rewritten:

"(c1) An immunizing pharmacist may administer a long-acting injectable medication, including testosterone injections and vitamin B12, to persons at least 18 years of age pursuant to a specific prescription order initiated by a prescriber following a physical examination of the patient which conforms to the standards of acceptable and prevailing medical practice by the prescriber. An immunizing pharmacist who administers a long-acting injectable medication pursuant to this section shall do all of the following:

(1) Maintain a record of any administration of a long-acting injectable performed by the immunizing pharmacist to the patient in a patient profile or record.

(2) Within 72 hours after the administration of the long-acting injectable performed by the immunizing pharmacist to the patient, notify the prescriber regarding which medication and dosage was administered to the patient. If the

long-acting injectable is in the class of psychotropic medications, the immunizing pharmacist shall notify the prescriber within 48 hours of administering the medication.

- (3) Within 72 hours of receipt of a specific prescription, notify the prescriber of the long-acting injectable medication if the medication was not administered to the patient. If the prescription is in the class of psychotropic medications, the immunizing pharmacist shall notify the prescriber if the medication was not administered within 48 hours of receipt of the prescription."

SECTION 3. G.S. 90-85.15B, as amended by Section 2.9 of S.L. 2021-3, is amended by adding a new subsection to read:

"(b1) An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration to persons at least 10 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .0101. An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration to persons at least six years of age pursuant to a specific prescription order initiated by a prescriber following a physical examination of the patient by the prescriber. When supervised by an immunizing pharmacist, pharmacy interns and pharmacy technicians who have completed immunization-related continuing pharmacy education approved by the Accreditation Council for Pharmacy Education may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration to persons at least 10 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .0101."

SECTION 4.(a) The North Carolina Medical Board and the North Carolina Board of Pharmacy joint subcommittee shall develop statewide written protocols and amend existing rules and protocols to (i) encompass the new authorized treatments and practices as authorized in this act and (ii) develop a statement of ethics for immunizing pharmacists.

SECTION 4.(b) The North Carolina Medical Board and the North Carolina Board of Pharmacy joint subcommittee shall adopt rules to govern the administration of vaccines by pharmacy technicians as authorized in this act.

SECTION 5. The State Health Director shall issue a standing order authorizing immunizing pharmacists to dispense, deliver, and administer the medications described in G.S. 90-85.15B(c2), as amended by Section 1 of this act. The standing order shall include protocols for the initiation, modification, and discontinuation of each therapeutic class of medication available pursuant to the standing order and it shall remain in effect until the later of the development of the protocols described in Section 4(a) of this act or January 1, 2023.

SECTION 6. Any statewide standing order issued by the State Health Director pursuant to Section 3D.3 of S.L. 2020-3 or Section 2.8(a) of S.L. 2021-3 shall expire on December 31, 2021, unless the State Health Director determines it is necessary for the order to be extended in order to protect the public safety, health, and welfare of the citizens of North Carolina.

SECTION 7. G.S. 90-85.38 reads as rewritten:

"§ 90-85.38. Disciplinary authority.

(a) The Board may, in accordance with Chapter 150B of the General Statutes, issue a letter of reprimand or suspend, restrict, revoke, or refuse to grant or renew a license to practice pharmacy, or require licensees to successfully complete remedial education if the licensee has done any of the following:

...

- (10) Engaged in unprofessional conduct, including the departure from or failure to comply with the requirements of G.S. 90-85.15B(c1) and (d1), when dispensing, delivering, or administering medication for patients.

...."

SECTION 8. G.S. 90-85.15B(e), as amended by Section 2.9 of S.L. 2021-3 and Sections 1, 2, and 3 of this act, reads as rewritten:

"(e) An immunizing pharmacist that dispenses, delivers, or administers the medications listed in subsection (c2) of this section shall do all of the following:

...

- (4) Provide the name of the immunizing pharmacist who dispenses, delivers, or administers the medication on any communication with the provider."

SECTION 9. G.S. 90-21.5 reads as rewritten:

"§ 90-21.5. Minor's consent sufficient for certain medical health services.

(a) ~~Any~~ Subject to subsection (a1) of this section, any minor may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance. This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.

(a1) Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age.

(b) Any minor who is emancipated may consent to any medical treatment, dental and health services for himself or for his child."

SECTION 10. Section 1 of this act becomes effective February 1, 2022, and applies to immunizing pharmacists, pharmacy technicians, and pharmacy interns on or after that date. Sections 2, 4, and 7 of this act become effective October 1, 2021. Section 3 of this act becomes effective September 1, 2021. Section 8 of this act becomes effective March 31, 2022. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of August, 2021.

s/ Mark Robinson
President of the Senate

s/ Destin Hall
Presiding Officer of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2021