

HOUSE BILL 76

J2

EMERGENCY BILL
(PRE-FILED)

4lr1232
CF SB 18

By: ~~Delegate Lopez~~ Delegates Lopez, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Martinez, Pena-Melnyk, Rosenberg, Taveras, White Holland, and Woods

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Pharmacists – Administration of Vaccines**

3 FOR the purpose of authorizing a pharmacist to order and administer certain vaccinations
4 to individuals in certain age groups if certain requirements are met; altering the
5 vaccinations that a pharmacist can administer to individuals of at least a certain
6 age; altering the circumstances under which a pharmacist may administer certain
7 vaccinations; and generally relating to the administration of vaccinations by
8 pharmacists.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 12–508
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health Occupations**

17 12–508.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(a) (1) [Subject to subsection (c) of this section, a pharmacist may administer an influenza vaccination to an individual who is at least 9 years old, in accordance with regulations adopted by the Board, in consultation with the Department.

(2)] Subject to [subsection (c) of this section] **PARAGRAPH ~~(3)~~ (4) OF THIS SUBSECTION**, a pharmacist may **ORDER AND** administer a vaccination [that] **TO AN INDIVIDUAL WHO IS AT LEAST ~~5~~ 3 YEARS OLD IF:**

(I) ~~1. THE VACCINE is [listed in] RECOMMENDED BY the Centers for Disease Control and Prevention's [Recommended Immunization Schedule to an individual who:~~

~~(i) Is at least 11 years old but under the age of 18 years; and~~

~~(ii) Has a prescription from an authorized prescriber] ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES; OR~~

~~2. THE VACCINE IS APPROVED OR AUTHORIZED BY THE U.S. FOOD AND DRUG ADMINISTRATION~~ THE VACCINE IS:

1. AN INFLUENZA VACCINE;

2. A COVID-19 VACCINE; OR

3. USED IN RESPONSE TO A PUBLIC HEALTH EMERGENCY;

(II) THE PHARMACIST HAS COMPLETED A PRACTICAL TRAINING PROGRAM OF AT LEAST 20 HOURS THAT IS APPROVED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION AND INCLUDES:

1. HANDS-ON INJECTION TECHNIQUES;

2. CLINICAL EVALUATION OF INDICATIONS AND CONTRAINDICATIONS OF VACCINES; AND

3. THE RECOGNITION AND TREATMENT OF EMERGENCY REACTIONS TO VACCINES;

(III) THE PHARMACIST HAS A CURRENT CERTIFICATE IN BASIC CARDIOPULMONARY RESUSCITATION;

(IV) THE PHARMACIST HAS COMPLETED A MINIMUM OF 2 HOURS OF CONTINUING PHARMACEUTICAL EDUCATION RELATED TO IMMUNIZATIONS THAT

1 IS APPROVED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION AS
2 PART OF THE LICENSE RENEWAL REQUIREMENTS UNDER § 12-309 OF THIS TITLE;

3 (V) THE PHARMACIST COMPLIES WITH THE RECORD-KEEPING
4 AND REPORTING REQUIREMENTS IN PARAGRAPH ~~(4)~~ (5) OF THIS SUBSECTION AND
5 ANY CORRESPONDING REGULATIONS ADOPTED BY THE BOARD; AND

6 (VI) IF THE VACCINATION IS ADMINISTERED TO AN INDIVIDUAL
7 UNDER THE AGE OF 18 YEARS, THE PHARMACIST INFORMS THE CHILD VACCINATION
8 PATIENT AND ADULT CAREGIVER WHO IS ACCOMPANYING THE CHILD OF THE
9 IMPORTANCE OF WELL-CHILD VISITS WITH A PEDIATRIC PRIMARY CARE PROVIDER
10 AND REFERS THE PATIENT TO A PEDIATRIC PRIMARY CARE PROVIDER WHEN
11 APPROPRIATE.

12 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A
13 PHARMACIST WHO HAS MET THE REQUIREMENT OF PARAGRAPH (1)(II) THROUGH
14 (VI) OF THIS SUBSECTION MAY ADMINISTER TO AN INDIVIDUAL WHO IS AT LEAST 7
15 YEARS OLD A VACCINATION THAT IS:

16 (I) RECOMMENDED BY THE CENTERS FOR DISEASE CONTROL
17 AND PREVENTION'S ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES; OR

18 (II) APPROVED OR AUTHORIZED BY THE U.S. FOOD AND DRUG
19 ADMINISTRATION.

20 ~~[(3)] (2)~~ [(i)] Subject to [subparagraph (ii) of this paragraph]
21 PARAGRAPH ~~(3)~~ (4) OF THIS SUBSECTION, a pharmacist WHO HAS MET THE
22 REQUIREMENT OF PARAGRAPH (1)(II), (III), AND (IV) OF THIS SUBSECTION may
23 administer to an adult a vaccination that is[:

24 1. Listed in the Centers for Disease Control and Prevention's
25 Recommended Immunization Schedule; or

26 2. Recommended] RECOMMENDED in the Centers for
27 Disease Control and Prevention's Health Information for International Travel.

28 [(ii)] ~~(3)~~ (4) A pharmacist shall administer a vaccination under
29 [subparagraph (i)] PARAGRAPH (1) ~~OR~~, (2), OR (3) of this [paragraph] SUBSECTION
30 under a written protocol that:

31 [1.] (I) Is vaccine specific; and

32 [2.] (II) Meets criteria established by the Department, in
33 consultation with the Board, the Board of Physicians, and the Board of Nursing, in
34 regulation.

~~(4)~~ **(5)** A pharmacist shall:

(i) Report all vaccinations administered by the pharmacist to the ImmuNet Program established under § 18–109 of the Health – General Article;

(ii) If the vaccination has been administered in accordance with a prescription, document at least one effort to inform the individual's authorized prescriber that the vaccination has been administered; and

(iii) [For a vaccination administered under paragraph (2) or (3)] **EXCEPT FOR AN INFLUENZA VACCINATION ADMINISTERED UNDER PARAGRAPH (1)** of this subsection, if the authorized prescriber is not the individual's primary care provider or if the vaccination has not been administered in accordance with a prescription, document at least one effort to inform the individual's primary care provider or other usual source of care that the vaccination has been administered.

(b) The Board shall:

(1) Set reasonable fees for the administration of vaccinations under this section; and

(2) Adopt regulations that require a pharmacist to submit a registration form to the Board that includes verification that the pharmacist:

(i) Has successfully completed a certification course approved by the Board that included instruction in the guidelines and recommendations of the Centers for Disease Control and Prevention regarding vaccinations; and

(ii) Is certified in basic cardiopulmonary resuscitation and obtained the certification through in-person classroom instruction.

[(c) From July 1, 2021, to June 30, 2023, inclusive, a pharmacist may administer a vaccine to an individual who is at least 3 years old but under the age of 18 years if:

(1) The vaccine is approved by the U.S. Food and Drug Administration;

(2) The vaccination is ordered and administered in accordance with the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices immunization schedules;

(3) The pharmacist has completed a practical training program of at least 20 hours that is approved by the Accreditation Council for Pharmacy Education and includes:

(i) Hands-on injection techniques;

1 (ii) Clinical evaluation of indications and contraindications of
2 vaccines; and

3 (iii) The recognition and treatment of emergency reactions to
4 vaccines;

5 (4) The pharmacist has a current certificate in basic cardiopulmonary
6 resuscitation;

7 (5) The pharmacist has completed a minimum of 2 hours of continuing
8 pharmaceutical education related to immunizations that is approved by the Accreditation
9 Council for Pharmacy Education as part of the license renewal requirements under §
10 12-309 of this title;

11 (6) The pharmacist complies with the record-keeping and reporting
12 requirements in subsection (a)(4) of this section and the corresponding regulations; and

13 (7) The pharmacist informs each child vaccination patient and adult
14 caregiver who is accompanying the child of the importance of well-child visits with a
15 pediatric primary care provider and refers the patient to a pediatric primary care provider
16 when appropriate.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety, has
19 been passed by a yea and nay vote supported by three-fifths of all the members elected to
20 each of the two Houses of the General Assembly, and shall take effect from the date it is
21 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.