

HOUSE BILL 1040

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~~EMERGENCY BILL~~

11r0637
CF SB 736

By: **Delegate Kelly**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Pharmacists – Administration of ~~Vaccinations~~ Children’s**
3 **Vaccines – Study and Temporary Authority**

4 FOR the purpose of authorizing, for a certain period of time, a pharmacist to administer
5 certain vaccinations to an individual in a certain age group if certain requirements
6 are met; ~~altering the age of an individual to whom a pharmacist may administer~~
7 ~~certain vaccinations; requiring a pharmacist to administer certain vaccinations~~
8 ~~under a written protocol; repealing the requirement that individuals in a certain age~~
9 ~~group have a certain prescription in order for a pharmacist to be allowed to~~
10 ~~administer a certain vaccination to the individual; authorizing a pharmacist to~~
11 ~~administer certain vaccinations to an adult; repealing the requirement that a certain~~
12 ~~written protocol be vaccine specific; making this Act an emergency measure;~~
13 requiring the Prevention and Health Promotion Administration within the Maryland
14 Department of Health, in consultation with the State Board of Pharmacy, to report
15 to certain committees of the General Assembly on or before certain dates;
16 establishing certain requirements for the reports; authorizing the Administration to
17 use certain funding to contract with a certain institution to complete a certain report;
18 requiring the Administration to consult certain stakeholders when completing a
19 certain report; providing for the termination of a certain provision of this Act, subject
20 to a certain contingency; making a conforming change; and generally relating to the
21 administration of ~~vaccinations~~ children’s vaccines by pharmacists.

22 BY repealing and reenacting, with amendments,

23 Article – Health Occupations

24 Section 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.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2020 Supplement)

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

5 **Article – Health Occupations**

6 12–508.

7 (a) (1) ~~¶A SUBJECT TO SUBSECTION (C) OF THIS SECTION,~~ A pharmacist
8 may administer an influenza vaccination to an individual who is at least 9 years old, in
9 accordance with regulations adopted by the Board, in consultation with the Department.

10 ~~(2)¶ (1) [A] SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH~~
11 ~~SUBSECTION (C) OF THIS SECTION,~~ A pharmacist may administer a vaccination ~~¶that~~
12 ~~TO AN INDIVIDUAL WHO IS AT LEAST 3 YEARS OLD BUT UNDER THE AGE OF 18 YEARS~~
13 ~~IF THE VACCINE~~ is listed in the Centers for Disease Control and Prevention’s
14 Recommended Immunization Schedule ~~¶~~to an individual who:

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

16 (ii) Has a prescription from an authorized prescriber~~¶~~ ~~OR~~
17 ~~APPROVED OR AUTHORIZED BY THE U.S. FOOD AND DRUG ADMINISTRATION.~~

18 ~~(H) A PHARMACIST SHALL:~~

19 ~~1. ADMINISTER A VACCINATION UNDER SUBPARAGRAPH~~
20 ~~(I) OF THIS PARAGRAPH UNDER A WRITTEN PROTOCOL; AND~~

21 ~~2. ADMINISTER AN INFLUENZA VACCINATION UNDER~~
22 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH IN ACCORDANCE WITH REGULATIONS~~
23 ~~ADOPTED BY THE BOARD, IN CONSULTATION WITH THE DEPARTMENT.~~

24 ~~¶(3)¶ (2)~~ (i) Subject to subparagraph (ii) of this paragraph, a
25 pharmacist may administer to an adult a vaccination that is:

26 1. Listed in the Centers for Disease Control and Prevention’s
27 Recommended Immunization Schedule; or

28 2. Recommended in the Centers for Disease Control and
29 Prevention’s Health Information for International Travel.

30 (ii) A pharmacist shall administer a vaccination under
31 subparagraph (i) of this paragraph under a written protocol that~~¶~~:

1 1. Is vaccine specific; and

2 2. Meets ~~MEETS~~ criteria established by the Department, in
3 consultation with the Board, the Board of Physicians, and the Board of Nursing, in
4 regulation.

5 ~~{(4)}~~ ~~(3)~~ A pharmacist shall:

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

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

11 (iii) ~~{For a vaccination administered under paragraph (2) or (3) of this~~
12 ~~subsection} ~~EXCEPT FOR AN INFLUENZA VACCINATION ADMINISTERED UNDER~~
13 ~~PARAGRAPH (1)(I) OF THIS SUBSECTION,~~ if the authorized prescriber is not the
14 individual’s primary care provider or if the vaccination has not been administered in
15 accordance with a prescription, document at least one effort to inform the individual’s
16 primary care provider or other usual source of care that the vaccination has been
17 administered.~~

18 (b) The Board shall:

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

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

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

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

28 **(C) FROM JULY 1, 2021, TO JUNE 30, 2023, INCLUSIVE, A PHARMACIST MAY**
29 **ADMINISTER A VACCINE TO AN INDIVIDUAL WHO IS AT LEAST 3 YEARS OLD BUT**
30 **UNDER THE AGE OF 18 YEARS IF:**

31 **(1) THE VACCINE IS APPROVED BY THE U.S. FOOD AND DRUG**
32 **ADMINISTRATION;**

1 **(2) THE VACCINATION IS ORDERED AND ADMINISTERED IN**
2 **ACCORDANCE WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S**
3 **ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES IMMUNIZATION**
4 **SCHEDULES;**

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

8 **(I) HANDS-ON INJECTION TECHNIQUES;**

9 **(II) CLINICAL EVALUATION OF INDICATIONS AND**
10 **CONTRAINDICATIONS OF VACCINES; AND**

11 **(III) THE RECOGNITION AND TREATMENT OF EMERGENCY**
12 **REACTIONS TO VACCINES;**

13 **(4) THE PHARMACIST HAS A CURRENT CERTIFICATE IN BASIC**
14 **CARDIOPULMONARY RESUSCITATION;**

15 **(5) THE PHARMACIST HAS COMPLETED A MINIMUM OF 2 HOURS OF**
16 **CONTINUING PHARMACEUTICAL EDUCATION RELATED TO IMMUNIZATIONS THAT IS**
17 **APPROVED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION AS PART**
18 **OF THE LICENSE RENEWAL REQUIREMENTS UNDER § 12-309 OF THIS TITLE;**

19 **(6) THE PHARMACIST COMPLIES WITH THE RECORD-KEEPING AND**
20 **REPORTING REQUIREMENTS IN SUBSECTION (A)(4) OF THIS SECTION AND THE**
21 **CORRESPONDING REGULATIONS; AND**

22 **(7) THE PHARMACIST INFORMS EACH CHILD VACCINATION PATIENT**
23 **AND ADULT CAREGIVER WHO IS ACCOMPANYING THE CHILD OF THE IMPORTANCE**
24 **OF WELL-CHILD VISITS WITH A PEDIATRIC PRIMARY CARE PROVIDER AND REFERS**
25 **THE PATIENT TO A PEDIATRIC PRIMARY CARE PROVIDER WHEN APPROPRIATE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 **(a) On or before December 1, 2021, the Prevention and Health Promotion**
28 **Administration within the Maryland Department of Health, in consultation with the State**
29 **Board of Pharmacy, shall report to the Senate Education, Health, and Environmental**
30 **Affairs Committee and the House Health and Government Operations Committee, in**
31 **accordance with § 2-1257 of the State Government Article, information the Administration**
32 **determines is important for setting policies for authorizing pharmacists to administer**
33 **vaccines to children, including:**

1 (ii) optimal physical space configurations to protect the privacy and
2 safety of patients;

3 (iii) staffing requirements; and

4 (iv) processes for responding to adverse reactions.

5 (5) The Administration shall make recommendations regarding:

6 (i) whether the temporary authority established under Section 1 of
7 this Act should be made permanent; and

8 (ii) ways to further integrate the use of ImmuNet in electronic health
9 records to facilitate communication between pharmacists and pediatric primary care
10 providers.

11 (c) In completing the report required under subsection (b) of this section, the
12 Administration:

13 (1) may use available funding to contract with a public health research
14 institution to complete the report; and

15 (2) shall consult with interested stakeholders, including:

16 (i) pediatric primary care providers;

17 (ii) pharmacists;

18 (iii) managed care organizations;

19 (iv) local health departments; and

20 (v) consumers.

21 SECTION 3. AND BE IT FURTHER ENACTED, That:

22 (a) If the Third Amendment to Declaration Under the Public Readiness and
23 Emergency Preparedness Act for Medical Countermeasures Against COVID–19 issued by
24 the Office of the Secretary of the Department of Health and Human Services is repealed or
25 otherwise expires before January 1, 2022, on April 30, 2022, with no further action required
26 by the General Assembly, Section 1 of this Act shall be abrogated and of no further force
27 and effect.

28 (b) The Prevention and Health Promotion Administration within the Maryland
29 Department of Health shall notify the Department of Legislative Services within 5 days
30 after receiving notice of the repeal or expiration of the amendment described in subsection
31 (a) of this section.

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

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.