

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

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing a pharmacist to administer certain vaccinations to an
4 individual in a certain age group; altering the age of an individual to whom a
5 pharmacist may administer certain vaccinations; requiring a pharmacist to
6 administer certain vaccinations under a written protocol; repealing the requirement
7 that individuals in a certain age group have a certain prescription in order for a
8 pharmacist to be allowed to administer a certain vaccination to the individual;
9 authorizing a pharmacist to administer certain vaccinations to an adult; repealing
10 the requirement that a certain written protocol be vaccine-specific; making this Act
11 an emergency measure; making a conforming change; and generally relating to the
12 administration of vaccinations by pharmacists.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 12–508
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2020 Supplement)

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

20 **Article – Health Occupations**

21 12–508.

22 (a) (1) [A pharmacist may administer an influenza vaccination to an
23 individual who is at least 9 years old, in accordance with regulations adopted by the Board,
24 in consultation with the Department.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
 2 A pharmacist may administer a vaccination [that] TO AN INDIVIDUAL WHO IS AT LEAST
 3 **3 YEARS OLD BUT UNDER THE AGE OF 18 YEARS IF THE VACCINE** is listed in the
 4 Centers for Disease Control and Prevention’s Recommended Immunization Schedule [to an
 5 individual who:

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

7 (ii) Has a prescription from an authorized prescriber] **OR**
 8 **APPROVED OR AUTHORIZED BY THE U.S. FOOD AND DRUG ADMINISTRATION.**

9 (II) **A PHARMACIST SHALL:**

10 1. **ADMINISTER A VACCINATION UNDER SUBPARAGRAPH**
 11 **(I) OF THIS PARAGRAPH UNDER A WRITTEN PROTOCOL; AND**

12 2. **ADMINISTER AN INFLUENZA VACCINATION UNDER**
 13 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IN ACCORDANCE WITH REGULATIONS**
 14 **ADOPTED BY THE BOARD, IN CONSULTATION WITH THE DEPARTMENT.**

15 [(3)] (2) (i) Subject to subparagraph (ii) of this paragraph, a
 16 pharmacist may administer to an adult a vaccination that is:

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

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

21 (ii) A pharmacist shall administer a vaccination under
 22 subparagraph (i) of this paragraph under a written protocol that[:

23 1. Is vaccine specific; and

24 2. Meets] **MEETS** criteria established by the Department, in
 25 consultation with the Board, the Board of Physicians, and the Board of Nursing, in
 26 regulation.

27 [(4)] (3) A pharmacist shall:

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

30 (ii) If the vaccination has been administered in accordance with a
 31 prescription, document at least one effort to inform the individual’s authorized prescriber

1 that the vaccination has been administered; and

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

9 (b) The Board shall:

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

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

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

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

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