

SENATE BILL 736

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~~EMERGENCY BILL~~

11r0638
CF HB 1040

By: **Senator Augustine**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 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

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 Section 12-508
 2 Annotated Code of Maryland
 3 (2014 Replacement Volume and 2020 Supplement)

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

6 **Article – Health Occupations**

7 12-508.

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

11 ~~(2) [(H) [A] SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH~~
 12 ~~SUBSECTION (C) OF THIS SECTION, A~~ pharmacist may administer a vaccination ~~[that]~~
 13 ~~TO AN INDIVIDUAL WHO IS AT LEAST 3 YEARS OLD BUT UNDER THE AGE OF 18 YEARS~~
 14 ~~IF THE VACCINE~~ is listed in the Centers for Disease Control and Prevention's
 15 Recommended Immunization Schedule ~~[t]o an individual who:~~

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

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

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

21 ~~[(3) (2)] (i)~~ Subject to subparagraph (ii) of this paragraph, a
 22 pharmacist may administer to an adult a vaccination that is:

23 1. Listed in the Centers for Disease Control and Prevention's
 24 Recommended Immunization Schedule; ~~[or]~~

25 2. Recommended in the Centers for Disease Control and
 26 Prevention's Health Information for International Travel; ~~OR~~

27 ~~3. IS AUTHORIZED OR APPROVED BY THE U.S. FOOD~~
 28 ~~AND DRUG ADMINISTRATION.~~

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

31 1. Is vaccine specific; and

1 ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES IMMUNIZATION
2 SCHEDULES;

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

6 (I) HANDS-ON INJECTION TECHNIQUES;

7 (II) CLINICAL EVALUATION OF INDICATIONS AND
8 CONTRAINDICATIONS OF VACCINES; AND

9 (III) THE RECOGNITION AND TREATMENT OF EMERGENCY
10 REACTIONS TO VACCINES;

11 (4) THE PHARMACIST HAS A CURRENT CERTIFICATE IN BASIC
12 CARDIOPULMONARY RESUSCITATION;

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

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

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

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

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

32 (1) the number of vaccines administered to children by pharmacists in
33 accordance with the requirements of Section 1 of this Act;

1 (2) the effectiveness and efficiency of ImmuNet; and

2 (3) whether the option for children to be administered vaccines by
3 pharmacists has led to changes in well-child visits with pediatric primary care providers.

4 (b) (1) On or before December 1, 2022, the Prevention and Health Promotion
5 Administration within the Maryland Department of Health, in consultation with the State
6 Board of Pharmacy, shall report to the Senate Education, Health, and Environmental
7 Affairs Committee and the House Health and Government Operations Committee, in
8 accordance with § 2-1257 of the State Government Article:

9 (i) the capacity of the health care system to administer vaccines to
10 children;

11 (ii) vaccination rates for children; and

12 (iii) community access to the administration of vaccines for children.

13 (2) In completing the report required under paragraph (1) of this
14 subsection, the Administration shall:

15 (i) evaluate data from Maryland and other states that authorize
16 pharmacists to administer vaccines to children on school-required vaccines and other
17 vaccines administered to children; and

18 (ii) study the effectiveness and efficiency of ImmuNet, including by
19 obtaining input from all health care providers that administer vaccines to children.

20 (3) In completing the report required under paragraph (1) of this
21 subsection, the Administration shall consider public health models in which pharmacists,
22 in both chain and independent pharmacies, can support and facilitate families in obtaining
23 well-child visits from pediatric primary care providers, including partnerships with:

24 (i) local health departments;

25 (ii) pediatric primary care providers, including private practices and
26 community health centers; and

27 (iii) school systems, including school-based health centers.

28 (4) The report shall address implementation recommendations, including:

29 (i) tracking multidose vaccines;

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

1 (iii) staffing requirements; and

2 (iv) processes for responding to adverse reactions.

3 (5) The Administration shall make recommendations regarding:

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

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

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

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

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

14 (i) pediatric primary care providers;

15 (ii) pharmacists;

16 (iii) managed care organizations;

17 (iv) local health departments; and

18 (v) consumers.

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

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

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

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency~~
31 ~~measure, is necessary for the immediate preservation of the public health or safety, has~~

1 ~~been passed by a ye and nay vote supported by three fifths of all the members elected to~~
2 ~~each of the two Houses of the General Assembly, and shall take effect from the date it is~~
3 ~~enacted.~~

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.