



January 31, 2024

[submitted electronically via: mgaleg.maryland.gov]

The Honorable Joseline A. Pena-Melnyk  
Chair, Health and Government Operations Committee  
241 Taylor House Office Building Room 241  
6 Bladen Street  
Annapolis, MD 21401

**RE: HB76 (Lopez) – Pharmacists - Administration of Vaccines– SUPPORT**

Dear Chair Pena-Melnyk, Vice Chair Cullison, and members of the Health and Government Operations Committee:

The American Pharmacists Association (APhA) appreciates the opportunity to submit proponent testimony on [House Bill \(HB\) 76](#) (Delegate Lopez). This bill will codify pharmacists' authority to administer immunizations to patients aged five years or older. Pharmacists currently have this authority in Maryland due to Declarations under the federal Public Readiness and Emergency Preparedness (PREP) Act. However, some of the federal authorities under the PREP Act expired on May 11, 2023, and other authorities will be expiring under the Eleventh Amendment in December 2024,<sup>1</sup> which will interrupt access for patients who have come to rely on pharmacy personnel to administer immunizations.

APhA is the largest association of pharmacists in the United States advancing the entire pharmacy profession, including 12,228 licensed pharmacists in Maryland. APhA represents pharmacists in all practice settings, including community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care, and enhance public health. APhA represents pharmacists, students, and pharmacy technicians who practice in numerous settings and provide care to many of your constituents. As the voice of pharmacy, APhA leads the profession and equips members for their role as the medication expert in team-based, patient-centered care. APhA inspires, innovates, and creates opportunities for members and pharmacists worldwide to optimize medication use and health for all.

Maryland pharmacists, pharmacy technicians, and pharmacy interns under the supervision of a pharmacist have been administering vaccines for the past several years after the U.S. Department of Health and Human

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<sup>1</sup> U.S. Department of Health and Human Services (HHS). Eleventh Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published March 12, 2023. Available at: <https://www.federalregister.gov/documents/2023/05/12/2023-10216/eleventh-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for>

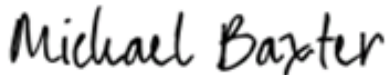
Services (HHS) issued a declaration under the PREP Act for medical countermeasures against COVID-19<sup>2</sup> and then the Third,<sup>3</sup> Fourth,<sup>4</sup> Eighth,<sup>5</sup> and Tenth<sup>6</sup> Amendments. HHS' declarations and amendments authorized the following:

- Pharmacists (order and administer) and pharmacy technicians and pharmacy interns under the supervision of a pharmacist, to administer to persons ages three or older COVID-19 vaccinations and seasonal influenza vaccines that have been authorized or licensed by the Food and Drug Administration (FDA).
- Pharmacists (order and administer) and pharmacy technicians and pharmacy interns under the supervision of a pharmacist, to administer any vaccine that the Advisory Committee on Immunization Practices (ACIP) recommends to persons ages three through 18 according to ACIP's standard immunization schedule.

The federal authority under the PREP Act preempts state law and Marylanders have been receiving expanded access to vaccines provided by their local pharmacy personnel for nearly four years. While pharmacists (order and administer) and pharmacy technicians' and pharmacy interns' authority to administer to persons ages three or older COVID-19 vaccinations and seasonal influenza vaccines will continue until December 2024, pharmacy personnel's authority to administer other ACIP-recommended vaccines to persons ages three through 18 ended on May 11, 2023. HB76 makes part of this temporary federal authority permanent under pharmacists' state scope of practice by maintaining access to vaccinations for patients aged five years or older. HB76 is vital to minimize interruptions to patients' access to necessary vaccinations and ensure Maryland can meet its public health needs and save millions in preventable health care costs to Maryland.

For these reasons, APhA respectfully requests your "AYE" vote on HB76. If you have any questions or require additional information, please don't hesitate to contact E. Michael Murphy, PharmD, MBA, APhA Advisor for State Government Affairs by email at [mmurphy@aphanet.org](mailto:mmurphy@aphanet.org).

Sincerely,



Michael Baxter  
Vice President, Federal Government Affairs

cc: Delegate Bonnie Cullison, Vice Chair  
Delegate Tiffany T. Alston

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<sup>2</sup> HHS. Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published March 17, 2020. Available at: <https://www.govinfo.gov/content/pkg/FR-2020-03-17/pdf/2020-05484.pdf>.

<sup>3</sup> HHS. Third Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published August 24, 2020. Available at: <https://www.govinfo.gov/content/pkg/FR-2020-08-24/pdf/2020-18542.pdf>.

<sup>4</sup> HHS. Fourth Amendment to the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 and Republication of the Declaration. Published December 9, 2020. Available at: <https://www.govinfo.gov/content/pkg/FR-2020-12-09/pdf/2020-26977.pdf>.

<sup>5</sup> HHS. Eighth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published August 4, 2021. Available at: <https://www.govinfo.gov/content/pkg/FR-2021-08-04/pdf/2021-16681.pdf>.

<sup>6</sup> HHS. Tenth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published January 7, 2022. Available at: <https://www.govinfo.gov/content/pkg/FR-2022-01-07/pdf/2022-00151.pdf>.

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