

HOUSE BILL 76

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EMERGENCY BILL
(PRE-FILED)

4lr1232
CF SB 18

By: **Delegate Lopez**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 **2. THE VACCINE IS APPROVED OR AUTHORIZED BY THE**
8 **U.S. FOOD AND DRUG ADMINISTRATION;**

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

12 **1. HANDS-ON INJECTION TECHNIQUES;**

13 **2. CLINICAL EVALUATION OF INDICATIONS AND**
14 **CONTRAINDICATIONS OF VACCINES; AND**

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

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

19 **(IV) THE PHARMACIST HAS COMPLETED A MINIMUM OF 2 HOURS**
20 **OF CONTINUING PHARMACEUTICAL EDUCATION RELATED TO IMMUNIZATIONS THAT**
21 **IS APPROVED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION AS**
22 **PART OF THE LICENSE RENEWAL REQUIREMENTS UNDER § 12-309 OF THIS TITLE;**

23 **(V) THE PHARMACIST COMPLIES WITH THE RECORD-KEEPING**
24 **AND REPORTING REQUIREMENTS IN PARAGRAPH (4) OF THIS SUBSECTION AND ANY**
25 **CORRESPONDING REGULATIONS ADOPTED BY THE BOARD; AND**

26 **(VI) IF THE VACCINATION IS ADMINISTERED TO AN INDIVIDUAL**
27 **UNDER THE AGE OF 18 YEARS, THE PHARMACIST INFORMS THE CHILD VACCINATION**
28 **PATIENT AND ADULT CAREGIVER WHO IS ACCOMPANYING THE CHILD OF THE**
29 **IMPORTANCE OF WELL-CHILD VISITS WITH A PEDIATRIC PRIMARY CARE PROVIDER**
30 **AND REFERS THE PATIENT TO A PEDIATRIC PRIMARY CARE PROVIDER WHEN**
31 **APPROPRIATE.**

1 **[(3)] (2)** **[(i)]** Subject to **[subparagraph (ii) of this paragraph]**
2 **PARAGRAPH (3) OF THIS SUBSECTION**, a pharmacist **WHO HAS MET THE**
3 **REQUIREMENT OF PARAGRAPH (1)(II), (III), AND (IV) OF THIS SUBSECTION** may
4 administer to an adult a vaccination that is¹:

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

7 2. Recommended] **RECOMMENDED** in the Centers for
8 Disease Control and Prevention's Health Information for International Travel.

9 **[(ii)] (3)** A pharmacist shall administer a vaccination under
10 **[subparagraph (i)] PARAGRAPH (1) OR (2)** of this **[paragraph] SUBSECTION** under a
11 written protocol that:

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

13 **[2.] (II)** Meets criteria established by the Department, in
14 consultation with the Board, the Board of Physicians, and the Board of Nursing, in
15 regulation.

16 (4) A pharmacist shall:

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

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

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

28 (b) The Board shall:

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

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

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

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

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

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

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

12 (3) The pharmacist has completed a practical training program of at least
13 20 hours that is approved by the Accreditation Council for Pharmacy Education and
14 includes:

15 (i) Hands-on injection techniques;

16 (ii) Clinical evaluation of indications and contraindications of
17 vaccines; and

18 (iii) The recognition and treatment of emergency reactions to
19 vaccines;

20 (4) The pharmacist has a current certificate in basic cardiopulmonary
21 resuscitation;

22 (5) The pharmacist has completed a minimum of 2 hours of continuing
23 pharmaceutical education related to immunizations that is approved by the Accreditation
24 Council for Pharmacy Education as part of the license renewal requirements under §
25 12-309 of this title;

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety, has
34 been passed by a ye and nay vote supported by three-fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.