

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 76

(Delegate Lopez, *et al.*)

Health and Government Operations

Finance

Health Occupations - Pharmacists - Administration of Vaccines

This emergency bill repeals language that temporarily authorized a licensed pharmacist to administer certain vaccinations, under specified circumstances, to an individual age 3 to 17. Instead, the bill permanently authorizes a licensed pharmacist, under the same specified circumstances, to (1) administer specified vaccinations to an individual as young as 7 years old and (2) order and administer a vaccination for influenza, COVID-19, or in response to a public health emergency to an individual who is at least 3 years old. The bill also clarifies the circumstances under which a licensed pharmacist may administer certain vaccinations to adults.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary/Current Law: Under current law, an individual must be licensed by the State Board of Pharmacy (MBOP) to practice pharmacy in the State. The practice of pharmacy includes administering vaccinations as follows:

- A pharmacist may administer an influenza vaccination to an individual who is at least 9 years old, provided the vaccination is administered in accordance with

regulations adopted by MBOP, in consultation with the Maryland Department of Health (MDH).

- For individuals 11 to 17 years old, a pharmacist may administer a vaccination listed in the U.S. Centers for Disease Control and Prevention's (CDC) recommended immunization schedule if the individual has a prescription from an authorized prescriber.
- For adults, a pharmacist may administer a vaccination listed in the CDC's recommended immunization schedule or *Health Information for International Travel* and the vaccination is administered under a written protocol that (1) is vaccine specific and (2) meets criteria established in regulation by MDH, in consultation with the boards of pharmacy, physicians, and nursing.
- From July 1, 2021, to June 30, 2023, a pharmacist was authorized to administer a vaccine to an individual age 3 to 17 if the vaccine was approved by the U.S. Food and Drug Administration (FDA) and ordered and administered in accordance with the immunization schedules of CDC's Advisory Committee on Immunization Practices (ACIP) if the pharmacist (1) completed a practical training program of at least 20 hours that included specified topics; (2) had a current certificate in basic cardiopulmonary resuscitation (CPR); (3) completed a minimum of 2 hours of continuing pharmaceutical education related to immunizations as part of license renewal; (4) complied with specified recordkeeping and reporting requirements; and (5) informed each child vaccination patient and adult caregiver accompanying them of the importance of well-child visits with a pediatric primary care provider and refer the patient to such a provider when appropriate.

The bill generally repeals these provisions and instead authorizes a pharmacist to order and administer a vaccination to an individual who is at least age 3 if the vaccine is (1) an influenza vaccine; (2) a COVID-19 vaccine; or (3) used in response to a public health emergency. A pharmacist must meet the same requirements established for the temporary authorization to administer a vaccination to a child age 3 to 17, including training, current CPR certification, continuing education, recordkeeping and reporting requirements, and informing child vaccination patients and their caregivers of the importance of well-child visits and referring them to a pediatric primary care provider when appropriate.

The bill also specifies that a pharmacist who has met the above noted requirements may administer to an individual who is at least age 7 a vaccination that is (1) recommended by ACIP or (2) approved or authorized by FDA.

Finally, the bill specifies that a pharmacist who has met the above noted training, CPR, and continuing education requirements may administer to an adult a vaccination that is recommended in CDC's *Health Information for International Travel*.

Small Business Effect: Small business pharmacies benefit from the ability to permanently administer influenza and COVID-19 vaccinations to children as young as age 3 and other specified vaccinations to children as young as age 7. Conversely, other health care providers that administer vaccinations may administer fewer of them.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 372 and HB 1232 of 2023.

Designated Cross File: SB 18 (Senators Augustine and Lam) - Finance.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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