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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1267, L.D. 1715, Bill, “An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines”

Amend the bill by striking out all of section 1 and inserting the following:

**Sec. 1. 32 MRSA §13702-A, sub-§28**, as amended by PL 2009, c. 308, §1, is further amended to read:

**28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of ~~influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine and tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the responsibility for advising, when necessary or regulated, of therapeutic values, content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.'

Amend the bill in section 2 in §13755 in the first line (page 1, line 19 in L.D.) by striking out the following: "drug and"

Amend the bill in section 3 by striking out all of subsection 2 (page 1, lines 23 to 38 in L.D.) and inserting the following:

**2. Administration of other vaccines.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis~~

**COMMITTEE AMENDMENT**

1 ~~vaccine, tetanus diphtheria vaccine and booster tetanus diphtheria vaccine vaccines~~  
 2 licensed by the United States Food and Drug Administration that are recommended by  
 3 the United States Centers for Disease Control and Prevention Advisory Committee on  
 4 Immunization Practices, or successor organization, for administration to adults to a  
 5 person 18 years of age or older according to a valid prescription when the person has an  
 6 existing primary care physician or other existing relationship with a nurse practitioner or  
 7 an authorized practitioner in this State. When the person does not have an existing  
 8 relationship with a primary care physician, nurse practitioner or other practitioner in this  
 9 State, the pharmacist may proceed to administer according to a treatment protocol  
 10 established by an authorized practitioner or a written standing order from a practitioner  
 11 authorized under the laws of this State to issue an order, a prescription or a protocol to a  
 12 person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster  
 13 vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine or booster  
 14 tetanus diphtheria vaccine vaccines licensed by the United States Food and Drug  
 15 Administration that are recommended by the United States Centers for Disease Control  
 16 and Prevention Advisory Committee on Immunization Practices, or successor  
 17 organization, for administration to adults.'

18 Amend the bill in section 4 in subsection 4 in the 2nd line (page 2, line 3 in L.D.) by  
 19 striking out the following: "drug and"

20 Amend the bill in section 8 in subsection 1 in the first line (page 3, line 1 in L.D.) by  
 21 striking out the following: "drug and vaccine" and inserting the following: '~~drug~~ vaccine'

22 Amend the bill in section 8 in subsection 1 in the 4th line (page 3, line 4 in L.D.) by  
 23 striking out the following: "drug and"

24 Amend the bill by inserting after section 9 the following:

25 **'Sec. 10. Appropriations and allocations.** The following appropriations and  
 26 allocations are made.

27 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**  
 28 **Administrative Services - Professional and Financial Regulation 0094**

29 Initiative: Provides a one-time allocation in fiscal year 2012-13 for the licensing system  
 30 modification costs associated with allowing a pharmacist or pharmacy to operate a  
 31 vaccine administration clinic.

32	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
33	All Other	\$0	\$2,500
34			
35	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$2,500</u>

36 **Licensing and Enforcement 0352**

37 Initiative: Provides a one-time allocation in fiscal year 2012-13 for the rulemaking costs  
 38 associated with allowing a pharmacist or pharmacy to operate a vaccine administration  
 39 clinic.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
2	All Other	\$0	\$2,500
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$2,500
5	<b>PROFESSIONAL AND FINANCIAL</b>		
6	<b>REGULATION, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
8			
9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$5,000</b>
10			
11	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$5,000</b>
12			

13 **SUMMARY**

14 This amendment narrows the scope of vaccines that a licensed pharmacist may  
 15 administer proposed in the bill from all vaccines licensed by the United States Food and  
 16 Drug Administration to vaccines licensed by the United States Food and Drug  
 17 Administration that are recommended by the United States Centers for Disease Control  
 18 and Prevention Advisory Committee on Immunization Practices for administration to  
 19 adults. It also allows for the administration of a vaccine by a pharmacist according to a  
 20 valid prescription from a nurse practitioner. It also strikes the term "drug" from the  
 21 reference to vaccine clinics to clarify that vaccine clinics are for the administration of  
 22 only vaccines and not other drugs, except those drugs that may be administered in the  
 23 event of an adverse reaction to a vaccine. The amendment also adds an appropriations  
 24 and allocations section.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**