

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2037 Session of 2024

INTRODUCED BY BULLOCK, GROVE, KHAN, O'MARA, DELOZIER, FRITZ, KINSEY, HARKINS, KENYATTA, JAMES, SCHLOSSBERG, SANCHEZ, BOROWSKI, PARKER, GUENST, D. WILLIAMS, CIRESI, FLEMING, DALEY, BOYD, KRAJEWSKI AND GREEN, FEBRUARY 20, 2024

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2024

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),
2 entitled "An act relating to the regulation of the practice
3 of pharmacy, including the sales, use and distribution of
4 drugs and devices at retail; and amending, revising,
5 consolidating and repealing certain laws relating thereto,"
6 further providing for authority to administer injectable
7 medications, biologicals and immunizations and for laboratory
8 waiver.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 9.2(a) introductory paragraph and (5),
12 (c), (d) and (e) of the act of September 27, 1961 (P.L.1700,
13 No.699), known as the Pharmacy Act, ~~amended or added July 11,~~ <--
14 ~~2022 (P.L.1224, No.80),~~ are amended to read:

15 Section 9.2. Authority to Administer Injectable Medications,
16 Biologicals and Immunizations.--(a) The board shall by
17 regulation establish education and training standards and
18 practice guidelines pursuant to which pharmacists shall be
19 authorized to administer injectable medications, biologicals and

1 immunizations to persons [who are more than eighteen years of
2 age and influenza and COVID-19 immunizations by injectable or
3 needle-free delivery methods to persons] five~~]~~ ~~three~~ years of <--
4 age and older. Such standards and guidelines shall include, but
5 not be limited to, the following:

6 * * *

7 (5) For individuals under eighteen years of age, that
8 parental consent be obtained prior to administration.

9 [Administration of influenza and COVID-19 immunizations by
10 injectable or needle-free delivery methods shall be in
11 accordance with the immunization schedule established by the
12 Centers for Disease Control and Prevention.] A PRESCRIPTION FROM <--
13 A MEDICAL PRACTITIONER SHALL BE REQUIRED FOR THE ADMINISTRATION
14 OF AN INJECTABLE OR BIOLOGICAL FOR AN INDIVIDUAL UNDER EIGHTEEN
15 YEARS OF AGE.

16 * * *

17 (c) A supervising pharmacist shall report the administration
18 of immunizations under this section to the immunization registry
19 maintained by the Department of Health within seventy-two hours
20 of immunization administration and to the individual's primary
21 care provider in accordance with subsection (a)(7). Nothing in
22 this subsection shall be construed to prohibit a supervising
23 pharmacist from delegating the reporting of immunization
24 administration to a pharmacy intern or pharmacy technician.

25 (d) A pharmacist [or], pharmacy intern or pharmacy
26 technician who administers an [influenza or COVID-19]
27 immunization to an individual under eighteen years of age shall
28 inform the parent or adult caregiver of the importance of a
29 well-child visit with a pediatrician or other licensed primary
30 care provider and refer the patient as appropriate.

1 (e) A pharmacist who holds the authority to administer
2 injectable medications, biologicals and immunizations may
3 delegate the authority to administer;

4 (1) influenza and COVID-19 immunizations to a certified
5 registered nurse practitioner, physician assistant, registered
6 nurse or licensed practical nurse[.]; or

7 (2) COVID-19 immunizations that are authorized or that are
8 licensed by the United States Food and Drug Administration to

9 persons ~~three~~ EIGHT years of age and older or ~~childhood~~ <--

10 INFLUENZA vaccinations that are recommended by the Advisory <--

11 Committee on Immunization Practices to persons ~~three~~ EIGHT years <--

12 of age and older to a pharmacy technician, if:

13 (i) The pharmacy technician:

14 (A) holds a national certification from the Pharmacy
15 Technician Certification Board or the National Healthcareer
16 Association; or

17 (B) is registered with the board.

18 (ii) The following conditions are met:

19 (A) The supervising qualified pharmacist is readily and
20 immediately available to the qualified pharmacy technician who
21 is administering the immunizations or vaccinations.

22 (B) The qualified pharmacy technician has completed a
23 practical training program that is approved by the Accreditation
24 Council for Pharmacy Education and that includes hands-on
25 injection technique and the recognition and treatment of
26 emergency reactions to vaccines.

27 (C) The qualified pharmacy technician has a current
28 certificate in basic cardiopulmonary resuscitation.

29 Section 2. Section 9.5 of the act is amended to read:

30 Section 9.5. Laboratory Waiver.--If a pharmacy holds a valid

1 certificate of waiver issued by the Centers for Medicare and
2 Medicaid Services, a pharmacy or pharmacist may order and
3 perform laboratory examinations and procedures for COVID-19,
4 influenza, respiratory syncytial virus and streptococcal
5 infections authorized or approved by the United States Food and
6 Drug Administration under the Clinical Laboratory Improvement
7 Amendments of 1988 (Public Law 100-578, 102 Stat. 2903) and
8 shall be exempt from the requirements under section 3 of the act
9 of September 26, 1951 (P.L.1539, No.389), known as "The Clinical
10 Laboratory Act."

11 Section 3. This act shall take effect in 60 days.