

LC 434
2023 Regular Session
44300-029
7/8/22 (SCT/ps)

D R A F T

SUMMARY

Authorizes pharmacists to administer influenza vaccine to persons six months of age or older.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to pharmacists; creating new provisions; amending ORS 689.645; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 689.645 is amended to read:

689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205, a pharmacist may:

(a) Administer vaccines:

(A) To persons who are seven years of age or older; *[or]*

(B) If authorized by the Governor or the Director of the Oregon Department of Emergency Management under ORS 433.441 or the Public Health Director under ORS 433.443 or 433.444, to a person three years of age or older; **or**

(C) To persons who are six months of age or older if the vaccine administered is an influenza vaccine.

(b) Pursuant to a statewide drug therapy management protocol developed by the Public Health and Pharmacy Formulary Advisory Committee convened under ORS 689.649 and adopted by rule of the board, provide approved patient care services including smoking cessation therapy and travel health services.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(c) Using a form prescribed by the board, submit a concept for the development of a protocol, other than the protocols pharmacists may establish under subsection (5) of this section, to the committee for consideration by the committee and recommendation to the board for adoption by rule of the board.

(d) Prescribe and dispense a drug or device included on the formulary established under subsection (6) of this section if the prescription and dispensation is pursuant to a diagnosis by a health care practitioner who has prescriptive authority and is qualified to make the diagnosis.

(2) The board may adopt rules allowing a pharmacist to prescribe vaccines, provide patient care services and submit protocol concepts under subsection (1) of this section. The rules related to the prescription of vaccines may be only as broad as necessary to enable pharmacists to enroll and participate in the Vaccines for Children Program administered by the Centers for Disease Control and Prevention.

(3) The board is authorized to issue, to licensed pharmacists who have completed training accredited by the Centers for Disease Control and Prevention, the Accreditation Council for Pharmacy Education or a similar health authority or professional body, certificates of special competency in the prescription and administration of vaccines.

(4) The board shall adopt rules relating to the reporting of the prescription and administration of vaccines to a patient's primary health care provider and to the Oregon Health Authority.

(5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription and administration of vaccines and the provision of patient care services under subsection (1) of this section.

(6)(a) The board shall establish by rule a formulary of drugs and devices, as recommended by the committee, that a pharmacist may prescribe and dispense to a patient pursuant to a diagnosis by a health care practitioner who has prescriptive authority and who is qualified to make the diagnosis.

(b) The formulary may include post-diagnostic drugs and devices such as

1 diabetic testing supplies, emergency refills of insulin, albuterol inhalers,
2 epinephrine autoinjectors, smoking cessation aids, discharge medications for
3 transitions of care, rapid strep tests and spacers.

4 **SECTION 2. (1) The amendments to ORS 689.645 by section 1 of this**
5 **2023 Act become operative on January 1, 2024.**

6 **(2) The State Board of Pharmacy may take any action before the**
7 **operative date specified in subsection (1) of this section that is neces-**
8 **sary to enable the board to exercise, on and after the operative date**
9 **specified in subsection (1) of this section, all of the duties, functions**
10 **and powers conferred on the board by the amendments to ORS 689.645**
11 **by section 1 of this 2023 Act.**

12 **SECTION 3. This 2023 Act takes effect on the 91st day after the date**
13 **on which the 2023 regular session of the Eighty-second Legislative**
14 **Assembly adjourns sine die.**