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Senate Bill 219 (as introduced 3-21-23)
Sponsor: Senator Sylvia Santana
Committee: Health Policy

Date Completed: 4-12-23

CONTENT

The bill would amend the Public Health Code to allow a pharmacist to administer an immunizing agent without direction of a physician if the pharmacist met certain conditions and allow a pharmacist to delegate the administration of an immunizing agent and certain diagnostic laboratory tests to a pharmacy technician who was otherwise qualified.

Administration of Immunization Agent

Part 92 (Immunizations) of the Code allows a health care professional other than a physician to administer an immunizing agent if the agent is being administered under the direction of a physician. Under the bill, a pharmacist could order and administer, without acting under the direction of a physician, an immunizing agent to an individual who was two and a half years of age or older if the immunizing agent were approved or authorized for use by the U.S. Food and Drug Administration (FDA).

"Immunizing agent" would mean a vaccine, antibody preparation, or other substance used to increase an individual's immunity to a disease or infectious agent.

Delegation of Tasks

Additionally, the bill would modify Part 177 (Pharmacy Practice and Drug Control) to specify that, subject to Section 16215, a pharmacist could delegate the administration of an immunizing agent to a pharmacy technician who was otherwise qualified by education, training, or experience. (Section 16215 allows a licensee who holds a license other than a health care profession subfield license who meets certain conditions to delegate tasks to an individual who is otherwise qualified to do those tasks and is under the licensee's supervision.)

The bill would require a pharmacist or pharmacy technician who administered an immunizing agent under the bill to comply with guidelines established by the Board of Pharmacy in addition to any other requirement established by law, including Section 9206. (Generally, Section 9206 requires a health care provider administering an immunizing agent to a child to present a certificate of immunization to the person accompanying the child and report the immunization to the Department of Health and Human Services.)

Under the bill, in accordance with Section 16215, a pharmacist could delegate the administration of the diagnostic laboratory tests classified by the FDA as waived, advising the patient on the results, and referring patients to prescribers for follow up care to a pharmacy technician who was otherwise qualified by education, training, or experience.

Under the Code, "practice of pharmacy" means a health service, the clinical application of which includes the encouragement of safety and efficacy in the prescribing, dispensing,

administering, and the use of drugs and related articles for the prevention of illness, the maintenance of management of health. The term includes the direct or indirect provision of professional functions and services associated with the practice of pharmacy that include the following:

- The interpretation and evaluation of the prescription.
- Drug product selection.
- The compounding, dispensing, safe storage, and distribution of drugs and devices.
- The maintenance of legally required records.
- Advising the prescriber and the patient as required as to contents, therapeutic action, utilization, and possible adverse reactions or interactions of drugs.

Under the bill, the professional functions associated with the practice of pharmacy also would include ordering and administering immunization agents and administering diagnostic laboratory tests classified by the FDA as waived, advising the patient on the results, and referring patients to prescribers for follow up care.

MCL 333.9204 et al.

PREVIOUS LEGISLATION

(Please note: The information in this summary provides a cursory overview of previous legislation and its progress. It does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of House Bill 6469 of the 2021-2022 Legislative Session.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jonah Houtz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.