

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1464

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-26-13-31.2, AS AMENDED BY P.L.197-2011, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 31.2. (a) A pharmacist may administer an immunization to an individual under a drug order or prescription.

(b) **Subject to subsection (c), a pharmacist may administer ~~an immunization~~ immunizations for the following to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician:**

- (1) Influenza. ~~or~~
- (2) Shingles (herpes zoster). ~~to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician~~
- (3) Pneumonia.
- (4) Tetanus, diphtheria, and acellular pertussis (whooping cough).
- (5) Human papillomavirus (HPV) infection.
- (6) Meningitis.

(c) **A pharmacist may administer an immunization under subsection (b) if the following requirements are met:**

- (1) The physician specifies in the drug order, prescription, or protocol the group of individuals to whom the immunization may



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be administered.

(2) The physician who writes the drug order, prescription, or protocol is licensed **and actively practicing with a medical office** in Indiana and not employed by a pharmacy.

(3) The pharmacist who administers the immunization is responsible for notifying, not later than fourteen (14) days after the pharmacist administers the immunization, the physician who authorized the immunization and the individual's primary care physician that the individual received the immunization.

(4) If the physician uses a protocol, the protocol may apply only to an individual or group of individuals who: **are at least:**

(A) ~~fourteen (14)~~ **except as provided in clause (B), are at least eleven (11) years of age; but less than eighteen (18) years of age; if the pharmacist receives the consent of a parent or legal guardian, and the parent or legal guardian is present at the time of immunization; or**

(B) ~~eighteen (18)~~ **for the pneumonia immunization under subsection (b)(3), are at least sixty-five (65) years of age.**

(5) **Before administering an immunization to an individual according to a protocol approved by a physician, the pharmacist must receive the consent of one (1) of the following:**

(A) **If the individual to whom the immunization is to be administered is at least eleven (11) years of age but less than eighteen (18) years of age, the parent or legal guardian of the individual.**

(B) **If the individual to whom the immunization is to be administered is at least eighteen (18) years of age but has a legal guardian, the legal guardian of the individual.**

(C) **If the individual to whom the immunization is to be administered is at least eighteen (18) years of age but has no legal guardian, the individual.**

A parent or legal guardian who is required to give consent under this subdivision must be present at the time of immunization.

~~(e)~~ (d) **If the state department of health or the department of homeland security determines that an emergency exists, a pharmacist may administer any immunization in accordance with:**

(1) the requirements of subsection ~~(b)(1)~~ (c)(1) through ~~(b)(3);~~ (c)(3); and

(2) any instructions in the emergency determination.

(e) A pharmacist or pharmacist's designee shall provide

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immunization data to the immunization data registry (IC 16-38-5) in a manner prescribed by the state department of health unless:

- (1) the individual receiving the immunization;
- (2) the parent of the individual receiving the immunization, if the individual receiving the immunization is less than eighteen (18) years of age; or
- (3) the legal guardian of the individual receiving the immunization, if a legal guardian has been appointed;

has completed and filed with the pharmacist or pharmacist's designee a written immunization data exemption form, as provided in IC 16-38-5-2.

(f) If an immunization is administered under a protocol, then the name, license number, and contact information of the physician who wrote the protocol must be posted in the location where the immunization is administered. A copy of the protocol must be available for inspection by the individual receiving the immunization.

SECTION 2. IC 25-26-13-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 31.5. (a) Subject to rules adopted under subsection (c), a pharmacist intern or a pharmacist student may administer an immunization to an individual under a drug order or prescription.**

(b) Subject to rules adopted under subsection (c), a pharmacist intern or a pharmacist student may administer an immunization to an individual or a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacist intern or a pharmacist student who administers an immunization to an individual or group of individuals. The rules adopted under this section:

- (1) must provide for the direct supervision of the pharmacist intern or pharmacist student by a pharmacist, a physician, a physician assistant, or an advanced practice nurse; and**
- (2) may not be less stringent than the requirements applying to a pharmacist who administers an immunization to an individual as provided under section 31.2 of this chapter.**

SECTION 3. [EFFECTIVE JULY 1, 2013] **(a) As used in this SECTION, "committee" refers to the interim study committee on adult and children immunization issues, as established by subsection (b).**



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(b) There is established the interim study committee on adult and children immunization issues. The committee shall study and make recommendations concerning programs, policies, and methods that could be implemented to improve the immunization rate of adults and children in Indiana.

(c) The committee shall operate under the policies and procedures governing study committees adopted by the legislative council.

(d) The committee consists of the following voting members:

(1) Two (2) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than one (1) of whom may be a member of the same political party.

(2) Two (2) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than one (1) of whom may be a member of the same political party.

(3) The commissioner of the state department of health, or the commissioner's designee.

(4) One (1) pediatrician appointed by the commissioner of the state department of health.

(5) One (1) representative of a federally qualified health center appointed by the governor.

The chairman of the legislative council shall appoint a chairperson of the committee from the members appointed under subdivisions (1) or (2).

(e) The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 31, 2013.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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