

House Bill 416 (AS PASSED HOUSE AND SENATE)

By: Representatives Silcox of the 53<sup>rd</sup>, Cooper of the 45<sup>th</sup>, Stephens of the 164<sup>th</sup>, Reese of the 140<sup>th</sup>, Hawkins of the 27<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to the practice of pharmacy, so as to authorize qualified pharmacy technicians to  
3 administer certain vaccines; to provide for a definition; to provide for conditions; to provide  
4 for requirements for qualification; to provide requirements for the supervising pharmacist;  
5 to provide for rules and regulations; to provide for statutory construction; to amend Code  
6 Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol  
7 agreements, so as to revise a provision regarding delegation of authority by a pharmacist; to  
8 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the  
13 practice of pharmacy, is amended by adding a new Code section to read as follows:

14 "26-4-52.

15 (a) As used in this Code section, the term 'vaccine' means any COVID-19 vaccine and any  
16 vaccine that is included on the adult immunization schedule recommended by the Advisory

17 Committee on Immunization Practices of the federal Centers for Disease Control and  
18 Prevention.

19 (b) At the discretion of a supervising pharmacist, a qualified pharmacy technician may be  
20 authorized to administer vaccines pursuant to this Code section under the following  
21 conditions:

22 (1) The vaccine administration has been delegated by the supervising pharmacist to the  
23 qualified pharmacy technician;

24 (2) The supervising pharmacist shall be readily and immediately available to the  
25 qualified pharmacy technician administering the vaccine;

26 (3) The vaccine shall be administered only to individuals 18 years of age or older;

27 (4) The vaccine being administered shall be authorized or licensed for use by the federal  
28 Food and Drug Administration; and

29 (5) In the case of a COVID-19 vaccine, the vaccine shall be dispensed and administered  
30 according to the Advisory Committee on Immunization Practices of the federal Centers  
31 for Disease Control and Prevention COVID-19 vaccine recommendations.

32 (c) In order to become a qualified pharmacy technician and be authorized to administer  
33 vaccines pursuant to this Code section, a pharmacy technician shall:

34 (1) Have completed a course of training accredited by the Accreditation Council for  
35 Pharmacy Education or similar health authority or professional body approved by the  
36 board that includes hands-on injection techniques and the recognition and treatment of  
37 emergency reactions to vaccines;

38 (2) Hold current certification in Basic Cardiac Life Support; and

39 (3) Have completed a minimum of two hours of training of immunization related  
40 continuing pharmacy education approved by the Accreditation Council for Pharmacy  
41 Education or similar health authority or professional body approved by the board during  
42 each biennium preceding application for renewal of his or her certificate of registration.

43 (d) The supervising pharmacist shall:

- 44 (1) Comply with record-keeping and reporting requirements established by the board;  
45 (2) Make documented reasonable efforts to obtain the name of the patient's primary care  
46 provider and to notify such primary care provider of the vaccine administered by the  
47 qualified pharmacy technician within 72 hours of administration;  
48 (3) Be responsible for complying with requirements related to reporting adverse events;  
49 (4) Check the Georgia Registry of Immunization Transactions and Services established  
50 pursuant to Code Section 31-12-3.1 prior to dispensing the vaccine to be administered by  
51 the qualified pharmacy technician and enter the patient's vaccine information in such  
52 registry in accordance with the registry's designated time frame and other requirements;  
53 and  
54 (5) Comply with any applicable requirements or conditions of use set forth in the federal  
55 Centers for Disease Control and Prevention COVID-19 vaccine provider agreement and  
56 any other federal requirements that apply to the administration of COVID-19 vaccines.  
57 (e) The board shall promulgate rules and regulations necessary to implement the  
58 provisions of this Code section.  
59 (f) Nothing in this Code section shall be construed to require any pharmacist to authorize  
60 a pharmacy technician to administer vaccines pursuant to this Code section or to require  
61 any pharmacy technician to administer vaccines pursuant to this Code section.  
62 (g) Nothing in this Code section shall be construed to authorize a qualified pharmacy  
63 technician to order vaccines."

64

**SECTION 2.**

65 Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine  
66 protocol agreements, is amended by revising subsection (e) as follows:

67 "(e)(1) A pharmacist who is a party to a vaccine protocol agreement pursuant to this  
68 Code section shall not delegate the administration of a vaccine to any individual other  
69 than:

70 (A) A a pharmacy intern; or

71 (B) A qualified pharmacy technician in accordance with paragraph (2) of this  
72 subsection.

73 under the direct supervision of the pharmacist whether or not any such other individual  
74 is under the supervision, direct or otherwise, of the pharmacist.

75 (2) A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code  
76 section may authorize one or more qualified pharmacy technicians to administer vaccines  
77 pursuant to Code Section 26-4-52 so long as:

78 (A) The physician with whom the vaccine protocol agreement is entered into has  
79 approved such authorization; and

80 (B) Such authorization is included in the vaccine protocol agreement between the  
81 physician and pharmacist."

82 **SECTION 3.**

83 This Act shall become effective upon its approval by the Governor or upon its becoming law  
84 without such approval.

85 **SECTION 4.**

86 All laws and parts of laws in conflict with this Act are repealed.