

Senate Engrossed House Bill

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 41

# **HOUSE BILL 2164**

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1974; AMENDING SECTION 36-135, ARIZONA REVISED STATUTES; RELATING TO IMMUNIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
3 is amended by adding section 32-1974, to read:

4 32-1974. Pharmacists; administration of immunizations, vaccines  
5 and emergency medications; certification; reporting  
6 requirements; list of prescription only medications;  
7 advisory committee; definition

8 A. EXCEPT AS PRESCRIBED PURSUANT TO SUBSECTION G OF THIS SECTION, A  
9 PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO MEETS THE  
10 REQUIREMENTS OF THIS SECTION MAY ADMINISTER THE FOLLOWING TO ADULTS WITHOUT A  
11 PRESCRIPTION ORDER PURSUANT TO RULES AND PROTOCOLS ADOPTED BY THE BOARD  
12 PURSUANT TO THIS SECTION:

13 1. IMMUNIZATIONS OR VACCINES LISTED IN THE UNITED STATES CENTERS FOR  
14 DISEASE CONTROL AND PREVENTION'S RECOMMENDED ADULT IMMUNIZATION SCHEDULE.

15 2. IMMUNIZATIONS OR VACCINES RECOMMENDED BY THE UNITED STATES CENTERS  
16 FOR DISEASE CONTROL AND PREVENTION'S HEALTH INFORMATION FOR INTERNATIONAL  
17 TRAVEL.

18 B. A PHARMACIST WHO WISHES TO ADMINISTER IMMUNIZATIONS AND VACCINES  
19 PURSUANT TO SUBSECTION A OF THIS SECTION MUST BE CERTIFIED TO DO SO BY THE  
20 BOARD. THE BOARD SHALL ISSUE A CERTIFICATE TO A PHARMACIST WHO MEETS BOARD  
21 REQUIREMENTS FOR CERTIFICATION AS PRESCRIBED BY THE BOARD BY RULE.

22 C. A PHARMACIST WHO IS CERTIFIED TO ADMINISTER IMMUNIZATIONS AND  
23 VACCINES PURSUANT TO THIS SECTION MAY ADMINISTER EMERGENCY MEDICATION TO  
24 MANAGE AN ACUTE ALLERGIC REACTION TO AN IMMUNIZATION OR VACCINE.

25 D. A PHARMACIST WHO ADMINISTERS AN IMMUNIZATION, VACCINE OR EMERGENCY  
26 MEDICATION PURSUANT TO THIS SECTION MUST:

27 1. REPORT THE ADMINISTRATION TO THE PERSON'S PRIMARY CARE PROVIDER OR  
28 PHYSICIAN, IF THE PRIMARY CARE PROVIDER OR PHYSICIAN IS AVAILABLE, WITHIN  
29 FORTY-EIGHT HOURS AFTER ADMINISTERING THE IMMUNIZATION, VACCINE OR EMERGENCY  
30 MEDICATION AND AS PRESCRIBED BY THE BOARD BY RULE.

31 2. REPORT INFORMATION TO ANY ADULT IMMUNIZATION INFORMATION SYSTEM OR  
32 VACCINE REGISTRY ESTABLISHED BY THE DEPARTMENT OF HEALTH SERVICES.

33 3. MAINTAIN A RECORD OF THE IMMUNIZATION PURSUANT TO TITLE 12, CHAPTER  
34 13, ARTICLE 7.1 AND AS PRESCRIBED BY THE BOARD BY RULE.

35 4. PARTICIPATE IN ANY FEDERAL VACCINE ADVERSE EVENT REPORTING SYSTEM  
36 OR SUCCESSOR DATABASE.

37 E. NOTHING IN THIS SECTION CREATES A CAUSE OF ACTION AGAINST A  
38 PATIENT'S PRIMARY CARE PROVIDER FOR ANY ADVERSE REACTION, COMPLICATION OR  
39 NEGATIVE OUTCOME ARISING FROM THE ADMINISTRATION OF ANY IMMUNIZATION, VACCINE  
40 OR EMERGENCY MEDICATION BY A PHARMACIST TO A PATIENT PURSUANT TO THIS  
41 SECTION.

42 F. THE BOARD SHALL ADOPT RULES FOR THE ADMINISTRATION OF VACCINES OR  
43 IMMUNIZATIONS PURSUANT TO THIS SECTION REGARDING:

1           1. PROTOCOLS THAT ARE BASED ON PROTOCOLS APPROVED BY THE UNITED STATES  
2 CENTERS FOR DISEASE CONTROL AND PREVENTION AND ANY ADVISORY COMMITTEE  
3 APPOINTED BY THE BOARD FOR THE PURPOSE OF RECOMMENDING PROTOCOLS.

4           2. RECORD KEEPING AND REPORTING REQUIREMENTS.

5           3. REQUIREMENTS AND QUALIFICATIONS FOR PHARMACIST CERTIFICATION  
6 PURSUANT TO THIS SECTION.

7           4. VACCINE INFORMATION AND EDUCATIONAL MATERIALS FOR THOSE REQUESTING  
8 VACCINES AND IMMUNIZATIONS.

9           5. THE ADMINISTRATION OF EMERGENCY MEDICATION PURSUANT TO THIS  
10 SECTION.

11           G. THE DEPARTMENT OF HEALTH SERVICES, BY RULE, SHALL ESTABLISH AND  
12 MAINTAIN A LIST OF IMMUNIZATIONS OR VACCINES THAT MAY BE ADMINISTERED BY A  
13 PHARMACIST ONLY PURSUANT TO A PRESCRIPTION ORDER. IN ADOPTING AND  
14 MAINTAINING THIS LIST, THE DEPARTMENT IS EXEMPT FROM THE RULE MAKING  
15 REQUIREMENTS OF TITLE 41, CHAPTER 6. THE DEPARTMENT SHALL ADOPT ITS INITIAL  
16 RULES WITHIN SIX MONTHS AFTER RECEIPT OF THE RECOMMENDATIONS OF THE ADVISORY  
17 COMMITTEE APPOINTED BY THE BOARD AND SHALL HOLD ONE PUBLIC HEARING BEFORE  
18 IMPLEMENTING THE RULES AND ANY AMENDMENTS TO THE RULES. THE LIST SHALL  
19 INCLUDE THOSE IMMUNIZATIONS OR VACCINES LISTED IN THE UNITED STATES CENTERS  
20 FOR DISEASE CONTROL AND PREVENTION'S RECOMMENDED ADULT IMMUNIZATION SCHEDULE  
21 OR RECOMMENDED BY THE UNITED STATES CENTERS FOR DISEASE CONTROL AND  
22 PREVENTION'S HEALTH INFORMATION FOR INTERNATIONAL TRAVEL THAT HAVE ADVERSE  
23 REACTIONS THAT COULD CAUSE SIGNIFICANT HARM TO A PATIENT'S HEALTH. A  
24 PHARMACIST MAY NOT ADMINISTER IMMUNIZATIONS OR VACCINES WITHOUT A  
25 PRESCRIPTION ORDER PURSUANT TO THIS SECTION BEFORE THE DEPARTMENT HAS  
26 ESTABLISHED THE LIST PURSUANT TO THIS SUBSECTION. THE BOARD MAY NOT  
27 AUTHORIZE A PHARMACIST TO ADMINISTER NEW IMMUNIZATIONS OR VACCINES WITHOUT A  
28 PRESCRIPTION ORDER PURSUANT TO THIS SECTION UNTIL THE DEPARTMENT REVIEWS THE  
29 NEW IMMUNIZATIONS AND VACCINES TO DETERMINE IF THEY SHOULD BE ADDED TO THE  
30 LIST ESTABLISHED PURSUANT TO THIS SUBSECTION.

31           H. THE BOARD MAY APPOINT AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN  
32 ADOPTING AND AMENDING RULES AND DEVELOPING PROTOCOLS RELATING TO THE  
33 ADMINISTRATION OF IMMUNIZATIONS, VACCINES AND EMERGENCY MEDICATIONS AND  
34 CERTIFICATION REQUIREMENTS.

35           I. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY MEDICATION" MEANS  
36 EMERGENCY EPINEPHRINE AND DIPHENHYDRAMINE.

37           Sec. 2. Section 36-135, Arizona Revised Statutes, is amended to read:

38           36-135. Child immunization reporting system; requirements;  
39                                   access; confidentiality; immunity; violation;  
40                                   classification

41           A. The child immunization reporting system is established in the  
42 department to collect, store, analyze, release and report immunization data.

43           B. Beginning on January 1, 1998, a health care professional who is  
44 licensed under title 32 to provide immunizations ~~shall~~, except as provided in  
45 subsection I, SHALL report the following information:

1           1. The health care professional's name, business address and business  
2 telephone number.

3           2. The child's name, address, ~~the child's~~ social security number if  
4 known and not confidential, gender, date of birth and mother's maiden name.

5           3. The type of vaccine administered and the date it is administered.

6           C. The health care professional may submit this information to the  
7 department on a weekly or monthly basis by telephone, facsimile, mail,  
8 computer or any other method prescribed by the department.

9           D. Except as provided in subsection I, the department shall release  
10 identifying information only to the ~~child's~~ PERSON'S health care  
11 professional, parent, ~~OR~~ guardian, health care service SERVICES  
12 organization, the Arizona health care cost containment system and its  
13 providers as defined in ~~title 36,~~ chapter 29 OF THIS TITLE, or a school  
14 official who is authorized by law to receive and record immunization  
15 records. The department may, by rule, MAY release immunization information  
16 to persons for a specified purpose. The department may release  
17 nonidentifying summary statistics.

18           E. Identifying information in the system is confidential. A person  
19 who is authorized to receive confidential information under subsection D  
20 shall not disclose this information to any other person.

21           F. A health care professional who provides information in good faith  
22 pursuant to this section is not subject to civil or criminal liability.

23           G. A health care professional who does not comply with the  
24 requirements of this section violates a law ~~or task~~ applicable to the  
25 practice of medicine and COMMITS an act of unprofessional conduct.

26           H. Any agency or person receiving confidential information from the  
27 system who subsequently discloses that information to any other person is  
28 guilty of a class 3 misdemeanor.

29           I. At the request of the PERSON, OR IF THE PERSON IS A CHILD THE  
30 child's parent or guardian, the department of health services shall provide a  
31 form to be signed that allows confidential immunization information to be  
32 withheld from all persons including persons authorized to receive  
33 confidential information pursuant to subsection D. If the request is  
34 delivered to the health care professional prior to the immunization, the  
35 health care professional shall not forward the information required under  
36 subsection B to the department.

37           Sec. 3. Immunizations and vaccines advisory committee;  
38                           membership; duties

39           A. The board of pharmacy shall appoint an immunizations and vaccines  
40 advisory committee to assist the board in adopting and amending rules and  
41 developing protocols relating to the administration of immunizations,  
42 vaccines and emergency medications and certification requirements pursuant to  
43 section 32-1974, Arizona Revised Statutes. The advisory committee shall also  
44 make recommendations to the department of health services regarding the list  
45 required pursuant to that section.

1           B. The advisory committees shall include the following members who  
2 have significant experience and expertise in immunizations or vaccines:  
3           1. Two pharmacists who are licensed pursuant to this chapter.  
4           2. One physician who is licensed pursuant to title 32, chapter 13,  
5 Arizona Revised Statutes, and who specializes in primary care.  
6           3. One physician who is licensed pursuant to title 32, chapter 17,  
7 Arizona Revised Statutes, and who specializes in primary care.  
8           4. One registered nurse who is licensed pursuant to title 32, chapter  
9 15, Arizona Revised Statutes, and who has prescribing and dispensing  
10 authority.  
11           5. One physician assistant who is licensed pursuant to title 32,  
12 chapter 25, Arizona Revised Statutes.  
13           6. One representative from a nonprofit immunization organization that  
14 works to establish a comprehensive, sustained community program for the  
15 immunization of the citizens of this state.  
16           C. Advisory committee members are not eligible for compensation or  
17 reimbursement of expenses.  
18           Sec. 4. Delayed repeal  
19           Section 3 of this act, relating to the immunizations and vaccines  
20 advisory committee, is repealed from and after December 31, 2011.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 9, 2009

Passed the Senate June 28, 2009

by the following vote: 56 Ayes,

by the following vote: 28 Ayes,

3 Nays, 1 Not Voting

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2164

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

June 29, 2009,

by the following vote: 52 Ayes,

1 Nays, 7 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1<sup>st</sup> day of July, 2009

at 8:25 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

July 2009, 2009,

at 9:45 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2164

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of July, 2009,

at 12:30 o'clock P. M.

[Signature]  
Secretary of State