

EXPANDED PHARMACIST, PHARMACY TECHNICIAN, AND PHARMACY INTERN VACCINATION AUTHORITY UNDER AMENDED G.S. § 90-85.15B

On May 19, 2023, Governor Cooper signed S.L. 2023-15 into law. Among other things, this statute amends G.S. § 90-85.15B (part of the Pharmacy Practice Act) to expand the state-law authority of pharmacists, pharmacy interns, and pharmacy technicians to administer vaccines.

This document details the broader state-law vaccination authority for pharmacy personnel, as well as how this broader authority intersects with PREP Act declaration-based authority that has been extended through December 31, 2024, and the North Carolina State Health Director’s standing orders for pharmacist-administered COVID-19 vaccines that are valid through December 31, 2023.

Q. When does this new authority go into effect?

A. The new authority is effective May 19, 2023.

Q. What vaccines may pharmacists administer pursuant to prescription?

A. A pharmacist may administer any vaccine to a patient 18 years of age or older pursuant to a prescription order.

Q. What vaccines may pharmacists administer pursuant to protocol?

A. A pharmacist may administer any vaccine recommended by the Advisory Committee on Immunization Practices (“ACIP”) to a patient 18 years of age or older pursuant to written protocols developed in compliance with [Board Rule 2507\(b\)\(12\)](#). Immunizing pharmacists should review their written protocols and, in consultation with the supervising physician, make any needed or desired changes to its scope.

NOTE This broader protocol-based authority is located in new paragraph (a1) of G.S. § 90-85.15B, which replaced prior paragraph (b)’s narrower list of allowed protocol-based vaccines. There is a known typographical error in paragraph (a) of amended G.S. § 90-85.15B. It still refers to “subsection (b)” as an exception to the prescription requirement for vaccines instead of subsection (a1). This is simply a typographical error. Amended G.S. § 90-85.15B specifically grants, in paragraph (a1), pharmacists broader protocol-based administration authority. This typographical error will be corrected in due course by a technical change.

Q. What vaccines may pharmacists administer to patients under the age of 18?

A. Upon obtaining written consent from the parent or legal guardian of a patient under 18 years of age, an immunizing pharmacist may, pursuant to written protocols developed in compliance with [Board Rule 2507\(b\)\(12\)](#), administer to a patient at least 7 years of age: (i) influenza vaccine; (ii) a COVID-19 vaccine recommended by the Advisory Committee on Immunization Practices; (iii) a COVID-19 vaccine authorized under an FDA Emergency Use Authorization and recommended by ACIP; or (iv) a combination influenza/COVID-19 vaccine recommended by ACIP.

At the time the immunizing pharmacist obtains written consent from the patient's parent or legal guardian, an immunizing pharmacist, technician, or intern must inform the parent or legal guardian of the importance of a well-child visit with a pediatrician, family physician, or other licensed primary care provider.

Immunizing pharmacists should review their written protocols and, in consultation with the supervising physician, make any needed or desired changes to its scope.

Q. What vaccines may pharmacy interns and pharmacy technicians administer?

A. Properly trained and supervised pharmacy interns and pharmacy technicians may administer any vaccine that an immunizing pharmacist is authorized to administer.

Pharmacy interns and technicians must have completed a practical training program approved by ACPE that includes hands-on injection technique and the recognition and treatment of emergency reactions to vaccines.

Pharmacy interns and technicians must hold a current certificate in basic cardiopulmonary resuscitation.

Pharmacy technicians must complete two hours of ACPE-approved, immunization-related continuing education each year. ***Note*** [Board Rule 2507](#) previously required the technician to obtain three hours of ACPE-approved, immunization training every two years. Pharmacy technicians will need to adjust their continuing education quantity and schedule to comply with the new statutory requirement.

[Board Rule 2507\(c\)](#) further specifies that a pharmacy technician must:

- Notify the Board of Pharmacy of immunizing technician status. The technician must make this notification by logging into their profile on the Board's licensure gateway – <https://portal.ncbop.org/> – and updating their status as an immunizing technician.

- Be supervised by an immunizing pharmacist who is responsible for ensuring compliance with all legal requirements for vaccinations administered by the technicians.
- Either (i) have an immunizing pharmacist on site and readily available to assist as needed; or (ii) have another licensed health care provider authorized to administer vaccines on site and readily available to assist as needed and a supervising pharmacist readily available by phone or other telecommunications method for consultation as needed.
- Have the supervising immunizing pharmacist or other authorized health care provider review the patient's vaccine registration or other vaccination records and any screening questionnaire prior to administering a vaccine.
- Make an offer to counsel prior to administering the vaccine.

Q. How does this expanded state-law authority intersect with federal PREP Act declarations?

A. The federal Department of Health and Human Services has extended certain (but not all) PREP Act declarations authorizing pharmacists, pharmacy interns, and pharmacy technicians to order (in the case of pharmacists) and administer (in the case of pharmacists, interns, and technicians) vaccines through December 31, 2024.

Specifically, the PREP Act declarations continue to authorize pharmacists to order and administer COVID-19 and flu vaccines to patients age three (3) years and older. Pharmacists may continue to exercise this broader PREP Act authority, which preempts more restrictive state law authority, through December 31, 2024.

NOTE PREP Act declaration authority for pharmacists to order and administer ACIP-recommended vaccinations to patients age 3 to 18 was not extended and expired with the end of the federal declaration of emergency on May 11, 2023. Pharmacist administration of vaccines to pediatric patients is, therefore, governed by North Carolina law as detailed above and, in the case of COVID-19 vaccines, by the State Health Director's standing orders discussed below.

More information on the PREP Act declaration extension is found here: [Eleventh Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19](#)

- Q. How does this expanded state-law authority intersect with the State Health Director's standing orders for pharmacist-administered vaccines?
- A. State Health Director Tilson's standing orders for pharmacist-administered COVID-19 vaccines provides a third (along with the state law and PREP Act declarations discussed above) direct authorization for pharmacist-administered vaccines. Dr. Tilson's standing orders for pharmacist-administered COVID-19 vaccines are found here: <https://www.dph.ncdhhs.gov/HDSO-pharmacists.htm> Those orders remain in effect until the Dr. Tilson rescinds them or December 31, 2023. [Section 9G.7 of S.L. 2022-74](#)