

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 46 – BOARD OF PHARMACY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to adopt the rule cited as 21 NCAC 46 .2517.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncbop.org/rulemakings.htm>

**Proposed Effective Date:** August 1, 2026

**Public Hearing:**

**Date:** March 17, 2026

**Time:** 9:00 a.m.

**Location:** North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517

**Reason for Proposed Action:** *Session Law 2025-37 authorized pharmacists to test and treat patients for influenza. That authority was first implemented by two standing orders issued by the State Health Director on September 30, 2025, after input from stakeholders. Pharmacists have implemented the standing orders since then with no reported incidents. Following issuance of the standing orders, the Session Law directed the Board of Pharmacy and the Medical Board to adopt rules and protocols. Each Board has proposed adopting protocols that are substantively identical to the standing orders, and has proposed the rules that incorporate the protocols by reference.*

**Comments may be submitted to:** Jay Campbell, North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517; email [ncboprulemaking@ncbop.org](mailto:ncboprulemaking@ncbop.org)

**Comment period ends:** May 1, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### SECTION .2500 - MISCELLANEOUS PROVISIONS

#### 21 NCAC 46 .2517 INFLUENZA TEST AND TREAT

In accordance with the protocols issued by the State Health Director and adopted by the Medical Board and the Board of Pharmacy pursuant to S.L. 2025-37, s. 5.3.(b), including any amendments adopted by the Medical Board and the Board of Pharmacy, a pharmacist may either:

- (1) Order and perform a CLIA-waved test for influenza and initiate treatment pursuant to the results of the CLIA-waived test; or
- (2) Initiate prophylactic treatment for certain high-risk patients who have been exposed to influenza.

These protocols are available at the Board of Pharmacy's office and on its website ([www.ncbop.org](http://www.ncbop.org)). The pharmacist shall maintain records of compliance with the protocols for three years.

History Note: Authority G.S. 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3;  
Eff. August 1, 2026.