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## SENATE BILL No. 221

Proposed Changes to introduced printing by AM022102

### DIGEST OF PROPOSED AMENDMENT

Pharmacy organizational policy. Requires a pharmacy to have an organizational policy permitting a pharmacist to limit the provision of ancillary services and access points.

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

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

- 1 SECTION 1. IC 16-19-4-11, AS AMENDED BY P.L.1-2022,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 11. (a) The state health commissioner or the  
4 commissioner's designated public health authority who is a licensed  
5 prescriber ~~may~~; **shall**, as part of the individual's official capacity, issue  
6 a standing order, prescription, or protocol that allows a pharmacist to  
7 administer, ~~or~~ dispense, **test, treat, or prescribe** any of the following:  
8 (1) An immunization that is ~~recommended by the federal Centers~~  
9 ~~for Disease Control and Prevention Advisory Committee on~~  
10 ~~Immunization Practices~~ **approved or authorized by the federal**  
11 **Food and Drug Administration** for individuals who are not less  
12 than eleven (11) years of age.  
13 (2) A smoking cessation product. However, the pharmacist must  
14 inform the patient that the patient must have a follow-up  
15 consultation with the patient's licensed prescriber.  
16 (3) **Point of care testing that has been approved or**  
17 **authorized by the federal Food and Drug Administration and**  
18 **categorized as Clinical Laboratory Improvement**  
19 **Amendments (CLIA)-waived under 42 U.S.C. 263a for the**  
20 **following conditions:**

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(A) COVID-19.

(B) Group B streptococcus.

(C) Respiratory syncytial virus (RSV).

(D) Influenza.

(4) A prescription for, including the dispensing of, a medication that meets the following:

(A) Is indicated for the treatment of a diagnosed condition.

(B) Is authorized by the federal Food and Drug Administration for treatment of the diagnosed condition.

(C) Is included on a protocol list that is established by the Indiana board of pharmacy, in consultation with the state department.

(b) This subsection does not apply to a pharmacist. The state health commissioner or the commissioner's designated public health authority who is a licensed prescriber may, as part of the individual's official capacity, issue a standing order, prescription, or protocol that allows an individual who is licensed, certified, or registered by a board (as defined in IC 25-1-9-1), and if within the individual's scope of practice, to administer or dispense an immunization that is recommended by the federal Centers for Disease Control and Prevention Advisory Committee on Immunization Practices approved or authorized by the federal Food and Drug Administration for individuals who are not less than eleven (11) years of age.

(c) A standing order described in subsection (a) or (b) or (e) must include the following:

(1) The purpose of the order.

(2) The eligible recipients.

(3) The geographic area covered by the standing order.

(4) The procedure for administering or dispensing the immunization or product.

(5) A timeline for renewing or updating the standing order.

(d) The state health commissioner or designated public health authority who issues a standing order, prescription, or protocol under subsection (a) or (b) or (e) is immune from civil liability related to the issuing of the standing order, prescription, or protocol.

(e) Notwithstanding subsection (a) and subsection (b); the state health commissioner or the commissioner's designated public health authority may issue a standing order, prescription, or protocol to administer or dispense an immunization that is recommended by the federal Centers for Disease Control and Prevention Advisory



Committee on Immunization Practices for individuals who are at least five (5) years of age. Nothing in this subsection authorizes the state health commissioner or the commissioner's designated public health authority to:

- (1) require an individual to receive an immunization for COVID-19; or
- (2) waive or otherwise allow a minor to receive an immunization without the consent of the parent or guardian as required under IC 16-36-1.

This subsection expires at the conclusion of the federal public health emergency concerning COVID-19 that was renewed on October 15, 2021, or any subsequent renewal of the declared federal public health emergency concerning COVID-19.

SECTION 2. ~~IC 25-26-24.5~~ [IC 25-26-13.2] IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

[ Chapter 13.2. Ancillary Services of a Pharmacist

Sec. 1. This chapter does not apply to a pharmacy that is not open to the public.

Sec. 2. As used in this chapter, "ancillary services" means services performed by pharmacy personnel that are not directly involved in the dispensation of a prescription drug. The term includes the following:

- (1) Immunizations.
- (2) Drug administration.
- (3) Medication therapy management.
- (4) Disease state management.
- (5) Refill reminders.

Sec. 3. (a) A pharmacy shall develop and implement an organizational policy that permits a pharmacist to do all of the following:

- (1) Limit the provision of ancillary services if, in the pharmacist's professional judgment, the provision of ancillary services cannot be safely provided or may negatively impact patient access to medications.
- (2) Limit pharmacy access points if, in the pharmacist's professional judgment, limiting the access points will minimize fatigue, distraction, or other conditions that interfere with a pharmacist's ability to practice with reasonable safety and competence.

(b) The organizational policy required under subsection (a) must include an offer by pharmacy staff to make an appointment



for a patient or refer a patient to another location that is offering ancillary services.

(c) If a pharmacy has not implemented an organizational policy as required under this section, the pharmacy may not override the control of the pharmacist on duty to limit the provision of ancillary services or limit pharmacy access points if the pharmacist, in the pharmacist's professional judgment, believes it will affect the pharmacist's ability to safely provide the services or negatively impact patient access to medications. The pharmacy staff shall offer to make an appointment for the patient or refer the patient as set forth in subsection (b).

Sec. 4. Upon request, a pharmacy shall make the pharmacy's organizational policy available to the board and shall maintain a copy of the policy at the pharmacy for inspection by the board.

Sec. 5. (a) A pharmacy may not establish any productivity or production quotas for the provision of ancillary services. This section prohibits a fixed number or formula related to the duties of pharmacy personnel, against which the pharmacy measures or evaluates the number of times a pharmacy staff perform tasks or provide services.

(b) Quotas under subsection (a) do not include the following that is not calculated or measured by the number of tasks performed or services provided:

- (1) A measurement of the revenue earned by the pharmacy.
- (2) An evaluation or measurement of the competence, performance, or quality of care provided.

Sec. 6. A pharmacy may not discipline or otherwise retaliate against a pharmacist who, in good faith, acts in accordance with this chapter. For purposes of this section, discipline or retaliation include any of the following:

- (1) Termination or suspension of employment.
- (2) Withholding salary increases or employee benefits to which the pharmacist is otherwise entitled.
- (3) Transferring or reassigning the pharmacist.
- (4) Denying a promotion that otherwise would have been received.
- (5) Reducing pay.
- (6) Demoting the individual.

SECTION 3. IC 25-26-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 24.5. Prescribing, Testing, and Treating by



**Pharmacists by Standing Order**

**Sec. 1. A pharmacist may administer, dispense, test, treat, or prescribe any of the following through a standing order issued by the commissioner of the Indiana department of health under IC 16-19-4-11:**

**(1) An immunization that is approved or authorized by the federal Food and Drug Administration for individuals who are not less than eleven (11) years of age.**

**(2) A smoking cessation product. However, the pharmacist must inform the patient that the patient must have a follow-up consultation with the patient's licensed prescriber.**

**(3) Point of care testing that has been approved or authorized by the federal Food and Drug Administration and categorized as Clinical Laboratory Improvement Amendments (CLIA)-waived under 42 U.S.C. 263a for the following conditions:**

**(A) COVID-19.**

**(B) Group B streptococcus.**

**(C) Respiratory syncytial virus (RSV).**

**(D) Influenza.**

**(4) A prescription for, including the dispensing of, a medication that meets the following:**

**(A) Is indicated for the treatment of a diagnosed condition.**

**(B) Is authorized by the federal Food and Drug Administration for treatment of the diagnosed condition.**

**(C) Is included on a protocol list that is established by the Indiana board of pharmacy, in consultation with the Indiana department of health.**

**Sec. 2. A pharmacist acting under a standing order described in IC 16-19-4-11(a)(3) and IC 16-19-4-11(a)(4) shall do the following:**

**(1) Complete a continuing education course from provider approved by the Accreditation Council for Pharmacy Education (ACPE).**

**(2) Maintain records of testing and treatment for at least seven (7) years.**

**(3) Report positive test results, as required by the Indiana department of health.**

**(4) Provide the patient with written information advising the patient to follow up with the patient's primary care provider**



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or another licensed practitioner.

(5) If the patient identifies a primary care provider and the patient consents, transmit a summary of the visit, including any test results and prescribed medication, to the identified primary care provider within a reasonable period of time and in a manner that is consistent with federal and state privacy laws.

Sec. 3. A pharmacy technician or pharmacy intern registered under this article may perform specimen collection and administer a test described in section 1(3) of this chapter if the following are met:

- (1) The collection or administration is conducted under the direct supervision of a pharmacist.
- (2) The pharmacist is immediately available on the premises.
- (3) The pharmacist remains responsible for:
  - (A) the interpretation of the test;
  - (B) the prescribing or dispensing of any medication in compliance with section 1 of this chapter; and
  - (C) compliance with the reporting and record keeping requirements set forth in section 2 of this chapter.

Sec. 4. (a) The Indiana board of pharmacy shall adopt rules under IC 4-22-2 to implement this chapter, including rules concerning the following:

- (1) Standardized protocols.
- (2) Reporting requirements.
- (3) Age and dosage limitations.
- (4) Continuing education requirements.

(b) The Indiana board of pharmacy shall consult with the commissioner of the Indiana department of health in the development of the rules described in subsection (a).

Sec. 5. (a) This section does not apply to an act or omission that constitutes gross negligence, willful or wanton misconduct, or intentional wrongdoing.

(b) A pharmacist who acts in good faith in compliance with a statewide standing order described in this chapter and the rules adopted under section 4 of this chapter is immune from civil liability for the following:

- (1) An act or omission related to the ordering, administering, or interpretation of a test described in section 1(3) of this chapter.
- (2) The prescribing and dispensing of medication described in section 1(4) of this chapter.



1        SECTION ~~<4>~~[4]. IC 34-30-2.1-383.2 IS ADDED TO THE  
 2        INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3        [EFFECTIVE JULY 1, 2026]: **Sec. 383.2. IC 25-26-24.5-5**  
 4        **(Concerning a pharmacist ordering, administering, or interpreting**  
 5        **tests and the prescribing and dispensing of medication).**

6        SECTION ~~<4>~~[5]. [EFFECTIVE UPON PASSAGE] (a) As used  
 7        in this SECTION, "board" refers to the Indiana board of  
 8        pharmacy.

9        (b) Before July 1, 2026, the board shall begin the  
 10       administrative rulemaking process to adopt rules to implement  
 11       IC 25-26-24.5, as added by this act.

12       (c) This SECTION expires December 31, 2026.

13       SECTION ~~<5>~~[6]. An emergency is declared for this act.[

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