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SENATE BILL No. 221

Proposed Changes to introduced printing by AM022103

DIGEST OF PROPOSED AMENDMENT

Immunity. Removes immunity provisions.

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 Practitioners 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:**

21 (A) **COVID-19.**

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(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

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1 five (5) years of age. Nothing in this subsection authorizes the state
 2 health commissioner or the commissioner's designated public health
 3 authority to:

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

9 This subsection expires at the conclusion of the federal public health
 10 emergency concerning COVID-19 that was renewed on October 15,
 11 2021, or any subsequent renewal of the declared federal public health
 12 emergency concerning COVID-19.

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

16 **Chapter 24.5. Prescribing, Testing, and Treating by
 17 Pharmacists by Standing Order**

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

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

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

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

33 (A) COVID-19.

34 (B) Group B streptococcus.

35 (C) Respiratory syncytial virus (RSV).

36 (D) Influenza.

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

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

41 (B) Is authorized by the federal Food and Drug
 42 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 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.

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1 (4) Continuing education requirements.

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

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

12 (1) An act or omission related to the ordering, administering,
13 or interpretation of a test described in section 1(3) of this
14 chapter.

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

22 ~~SECTION 4. (a) As used in~~ [EFFECTIVE UPON PASSAGE] (a) As used in
23 this SECTION, "board" refers to the Indiana board of pharmacy.

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

28 SECTION ~~4~~⁴. An emergency is declared for this act. [

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