

By Senator Baxley

12-00562A-21

2021768\_\_

1                                   A bill to be entitled  
2       An act relating to immunizations; amending s. 381.003,  
3       F.S.; requiring certain persons licensed to practice  
4       pharmacy to report specified vaccination data to the  
5       Department of Health's immunization registry, with  
6       exceptions; amending s. 465.189, F.S.; authorizing  
7       certain pharmacists and registered interns to  
8       administer specified immunizations and vaccines to  
9       children within a specified age range under certain  
10      circumstances; revising the specified immunizations or  
11      vaccines that such pharmacists and registered interns  
12      may administer; requiring authorized pharmacists and  
13      registered interns to obtain a certain medical consent  
14      form before administering a vaccine to a child younger  
15      than 18 years of age; specifying requirements for the  
16      consent form; requiring the parent or guardian of such  
17      child to provide a certain opt-out form to the  
18      pharmacist or registered intern to exclude the minor  
19      from the department's immunization registry; requiring  
20      the pharmacist or registered intern to submit the opt-  
21      out form to the department; requiring authorized  
22      pharmacists and registered interns to submit  
23      vaccination data to the department if an opt-out form  
24      is not provided; amending s. 465.003, F.S.; conforming  
25      a provision to changes made by the act; providing an  
26      effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
29

12-00562A-21

2021768\_\_

30 Section 1. Paragraph (e) of subsection (1) of section  
31 381.003, Florida Statutes, is amended to read:

32 381.003 Communicable disease and AIDS prevention and  
33 control.—

34 (1) The department shall conduct a communicable disease  
35 prevention and control program as part of fulfilling its public  
36 health mission. A communicable disease is any disease caused by  
37 transmission of a specific infectious agent, or its toxic  
38 products, from an infected person, an infected animal, or the  
39 environment to a susceptible host, either directly or  
40 indirectly. The communicable disease program must include, but  
41 need not be limited to:

42 (e) Programs for the prevention and control of vaccine-  
43 preventable diseases, including programs to immunize school  
44 children as required by s. 1003.22(3)-(11) and the development  
45 of an automated, electronic, and centralized database and  
46 registry of immunizations. The department shall ensure that all  
47 children in this state are immunized against vaccine-preventable  
48 diseases. The immunization registry must allow the department to  
49 enhance current immunization activities for the purpose of  
50 improving the immunization of all children in this state.

51 1. Except as provided in subparagraph 2., the department  
52 shall include all children born in this state in the  
53 immunization registry by using the birth records from the Office  
54 of Vital Statistics. The department shall add other children to  
55 the registry as immunization services are provided.

56 2. The parent or guardian of a child may refuse to have the  
57 child included in the immunization registry by signing a form  
58 obtained from the department, or from the health care

12-00562A-21

2021768\_\_

59 practitioner or entity that provides the immunization, which  
60 indicates that the parent or guardian does not wish to have the  
61 child included in the immunization registry. Each consent to  
62 treatment form provided by a health care practitioner or by an  
63 entity that administers vaccinations or causes vaccinations to  
64 be administered to children from birth through 17 years of age  
65 must contain a notice stating that the parent or guardian of a  
66 child may refuse to have his or her child included in the  
67 immunization registry. The parent or guardian must provide such  
68 opt-out form to the health care practitioner or entity upon  
69 administration of the vaccination. Such health care practitioner  
70 or entity shall submit the form to the department. A parent or  
71 guardian may submit the opt-out form directly to the department.  
72 Any records or identifying information pertaining to the child  
73 shall be removed from the registry, if the parent or guardian  
74 has refused to have his or her child included in the  
75 immunization registry.

76 3. A college or university student, from 18 years of age to  
77 23 years of age, who obtains a vaccination from a college or  
78 university student health center or clinic in the state may  
79 refuse to be included in the immunization registry by signing a  
80 form obtained from the department, health center, or clinic  
81 which indicates that the student does not wish to be included in  
82 the immunization registry. The student must provide such opt-out  
83 form to the health center or clinic upon administration of the  
84 vaccination. Such health center or clinic shall submit the form  
85 to the department. A student may submit the opt-out form  
86 directly to the department. Any records or identifying  
87 information pertaining to the student shall be removed from the

12-00562A-21

2021768\_\_

88 registry if the student has refused to be included in the  
89 immunization registry.

90 4. The immunization registry shall allow for immunization  
91 records to be electronically available to entities that are  
92 required by law to have such records, including, but not limited  
93 to, schools and licensed child care facilities.

94 5. A health care practitioner licensed under chapter 458,  
95 chapter 459, ~~or~~ chapter 464, or chapter 465 in this state who  
96 administers vaccinations or causes vaccinations to be  
97 administered to children from birth through 17 years of age is  
98 required to report vaccination data to the immunization  
99 registry, unless a parent or guardian of a child has refused to  
100 have the child included in the immunization registry by meeting  
101 the requirements of subparagraph 2. A health care practitioner  
102 licensed under chapter 458, chapter 459, ~~or~~ chapter 464, or  
103 chapter 465 in this state who administers vaccinations or causes  
104 vaccinations to be administered to college or university  
105 students from 18 years of age to 23 years of age at a college or  
106 university student health center or clinic is required to report  
107 vaccination data to the immunization registry, unless the  
108 student has refused to be included in the immunization registry  
109 by meeting the requirements of subparagraph 3. Vaccination data  
110 for students in other age ranges may be submitted to the  
111 immunization registry only if the student consents to inclusion  
112 in the immunization registry. The upload of data from existing  
113 automated systems is an acceptable method for updating  
114 immunization information in the immunization registry. The  
115 information in the immunization registry must include the  
116 child's name, date of birth, address, and any other unique

12-00562A-21

2021768\_\_

117 identifier necessary to correctly identify the child; the  
118 immunization record, including the date, type of administered  
119 vaccine, and vaccine lot number; and the presence or absence of  
120 any adverse reaction or contraindication related to the  
121 immunization. Information received by the department for the  
122 immunization registry retains its status as confidential medical  
123 information and the department must maintain the confidentiality  
124 of that information as otherwise required by law. A health care  
125 practitioner or other agency that obtains information from the  
126 immunization registry must maintain the confidentiality of any  
127 medical records in accordance with s. 456.057 or as otherwise  
128 required by law.

129 Section 2. Present subsections (2) through (8) of section  
130 465.189, Florida Statutes, are redesignated as subsections (3)  
131 through (9), respectively, a new subsection (2) is added to that  
132 section, and subsection (1) and present subsection (6) are  
133 amended, to read:

134 465.189 Administration of vaccines and epinephrine  
135 autoinjection.—

136 (1) In accordance with guidelines of the United States  
137 Centers for Disease Control and Prevention for each recommended  
138 immunization or vaccine, a pharmacist~~,~~ or a registered intern  
139 under the supervision of a pharmacist who is certified under  
140 subsection (7)~~(6)~~, may administer the following immunizations or  
141 vaccines to a person 6 years of age or older ~~an adult~~ within the  
142 framework of an established protocol under a supervising  
143 physician licensed under chapter 458 or chapter 459:

144 (a) Immunizations or vaccines listed in the Adult  
145 Immunization Schedule ~~as of February 1, 2015,~~ by the United

12-00562A-21

2021768\_\_

146 States Centers for Disease Control and Prevention. ~~The board may~~  
147 ~~authorize, by rule, additional immunizations or vaccines as they~~  
148 ~~are added to the Adult Immunization Schedule.~~

149 (b) Immunizations or vaccines listed in the Child and  
150 Adolescent Immunization Schedule by the United States Centers  
151 for Disease Control and Prevention.

152 (c) Immunizations or vaccines recommended by the United  
153 States Centers for Disease Control and Prevention for  
154 international travel as of July 1, 2015. The board may  
155 ~~authorize, by rule, additional immunizations or vaccines as they~~  
156 ~~are recommended by the United States Centers for Disease Control~~  
157 ~~and Prevention for international travel.~~

158 (d) ~~(e)~~ Immunizations or vaccines approved by the board in  
159 response to a state of emergency declared by the Governor  
160 pursuant to s. 252.36.

161  
162 A registered intern who administers an immunization or vaccine  
163 under this subsection must be supervised by a certified  
164 pharmacist at a ratio of one pharmacist to one registered  
165 intern.

166 (2) To administer an immunization or vaccine to a child  
167 younger than 18 years of age, a pharmacist or registered intern  
168 certified under subsection (7) must first obtain a medical  
169 consent form signed by a person who has the power to consent to  
170 medical care or treatment on behalf of the child in accordance  
171 with s. 743.0645. The medical consent form must contain a notice  
172 stating that the parent or guardian of such child may refuse to  
173 have the child included in the immunization registry under s.  
174 381.003. If a parent or guardian does not want the child

12-00562A-21

2021768\_\_

175 included in the immunization registry, he or she must provide to  
176 the pharmacist or registered intern a completed opt-out form  
177 approved by the department upon administration of the vaccine.  
178 The pharmacist or registered intern shall submit the opt-out  
179 form to the department. If a parent or guardian of a child  
180 younger than 18 years of age does not provide an opt-out form,  
181 the pharmacist or registered intern must report the vaccination  
182 data for such child to the department in accordance with s.  
183 381.003.

184 (7)~~(6)~~ Any pharmacist or registered intern seeking to  
185 administer vaccines ~~to adults~~ under this section must be  
186 certified to administer such vaccines pursuant to a  
187 certification program approved by the Board of Pharmacy in  
188 consultation with the Board of Medicine and the Board of  
189 Osteopathic Medicine. The certification program shall, at a  
190 minimum, require that the pharmacist attend at least 20 hours of  
191 continuing education classes approved by the board and the  
192 registered intern complete at least 20 hours of coursework  
193 approved by the board. The program shall have a curriculum of  
194 instruction concerning the safe and effective administration of  
195 such vaccines, including, but not limited to, potential allergic  
196 reactions to such vaccines.

197 Section 3. Subsection (13) of section 465.003, Florida  
198 Statutes, is amended to read:

199 465.003 Definitions.—As used in this chapter, the term:

200 (13) "Practice of the profession of pharmacy" includes  
201 compounding, dispensing, and consulting concerning contents,  
202 therapeutic values, and uses of any medicinal drug; consulting  
203 concerning therapeutic values and interactions of patent or

12-00562A-21

2021768\_\_

204 proprietary preparations, whether pursuant to prescriptions or  
205 in the absence and entirely independent of such prescriptions or  
206 orders; and conducting other pharmaceutical services. For  
207 purposes of this subsection, the term "other pharmaceutical  
208 services" means monitoring the patient's drug therapy and  
209 assisting the patient in the management of his or her drug  
210 therapy, and includes reviewing, and making recommendations  
211 regarding, the patient's drug therapy and health care status in  
212 communication with the patient's prescribing health care  
213 provider as licensed under chapter 458, chapter 459, chapter  
214 461, or chapter 466, or a similar statutory provision in another  
215 jurisdiction, or such provider's agent or such other persons as  
216 specifically authorized by the patient; and initiating,  
217 modifying, or discontinuing drug therapy for a chronic health  
218 condition under a collaborative pharmacy practice agreement.  
219 This subsection may not be interpreted to permit an alteration  
220 of a prescriber's directions, the diagnosis or treatment of any  
221 disease, the initiation of any drug therapy, the practice of  
222 medicine, or the practice of osteopathic medicine, unless  
223 otherwise permitted by law or specifically authorized by s.  
224 465.1865 or s. 465.1895. The term "practice of the profession of  
225 pharmacy" also includes any other act, service, operation,  
226 research, or transaction incidental to, or forming a part of,  
227 any of the foregoing acts, requiring, involving, or employing  
228 the science or art of any branch of the pharmaceutical  
229 profession, study, or training, and shall expressly permit a  
230 pharmacist to transmit information from persons authorized to  
231 prescribe medicinal drugs to their patients. The practice of the  
232 profession of pharmacy also includes the administration of



12-00562A-21

2021768\_\_

233 vaccines to persons 6 years of age or older ~~adults~~ pursuant to  
234 s. 465.189, the testing or screening for and treatment of minor,  
235 nonchronic health conditions pursuant to s. 465.1895, and the  
236 preparation of prepackaged drug products in facilities holding  
237 Class III institutional pharmacy permits. The term also includes  
238 the ordering and evaluating of any laboratory or clinical  
239 testing; conducting patient assessments; and modifying,  
240 discontinuing, or administering medicinal drugs pursuant to s.  
241 465.0125 by a consultant pharmacist.

242 Section 4. This act shall take effect July 1, 2021.