



June 5, 2023

[submitted electronically via: [jkrowinski@leg.state.vt.us](mailto:jkrowinski@leg.state.vt.us); [pbaruth@leg.state.vt.us](mailto:pbaruth@leg.state.vt.us)]

The Honorable Jill Krowinski  
Speaker of the Vermont House of Representatives  
115 State Street  
Montpelier, VT 05633-5301

The Honorable Philip Baruth  
President Pro Tempore of the Senate  
115 State Street  
Montpelier, VT 05633-5301

### **Vermont House Bill 305 – SUPPORT TO OVERRIDE VETO**

Dear Speaker Krowinski and President Pro Tempore Baruth:

The Vermont Pharmacists Association (VPA) and the American Pharmacists Association (APhA) write to express our disappointment with the recent veto<sup>1</sup> of [House Bill \(H\) 305](#) and to request the General Assembly override the veto. H 305 includes important provisions to better align the role of the pharmacist with their extensive education and maintain access to vaccinations provided by pharmacy technicians under the supervision of a pharmacist.

H 305 better aligns the pharmacists' role with their education and training by allowing pharmacists to prescribe the following via statewide protocols:

- subcutaneous hormonal contraceptives,
- all vaccinations recommended by the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) to patients 18 years of age or older,
- Clinical Laboratory Amendments of 1988 (CLIA) waived tests for COVID-19.

Additionally, H 305 codifies pharmacy technicians' authority to administer immunizations under the supervision of a pharmacist. Vermont pharmacy technicians have been administering vaccines under the supervision of pharmacists since October 2020, when the U.S. Department of Health and Human Services (HHS) issued guidance related to the Declaration under the Public Readiness and Emergency Preparedness (PREP) Act for Medical Countermeasures Against COVID-19. HHS' guidance authorized pharmacy technicians, acting under the supervision of a pharmacist, to administer FDA-authorized or FDA-licensed COVID-19 vaccines to persons ages three or older and to administer FDA-authorized or FDA-licensed ACIP-recommended vaccines to persons ages three through 18 according to the Advisory Committee on Immunization Practices' (ACIP) standard immunization schedule.<sup>2</sup> In August 2021, HHS' temporary

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<sup>1</sup> Governor Philip B. Scott. H.305 Veto Letter. June 1, 2023. Available at:

<https://governor.vermont.gov/sites/scott/files/documents/H.305%20Veto%20Letter%20-%206.1.23.pdf>

<sup>2</sup> HHS. Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing (October 20, 2020), <https://www.hhs.gov/sites/default/files/prep-act-guidance.pdf>

authority was expanded to authorize pharmacy technicians to administer seasonal influenza vaccines, under the supervision of a pharmacist, to persons ages 19 and older, consistent with ACIP recommendations.<sup>3</sup> As beneficial as HHS' temporary federal authority has been in expanding access to care and relieving some of the burdens on an overstressed healthcare system, some of the federal authorities under the PREP Act expired on May 11, 2023, and other authorities will be expiring under the Eleventh Amendment in December 2024,<sup>4</sup> which will interrupt access for patients who have come to rely on pharmacy personnel to administer immunizations. H 305 makes a portion of this temporary federal authority permanent under pharmacy technician state scope of practice to minimize interruptions to patient access to vaccines and ensure Vermont can meet its public health care and infrastructure needs.

For these reasons, we urge the General Assembly to override the veto of H 305. If you have any questions or require additional information, please don't hesitate to contact Lauren E. Bode, PharmD, BCPS, CDCES, BC-ADM, VPA Interim Executive Director at [vpamanager@gmail.com](mailto:vpamanager@gmail.com) and E. Michael Murphy, PharmD, MBA, APhA Advisor for State Government Affairs by email at [mmurphy@aphanet.org](mailto:mmurphy@aphanet.org).

VPA is the only association in the state that represents the interests of all pharmacists, providing continuing education, creating networking opportunities, and advocating for a forward-looking legislative agenda that supports the profession of pharmacy as well as the health of Vermonters. The Mission of VPA is to support, promote, and advance the work of the profession of pharmacy to serve the health of the entire Vermont community.

APhA is the largest association of pharmacists in the United States advancing the entire pharmacy profession. APhA represents pharmacists in all practice settings, including community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care and enhance public health. In Vermont, with 550 licensed pharmacists and 920 pharmacy technicians, APhA represents the pharmacists, student pharmacists, and pharmacy technicians that practice in numerous settings and provide care to many of your constituents. As the voice of pharmacy, APhA leads the profession and equips members for their role as the medication expert in team-based, patient-centered care. APhA inspires, innovates, and creates opportunities for members and pharmacists worldwide to optimize medication use and health for all.

Sincerely,

Lauren E. Bode, PharmD, BCPS, CDCES, BC-ADM  
Interim Executive Director  
Vermont Pharmacists Association

Michael Baxter  
Acting Head of Government Affairs  
American Pharmacists Association

cc: Senator Randy Brock  
Senator Alison Clarkson

Representative Emily Long  
Representative Patricia McCoy

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<sup>3</sup> HHS. Eighth Amendment to Declaration Under the PREP Act for Medical Countermeasures Against COVID-19 (August 4, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-08-04/pdf/2021-16681.pdf>

<sup>4</sup> HHS. Eleventh Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Published March 12, 2023. Available at: <https://www.federalregister.gov/documents/2023/05/12/2023-10216/eleventh-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for>