OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR

KRISTEN JURAS
LT. GOVERNOR

TO: **All residents of Montana including its State officers and agencies**
FROM: **Governor Greg Gianforte**
DATE: **March 30, 2021**
RE: **Directive Implementing Executive Order 2-2021 by waiving strict compliance with Admin. R. Mont. 24.174.711**

Executive Order 2-2021 declares that a state of emergency exists in Montana due to the global outbreak of COVID-19.

During a state of emergency, the Governor is authorized to suspend regulatory statutes, orders, or state agency rules that "prevent, hinder, or delay necessary action in coping with the emergency," and to control "the movement of persons within the area." MCA § 10-3-104(2)(a), (c). "[A]ll officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request."

The response to COVID-19 must by necessity be dynamic, as well as informed by new information and innovative medical solutions as they become available. To that end, the State of Montana must continue to reduce barriers and promote access to the safe and effective COVID-19 vaccine. Therefore, I hereby direct the following measures for the State of Montana, effective immediately:

MCA § 37-7-201 sets out the powers and duties of the Board of Pharmacy, including the requirement that the Board regulate personnel who may work in a pharmacy or under the supervision of a pharmacist. To further expand COVID-19 vaccine access, the Board is directed to allow pharmacists who are qualified to prescribe, administer, and dispense authorized COVID-19 vaccines to utilize any health care provider licensed by this state or another state, and qualified to administer vaccines under their scope of practice, to assist in the administration of COVID-19 vaccines for the duration of the state of emergency.

Admin. R. Mont. 24.174.711(1), which restricts the number of pharmacy technicians a registered pharmacist may supervise, is waived for the duration of the state of emergency, with the following limitations:

- A registered pharmacist and pharmacy technician must be authorized to administer an authorized COVID-19 vaccine.
- The ratio is waived solely for the purpose of administering an authorized COVID-19 vaccine and conducting associated administrative duties and procedures.

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Authorities: Sections 10-3-103, -104, -302, and -305, MCA; Executive Order 2-2021; Montana Constitution, Article VI, Sections 4 and 13; and all other applicable provisions of state and federal law.

Limitations: This Directive becomes effective immediately and expires at the end of the declared state of emergency in Executive Order 2-2021.

This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.

If any provision of this Directive or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Directive, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Directive are declared to be severable.

Nothing in this Directive shall be construed to limit, modify, or otherwise affect the authority granted by law to the Governor or any department, agency, political subdivision, officer, agent, or employee of the State of Montana, except as provided in this Directive or other Directives now in effect implementing Executive Order 2-2021.

This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.