



February 14, 2023

The Honorable Seung Oh, President
California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

Re: Recognition of PREP Act to Ensure Continued Access to COVID-19 Testing, Treatment and Immunizations in California

Dear President Oh,

As you know, the State Public Health Emergency related to COVID-19 will expire on February 28, 2023. Several Department of Consumer Affairs (DCA) licensing waivers will also expire on that date, including a waiver allowing pharmacists to independently furnish COVID-19 treatment and a waiver allowing pharmacy technicians to administer COVID-19 vaccinations.

The Federal Public Readiness and Emergency Preparedness (PREP) Act gives pharmacists and pharmacy technicians the authority to continue these immunizations and treatment until the PREP Act expires on October 1, 2024. Given the fact that the PREP Act preempts state law, these critical pharmacy services should be able to continue in California until the PREP Act expires in October 2024.

The California Retailers Association is requesting that the Board provide a statement in writing that the PREP Act does in fact preempt state law and as long as pharmacists comply with the requirements of the PREP Act, they will be able to continue to perform duties authorized pursuant to the PREP Act.

Given the fact that millions of California receive COVID-19 testing, vaccines and treatment from community pharmacies, CRA urges you to provide clear guidance to pharmacies to ensure that they can continue these services through the end of the PREP Act. The Department of Public Health received \$158 million from the State of California last year to launch a Test to Treat campaign to encourage patients to go to pharmacies to test and be treated for COVID-19. Paxlovid is only effective if taken within 5 days of symptoms and given that it is difficult for many people to get an appointment with a physician within this time frame, pharmacists are key to treating COVID-19.

As you know, pharmacies are an easily accessible healthcare destination for patients and access to COVID-19 prevention and treatment services will significantly diminish if pharmacies can no longer offer these COVID-19 services. CRA hopes that the Board can quickly provide the clarity needed for

its pharmacy licensees to continue to serve patients authorized through the federal state of emergency.

Thank you for considering our comments on this important issue. Please do not hesitate to contact Lindsay Gullahorn or Jennifer Snyder with Capitol Advocacy at lgullahorn@capitoladvocacy.com or jsnyder@capitoladvocacy.com if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rachel Michelin', is positioned above the typed name.

Rachel Michelin
President & CEO
California Retailers Association

cc: Anne Sodergren, Executive Officer, Board of Pharmacy
Kimberly Kirchmeyer, Director, Department of Consumer Affairs