



August 26, 2021

Kimberly Kirchmeyer  
Director  
California Department of Consumer Affairs  
1625 N Market Blvd.  
Sacramento, CA 95834  
*Via email: [Kimberly.kirchmeyer@dca.ca.gov](mailto:Kimberly.kirchmeyer@dca.ca.gov)*

Seung Oh, PharmD  
President  
California State Board of Pharmacy  
2720 Gateway Oaks Drive, Ste. 100  
Sacramento, CA 95833  
*Via email: [c/o anne.sodergren@dca.ca.gov](mailto:c/o anne.sodergren@dca.ca.gov)*

**Re: Request for Pharmacy Law Waivers Authorizing Pharmacy Technicians to Administer the Flu Vaccine to Adults**

Dear Director Kirchmeyer and Dr. Oh:

On behalf of our members providing critical immunization services to communities throughout the state of California, the National Association of Chain Drug Stores (NACDS) and the California Retailers Association (CRA) are writing to urge the Department of Consumer Affairs and State Board of Pharmacy to act in accordance with Governor's Executive Order N-39-20 and issue a pharmacy law waiver authorizing pharmacy technicians to administer the flu vaccine to adults. Such a waiver would be consistent with the newly issued eighth amendment to federal declaration under the Public Readiness and Emergency Preparedness Act (PREP Act),<sup>1</sup> which leverages pharmacy technicians in this manner.<sup>2</sup>

<sup>1</sup> <https://www.federalregister.gov/documents/2021/08/04/2021-16681/eighth-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for>

<sup>2</sup> The PREP Act declaration expressly states that pharmacists, pharmacy interns, and pharmacy technicians are authorized to operate pursuant to the declaration and that any state or local requirements that prohibit or effectively prohibit such actions are preempted by the federal law.

With the flu season fast approaching, pharmacies are working diligently to prepare to meet heightened public demand for vaccination. The ability to maximize the use of all pharmacy team members – including pharmacy technicians – in these efforts is critical, especially given that pharmacies continue to ramp up efforts to vaccinate younger children against COVID and deliver boosters to adult populations concurrent with flu vaccination efforts this fall.

Pharmacy technicians already play an integral role in the delivery of vaccine services throughout the state of California. Under emergency authority granted by the Department and Board in December 2020<sup>3</sup>, trained pharmacy technicians throughout the state of California are participating in the administration of the COVID-19 vaccine to adults and adolescents, and stand ready to further participate in the vaccination efforts for children down to age three when the COVID-19 is authorized or approved for this population. Allowing the pharmacy technician workforce to assist with these vaccine efforts have been instrumental in pharmacies being able to meet public demand for vaccines and other pharmacy care services during the pandemic. Throughout this time, technicians have worked alongside pharmacists and pharmacy interns to safely and effectively deliver vaccine services to the public.

Allowing pharmacy technicians to better assist in broader vaccination efforts by additionally administering flu vaccines to adults – just as pharmacy technicians are now allowed to do with the COVID-19 vaccine – will help enhance pharmacies' ability to continue to meet public demand for vaccine services and help enhance access to essential vaccine services for all Californians.

NACDS and the California Retailers Association thanks you for considering our comments on this important matter. Please contact NACDS' Sandra Guckian, Vice President of State Relations, at [sguckian@nacds.org](mailto:sguckian@nacds.org) or Steve McCarthy, CalRetailers Vice President Public Policy at [Steve@calretailers.com](mailto:Steve@calretailers.com) with any questions or if we can be of further assistance with this issue.

Sincerely,



Rachel Michelin, President  
California Retailers Association



Steve C. Anderson, FASAE, CAE, IOM  
President & Chief Executive Officer  
National Association of Chain Drug Stores

cc: Dr. Mark Ghaly, Secretary, Health and Human Services Agency  
Anne Sodergren, Executive Officer, California State Board of Pharmacy  
Richard Figueroa, Office of Governor Newsom

---

<sup>3</sup> [https://www.dca.ca.gov/licensees/dca\\_20\\_103.pdf](https://www.dca.ca.gov/licensees/dca_20_103.pdf)