



October 20, 2021

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol  
Sacramento, CA. 95814

**Re: State Compliance with the Federal Public Readiness and Emergency Preparedness Act (PREP Act) - Authorizing Pharmacy Technicians to Administer the Flu Vaccine**

Dear Governor Newsom:

The California Retailers Association (CRA) along with the National Association of Chain Drug Stores (NACDS) urge your timely action in authorizing pharmacy technicians to administer flu vaccines in accordance with the recently issued eighth amendment to federal declaration under the Public Readiness and Emergency Preparedness Act (PREP Act),<sup>1</sup> which directs states to authorize pharmacy technicians in this manner.

Pharmacies are at the forefront providing easy access to COVID-19 testing and vaccinations to people within their communities and pharmacy technicians play an integral role in the delivery of vaccine services throughout the State of California. Under the emergency authority granted by the Department of Consumer Affairs and Board of Pharmacy in December 2020<sup>2</sup>, trained pharmacy technicians throughout the state of California already participate in the administration of the COVID-19 vaccine to adults and adolescents and stand ready to further participate in the vaccination efforts, including booster shots and for, when the COVID-19 is authorized or approved for this age group in the next few weeks.

Allowing the pharmacy technician workforce to assist with the COVID-19 vaccine efforts has been instrumental meeting the public demand for vaccines and other pharmacy care services during the pandemic. Throughout this time, technicians have worked alongside pharmacists

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

and pharmacy interns to safely and effectively deliver vaccine services to the public. Without their assistance, it would have been impossible to meet the demand.

With the flu season fast approaching, pharmacies are working diligently to prepare for the 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-19 and deliver boosters to adult populations concurrent with flu vaccination efforts this fall. There are over 2.5 million children in California in the 6-10 age group alone<sup>3</sup> and with students back in school, it is critical pharmacies are well-equipped to vaccinate against the flu in addition to COVID-19.

On August 4, 2021, Secretary Xavier Becerra amended Section V of the Public Health Service Act clarifying that pharmacy technicians are Qualified Persons covered by the PREP Act authorizing them to administer seasonal influenza vaccines to adults where they are authorized to practice. 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.

CRA & NACDS ask your Administration act quickly to accept and comply with this new PREP Act amendment and allow pharmacy technicians to administer the flu vaccine under the supervision of a pharmacist.

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 enhance the ability of pharmacies to continue to meet public demand for vaccine services and enhance access to essential vaccine services for all Californians.

CRA and NACDS thank you for considering our comments on this important matter. Should you have any questions or need further assistance on this issue, please do not hesitate to contact Steve McCarthy, CalRetailers Vice President, Public Policy (Steve@calretailers.com) or Sandra Guckian, NACDS Vice President, State Relations, (sguckian@nacds.org).

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<sup>3</sup> <https://www.kidsdata.org/topic/34/child-population-age-gender/table#fmt=141&loc=2,127,347,1763,331,348,336,171,321,345,357,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,352,320,339,334,365,343,330,367,344,355,366,368,265,349,361,4,273,59,370,326,333,322,341,338,350,342,329,325,359,351,363,340,335&tf=110&ch=1433,926,927,1434,1435,372,78,77,79>

Sincerely,

A handwritten signature in blue ink, appearing to read "Rachel Michelin".

Rachel Michelin, President & CEO  
California Retailers Association

A handwritten signature in black ink, appearing to read "Steve C. Anderson".

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  
Kimberly Kirchmeyer, Director, Department of Consumer Affairs  
Anne Sodergren, Executive Officer, California State Board of Pharmacy