STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
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Order Waiving Restrictions on Pharmacists Relating to Ordering and Administering COVID-19 Vaccines

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirements and amend scopes of practice pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including pharmacists.

Business and Professions Code section 4050, subdivision (c), states that pharmacists are health care providers who may provide health care services. Business and Professions Code section 4052, subdivisions (a)(3) and (11) provide that pharmacists may administer drugs ordered by a prescriber and administer immunizations pursuant to a protocol with a prescriber. Business and Professions code section 4052.8, subdivision (a) provides that pharmacists may independently initiate and administer vaccines listed on the routine immunization schedules recommended by the federal Advisory Committee on Immunization Practices, in compliance with individual vaccine recommendations, and published by the federal Centers for Disease Control and Prevention (CDC) for persons three years of age or older. Business and Professions Code section 4052.8, subdivision (c) provides that pharmacists administering such immunizations may also initiate and administer epinephrine or diphenhydramine by injection for the treatment of a severe allergic reaction.

Pursuant to Executive Order N-39-20, the Director waives Business and Professions Code section 4052, subdivisions (a)(3) and (11) and section 4052.8, subdivision (a), to the extent those provisions prohibit pharmacists from independently initiating and administering any COVID-19 vaccines to persons three years of age or older that are approved or authorized by the federal Food and Drug Administration (FDA), subject to such pharmacists complying with all of the following conditions:

- Complete an immunization training program endorsed by the CDC or the Accreditation Council for Pharmacy Education that, at a minimum, includes hands-on injection technique, clinical evaluation of indications

and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines, and maintain that training;

- Be certified in basic life support; and,

- Comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the State Department of Public Health.

The Director also waives Business and Professions Code section 4052.8, subdivision (c), to the extent it prohibits pharmacists that initiate and administer any COVID-19 vaccines approved or authorized by the FDA, as specified, from also initiating and administering epinephrine or diphenhydramine by injection for the treatment of a severe allergic reaction.

Pharmacists acting within the scope of this Order may independently initiate and administer to persons three years of age or older any COVID-19 vaccines that are approved or authorized by the FDA, as specified, and may also initiate and administer epinephrine or diphenhydramine by injection for the treatment of a severe allergic reaction.

This order is effective immediately but may be amended as circumstances require.

This order terminates on January 1, 2021, unless further extended.

Dated: December 11, 2020

Signature on File

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Kimberly Kirchmeyer
Director