



**California State Board of Pharmacy**  
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Business, Consumer Services and Housing Agency  
Department of Consumer Affairs  
Gavin Newsom, Governor



**To: Board Members**

**Subject: Agenda Item III. Discussion and Consideration of Adoption of Board Approved Regulation, Title 16 CCR section 1747, Related to HIV Preexposure and Postexposure Prophylaxis Furnishing (Any comments, if timely received, to be reviewed by the Board.)**

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**Summarized 45-day Comments Regarding HIV Preexposure and Postexposure Prophylaxis Furnishing with Board Staff Recommendations:**

Written Comments from Rachel Michelin, California Retailers Association, and Steve C. Anderson, National Association of Chain Drug Stores

**Comment 1:** Commenters expressed strong support for the proposed regulation, specifically, the expanded training to include an equivalent curriculum-based training program completed from a recognized school of pharmacy. (The comment is attached following this memo.)

**Response to Comment 1:** Board staff have reviewed this comment and do not recommend any changes to the text based thereon. Further, board staff acknowledges the support from the commenters for the regulation.

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**POSSIBLE MOTION: Should the Board agree with the staff recommended comment response, a possible motion is as follows:**

Adopt the regulatory language as noticed on January 29, 2021, and delegate to the executive officer the authority to make technical or non-substantive changes as may be required by Control agencies to complete the rulemaking file.

Comment received during the  
45-day comment period



NATIONAL ASSOCIATION OF  
CHAIN DRUG STORES

February 19, 2021

Lori Martinez  
California Board of Pharmacy  
2720 Gateway Oaks Drive  
Sacramento, CA 95814  
Via Email: [Lori.Martinez@dca.ca.gov](mailto:Lori.Martinez@dca.ca.gov)

**Re: CRA/NACDS Comments re: Proposed SB 159 HIV PrEP and PEP Regulations**

Dear Ms. Martinez,

The California Retailers Association (CRA) and National Association of Chain Drug Stores (NACDS) write to express our strong support for the Board of Pharmacy's proposal to add section 1747 to Title 16 of the California Code of Regulations expanding authorized training options, for pharmacists to provide HIV Preexposure and Postexposure Prophylaxis (PrEP and PEP) services, to include an equivalent curriculum-based training program completed from a recognized school of pharmacy.

CRA and NACDS supported SB 159 (Wiener, Chpt. 532, 2019) when it moved through and passed out of the Legislature and we appreciated the opportunity to be part of the discussion at the Board of Pharmacy on the Board's implementing emergency regulations. Preexposure prophylaxis (PrEP) and postexposure prophylaxis (PEP) are medications used to prevent patients from contracting HIV. Both medications do not require a diagnosis to be prescribed nor furnished. PrEP is furnished to individuals who do not have HIV but who are at substantial risk of contracting it, and PrEP must be taken daily to be effective. According to the Centers for Disease Control and Prevention (CDC), when taken consistently, PrEP has been shown to reduce the risk of HIV infection in people who are at high risk by up to 92%. Similarly, PEP is an antiretroviral drug to be used after a single high-risk event to stop HIV seroconversion. PEP must be started within 72 hours of a possible exposure to be effective.

Pharmacies and pharmacists play a critical role in the timely and safe delivery of health care services for patients in California. Millions of Californians turn to their local pharmacies every day for their medications, vaccinations, and more, and pharmacies are readily accessible in most communities with most Californians living within five miles of a pharmacy. By allowing pharmacists to furnish PrEP and PEP to patients, the Board's proposal to make the PrEP and PEP regulations permanent will increase access to these life-saving medications. Given their extensive educational background and training, pharmacists are fully qualified and capable to provide this essential service. Further, pharmacies are more accessible and approachable to patients who may not have convenient access to a clinic or other healthcare destinations capable of providing the service.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision,

jewelry, hardware and home stores. CRA works on behalf of California's retail industry, which currently operates over 400,000 retail establishments with a gross domestic product of \$330 billion annually and employs over 3 million people—one fourth of California's total employment.

The National Association of Chain Drug Stores represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate over 40,000 pharmacies, and NACDS' over 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and health care affordability.

Thank you for your work on these regulations and your consideration of our comments. Please do not hesitate to contact Lindsay Gullahorn with Capitol Advocacy at (916) 221-8708 or [lgullahorn@capitoladvocacy.com](mailto:lgullahorn@capitoladvocacy.com) if you have any questions.

Sincerely,



Rachel Michelin, President  
California Retailers Association



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

cc: The Honorable Greg Lippe, President, Board of Pharmacy  
Members, Board of Pharmacy  
Anne Sodergren, Executive Director, Board of Pharmacy