



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



February 5, 2021

ADVANCE NOTICE OF INTENT TO READOPT EMERGENCY REGULATIONS

Subject: Independent HIV Preexposure and Postexposure Prophylaxis Furnishing

This notice is sent in accordance with Government Code section 11346.1(a)(2) and California Code of Regulations title 1 (CCR), section 52, which requires State of California agencies to give five (5) working days advance notice of intent to readopt emergency regulations with the Office of Administrative Law (OAL). The California State Board of Pharmacy (board) intends to file a request for readoption of the emergency regulations related to the independent initiation and furnishing of HIV preexposure prophylaxis (PrEP) and HIV postexposure prophylaxis (PEP) originally approved by OAL on April 30, 2020.

Pursuant to CCR section 52(b)(1), the board has made substantial progress and proceeded with diligence to comply with Government Code section 11346.1(e) by undertaking the following activity:

- The board prepared draft regulatory documents and worked diligently with the Department of Consumer Affairs (DCA) to obtain the required approvals of the rulemaking file prior to filing with OAL. The board received approval from DCA of the non-emergency rulemaking on January 19, 2021.
- The rulemaking was submitted to OAL for publication on January 19, 2021 and the 45-day public comment period began on Friday, January 29, 2021. The 45-day comment period ends on March 15, 2021.

As required by CCR section 52, there has been no change in emergency circumstance since the original adoption of the independent initiation and furnishing of HIV preexposure prophylaxis (PrEP) and HIV postexposure prophylaxis (PEP) emergency regulation by OAL.

The board hereby incorporates by reference the rulemaking record of OAL file number 2017-1211-01E and notes that no changes have been made to the prior emergency text.

The board plans to file the readoption of the independent initiation and furnishing of HIV preexposure prophylaxis (PrEP) and HIV postexposure prophylaxis (PEP) emergency rulemaking package with OAL at least five (5) working days from the date of this notice. If you would like to make comments on the readoption of the independent initiation and furnishing of HIV preexposure prophylaxis (PrEP) and HIV postexposure prophylaxis (PEP) emergency regulation, both the board and OAL must receive the comments within five (5) calendar days after notice of the filing of the readoption emergency

rulemaking package is posted on OAL's website. Responding to the comments at this point in the process is strictly at the board's discretion.

Comments should be sent simultaneously to:

Name: Lori Martinez
Address: 2720 Gateway Oaks Drive, Ste. 100
Sacramento, CA 95833
Fax No.: (916) 574-8618
E-Mail Address: Lori.Martinez@dca.ca.gov

AND

Name: Office of Administrative Law
Address: 300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Fax No.: (916) 323-6826
E-Mail Address: staff@oal.ca.gov

The comment must state that it is about an emergency rulemaking action currently under OAL review and include the topic of the emergency.

If you have any questions regarding this proposed emergency action, please contact Lori Martinez at (916) 518-3018 or Lori.Martinez@dca.ca.gov.