

The federal Food and Drug Administration granted an emergency use authorization (EUA) to Pfizer for a COVID-19 vaccination. The EUA contemplates that vaccines must be sent by Pfizer directly or through a distributor to emergency response providers that include public health agencies with legal responsibility and authority to respond to a public health incident. Emergency Response Providers were required to identify vaccination sites and to ensure vaccination providers were aware of the EUA. The Centers for Disease Control and Prevention (CDC) requires vaccination providers to sign a CDC COVID-19 Vaccination Program Provider Agreement (Provider Agreement) to receive free vaccines under the CDC COVID-19 Vaccination Program. The CDC requires that program providers may redistribute vaccines to other sites if the provider has signed a Supplemental COVID-19 Vaccine Redistribution Agreement that has been approved by the jurisdiction's immunization program. The California Department of Public Health is overseeing redistribution plans by these program providers that receive COVID-19 vaccines. The FDA also will be having hearings on emergency use authorizations for other COVID-19 vaccines in the near future. In response to the Governor's emergency declaration and to facilitate the distribution of the Pfizer or other FDA-approved COVID-19 vaccine to the facilities that will administer the vaccines and consistent with the authority of the Board to waive Pharmacy Law or the regulations adopted pursuant to it, the Board president through his delegated authority, issues the following waiver as detailed below:

Redistribution of Pfizer or Other FDA-Approved COVID-19 Vaccinations in Compliance with California Department of Public Health and CDC Guidance

Pharmacies, clinics, public health agencies or authorities, or other vaccination providers or authorities are granted a limited waiver to any restriction or licensing requirement under pharmacy law related to and solely for the purpose of redistributing COVID-19 vaccinations during the Phase 1a vaccine rollout consistent with the COVID-19 Redistribution Guidance issued by the California Department of Public Health (CDPH), under the following conditions:

1. The pharmacy, clinic or public health agency or authority, or other provider has executed a Provider Agreement with the CDC.
2. The pharmacy, clinic or public health agency or authority, or other provider has executed a CDC Supplemental COVID-19 Vaccine Redistribution Agreement.
3. The pharmacy, clinic or public health agency or authority, or other provider has received approval of its redistribution plan by the CDPH,

which has determined that the redistribution plan complies with the redistribution vaccine management plan established by the CDPH and CDC guidance and requirements under the CDC Covid-19 Vaccination Program.

4. The pharmacy, clinic or public health agency or authority, or other provider complies with the redistribution reporting requirements in the CDPH COVID-19 Redistribution Guidance.
5. Redistribution activities are limited to appropriately trained personnel and performed consistent with the approved redistribution plan, CDC guidelines, and any relevant provision of an emergency use authorization issued by the FDA related to a COVID-19 vaccine.
6. Records of redistribution, including a copy of the approval, Supplemental COVID-19 Vaccine Redistribution Agreement and any required reporting under the COVID-19 Redistribution Guidance, shall be maintained for a period of three years and maintained in a readily retrievable manner.

Effective Date: December 19, 2020

Expiration Date: March 13, 2021 or when Phase 1a inoculation in California is completed, whichever is sooner.