



California State Board of Pharmacy
2720 Gateway Oaks Drive, Ste 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8618
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



To: Board Members

Subject: Agenda Item III. Discussion and Consideration of Requests to Waive Pharmacy Law Provisions Consistent with the Authority of Business and Professions Code section 4062

Consideration of Site-Specific Waivers

Background

In light of Governor Gavin Newsom's declaration of emergency and the national declaration of emergency, and consistent with Business and Professions Code (BPC) section 4062, the California State Board of Pharmacy (Board) or the Board president through delegated authority has been issuing waivers of Pharmacy Law or its regulations adopted pursuant to it, if in the Board's opinion the waiver will add in the protection of public health or the provisions of care. In general, waivers are limited in duration as determined by the Board, or by the Board president as delegated by the Board, unless the waiver resulted in the issuance or renewal of a license.

Specific to this agenda item, under the respective provisions of current law issuance of a temporary license is limited to 180 days.

For Board Discussion and Consideration

During the meeting members will have the opportunity to consider two recommendations from staff to extend temporary licenses beyond the 180-day period as provided below.

1. McKesson Medical-Surgical, Inc, NPL, 1274

Summary: The Board issued a license to the above to facilitate vaccine distribution. The license was issued on December 21, 2020, under the provisions BPC Section 4161(k), for a 180-day. The license will expire on June 18, 2021. The waiver and issuance of the temporary license allows McKesson Medical-Surgical, Inc to operate in the resident state without licensure as a third-party logistics provider in that jurisdiction. Staff notes that a permanent statutory solution to the challenge with home state licensure is included in AB 1533.

Recommendation: Board staff recommend extension of the nonresident 3PL license until January 1, 2022, or until such time as either McKesson Medical-Surgical, Inc obtains appropriate licensure in the resident state or until changes in California Law are secured, whichever occurs first.

2. McKesson Corporation dba McKesson Drug Company, NPL, 1277

Summary: The Board issued a license to the above to facilitate vaccine distribution. The license was issued on December 21, 2020, under the provisions BPC Section 4161(k), for a 180-day. The license will expire on June 18, 2021. The waiver and issuance of the temporary license allows McKesson Corporation to operate in the resident state without licensure as a third-party logistics provider in that jurisdiction. Staff notes that a permanent statutory solution to the challenge with home state licensure is included in AB 1533.

Recommendation: Board staff recommend extension of the nonresident 3PL license until December 31, 2021, or until such time as either McKesson Medical-Surgical obtains appropriate licensure in the resident state or until changes in California Law are secured, whichever occurs first.