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



To: Board Members

Subject: Discussion and Consideration of Waiver of Pharmacy Law Provisions Consistent with the Authority in Business and Professions Code Section 4062 in Response to State of Emergency Related to the Palisades Fire

Relevant Law: [Business and Professions Code section 4062\(b\)](#) provides the Board with the authority to waive application of any provision of Pharmacy Law or its regulations during a declared federal, state, or local emergency if, in the Board's opinion, the waiver will aid in the protection of the public health or the provision of patient care.

Background: On January 7, 2025, Governor Newsom signed an [emergency declaration](#) citing the Palisades Fire in Los Angeles County and imminent threat to life with Red Flag warnings in effect in Los Angeles and Ventura Counties (hereinafter referred to as the "January 7, 2025 Emergency Declaration").

Subsequent to the January 7, 2025 Emergency Declaration and consistent with his delegated authority consistent with the Board's policy, President Oh approved the issuance of three waivers for 30 days.

1. A waiver that provides flexibility to increase the number of pharmacy technicians a pharmacist may supervise.
2. A waiver that provides flexibility for pharmacy personnel to perform some functions from outside of a licensed pharmacy.
3. A waiver to allow for the delivery of drugs to an alternate location.¹

The three waivers currently expire on February 9, 2025. Additional information about the state's and the Board's wildfire response, including the specific language for each of the waivers described above, is available on a dedicated Board [webpage](#).

Given that the fire activity continues to impact patients with evacuation orders remaining, staff recommend that the Board consider extending President Oh's delegated authority so as to authorize him to extend current waivers, and issue new waivers, related to the January 7, 2025 Emergency Declaration through the end of the fiscal year 2025. This will allow the Board to react as nimbly as possible as conditions on the ground continue to change.

¹ Note that this waiver allows, for example, a drug wholesaler to deliver medications to a physician and veterinarian at an alternative location.

For Consideration: During the meeting, members will have the opportunity to review the waivers and determine if an extension of any of the waivers is appropriate. In addition, should the Board believe it is appropriate to extend President Oh's delegated authority regarding the extension of existing waivers and the issuance of new waivers related to the January 7, 2025 Emergency Declaration, the following motion could be used.

Possible Motion: Consistent with the Board's authority in Business and Professions Code section 4062(b), and the January 7, 2025 Emergency Declaration, delegate authority to the Board President to extend current waiver(s) and issue new waivers related to the January 7, 2025 Emergency Declaration through June 30, 2025, or until the end of the declared emergency, whichever is sooner.