



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



PHARMACIES DAMAGED, LOOTED, VANDALIZED, OR DESTROYED BY FIRE
(JUNE 1, 2020)

The California State Board of Pharmacy (Board) is aware that, over the weekend, some pharmacies may have been damaged, vandalized, looted, and, in some cases, set on fire due to the recent riots occurring throughout the state of California. The safety of our licensees, the care for California consumers, and the security of the drug supply are concerns of the Board.

If you have any questions, please contact a Board inspector who is available to answer telephone inquiries.

Phone: (916) 518-3100

Email: ask.inspector@dca.ca.gov.

Please include your name, license number, organization, phone number, and the best time to reach you.

To assist our licensees during these recent tragic events, the Board is providing the following recommendations if your pharmacy was damaged, vandalized, looted, or set on fire.

- The Board strongly recommends that pharmacies in impacted areas consider boarding up the location to minimize damage to the pharmacy and to prevent drug losses.
- Your safety, and the safety of your staff and patients should be your primary concern. The Board does not expect pharmacy staff to enter the pharmacy unless it is safe to do so.
- If and when it is safe to enter the pharmacy, please notify the Board if the pharmacy was damaged, looted, vandalized, sustained fire damage, etc. Please email the Board and provide the name and license number of the pharmacy. If applicable because inventory or records are being moved (see below), please include the location of any inventory of dangerous drugs and devices or records being transferred. If an assessment of the damage has been performed, please also include a brief description of the damages.
- When it is safe, any drugs, pharmacy records, and computers containing patient confidential information remaining in the pharmacy should be secured. Inventory all dangerous drugs and devices to identify any losses. (**Note:** The inventory may be performed before or immediately following the transfer of inventory to a secure location.)
- If you are unable to secure the drugs, records and computer in the pharmacy, please consider the following options pursuant to [Business and Professions Code section 4126](#):
 - Transferring and/or storing the drugs to a wholesaler owned or under common control by the wholesaler from whom the dangerous drugs were acquired.
 - Transferring the drugs to a licensed wholesaler acting as a reverse distributor.
 - Transferring and/or storing the drugs to another pharmacy under common control.
 - Storing the drugs at a board licensed premise including another pharmacy, hospital pharmacy, clinic, wholesaler, or third-party logistics provider.
- **Prescription refills.** If you are unable to conduct business, patients should be notified about how they can get refills of their prescriptions. Please consider the following options:

- Another pharmacy may refill the prescription if the pharmacy shares a common electronic file without transferring the prescription.
- Advise the patient to contact their doctor to obtain a new prescription to fill at a pharmacy of their choice.
- Another pharmacy, in good faith, may furnish a dangerous drug or dangerous device in reasonable quantities without a prescription during a federal, state, or local emergency, to further the health and safety of the public.
- Another pharmacy may contact the patient's prescriber to obtain a verbal or electronic prescription.
- **Adulterated drugs.** [Business and Professions Code section 4169\(a\)\(2\)](#) states a person or entity shall not purchase, trade, sell or transfer dangerous drugs that the person knew or reasonably should have known were adulterated as set forth in Article 2 (commencing with section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code. [Health and Safety Code section 111255](#) states any drug or device is adulterated if it has been produced, prepared, packed or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health. In general, if a pharmacist has reason to believe that any drug was subject to extreme temperatures, humidity, tampering, etc., the drugs should be considered to be adulterated and should be quarantined for proper disposal using a licensed wholesaler acting as a reverse distributor.

Below are guidance instructions on how to handle adulterated drugs:

- **When possible, secure and quarantine all drugs for assessment.**
- **Drugs damaged by fire or water.** If there was a fire in the pharmacy and drugs were exposed to high temperatures or water damage, they are considered adulterated and they should be quarantined for proper disposal using a licensed wholesaler acting as a reverse distributor. This includes filled prescriptions waiting to be picked up.
- **Drugs accessed by unauthorized individuals.** If there is evidence that unauthorized people were in the drug storage area, consideration should be given to determine if the drugs that are not in sealed manufacturer containers are considered adulterated. If so, they should be quarantined for proper disposal, including filled prescriptions that are waiting to be picked up.
- **Drugs requiring refrigeration.** If there is any evidence of improper temperature storage, the drugs in the refrigerator are considered adulterated and should be quarantined for proper disposal using a licensed wholesaler acting as a reverse distributor.
- Before destroying any adulterated drugs, you should check with local law enforcement, the Drug Enforcement Administration (DEA), and your business insurance provider to determine if any of the drugs need to be examined as evidence.
- **Reporting crimes.** All crimes should be reported to local law enforcement, especially theft of controlled substances. Save any security video for the police or DEA.
- **Reporting controlled substance losses.** Pharmacies are required to report all losses of controlled substance to the Board and DEA.
 - The DEA requires pharmacies to report all theft and significant losses of controlled substance within 1 business day using the DEA Form 106.
 - The Board requires pharmacies to report all losses of controlled substances within 30 days.
- **Operating at a temporary location.** If it is unsafe to continue to operate at your current location, consider the following:

- **Temporary location:** If you plan to continue to operate at a temporary location while the licensed premise is under construction, contact the Board at (916) 518-3100 and ask for the duty inspector or email ask.inspector@dca.ca.gov.
- **Discontinuance of business.** If you plan to discontinue business pursuant to [title 16, CCR section 1708.2](#), obtain and complete the discontinuance of business form from the Board's website at www.pharmacy.ca.gov. All drugs must be inventoried. All records of acquisition and disposition and dangerous drugs must be moved to a Board licensed premise.