

Drug Enforcement Administration
Diversion Control Division
Guidance Document

Title: QA Civil Unrest – Destruction of Controlled Substances

Question: Some pharmacies have experienced looting and extreme damage during recent rioting. Medications were thrown on the floor, and bottles were broken, making it unsafe and difficult to identify loose pills. How can we safely destroy controlled substances and maintain recordkeeping compliance?

Answer: DEA regulations authorize pharmacies to destroy controlled substances, or cause controlled substances to be destroyed, in a variety of ways, so long as the pharmacy acts in accordance with all other applicable federal, state, tribal, and local laws and regulations, and the controlled substances are rendered non-retrievable. See, e.g., [21 CFR 1317.05\(a\)](#), [1317.90](#), [1317.95](#). In most circumstances, however, DEA recommends that a pharmacy take the following steps to allow for the safe destruction of controlled substances and maintain records:

- 1) Contact a DEA-registered reverse distributor who will work with you to receive the controlled substances you need destroyed.
- 2) Safely transfer the controlled substances (and any debris mixed in with them) into containers, and seal the containers.
- 3) Sealed containers should be given a serial number or item number for tracking purposes.
- 4) You should document your transfer of these sealed containers to a reverse distributor on an invoice. The invoice should note the number of sealed containers and each container's serial number. This will act as the record of receipt for the reverse distributor. [21 CFR 1304.21\(d\)](#).
- 5) Sealed containers should then be sent to a reverse distributor through a common or contract carrier or picked up by a reverse distributor under their standard operating procedures. [21 CFR 1317.05\(a\)\(2\)](#). If a common or contract carrier is used, sealed containers must only be delivered to the reverse distributor's registered location. [21 CFR 1317.15\(b\)\(2\)\(i\)](#).
- 6) The reverse distributor will destroy entire sealed containers and document the destruction on a DEA Form 41. [21 CFR 1304.21\(e\)](#).
- 7) To account for lost, damaged, or stolen controlled substances (including through looting) that need to be destroyed, you should file a DEA Form 106 (report of Theft or Loss of Controlled Substances) based on pre-riot inventories and other pharmacy records. [21 CFR 1301.76\(b\)](#). Forms may be accessed through this DEA link: https://www.deadiversion.usdoj.gov/21cfr_reports/theft/index.html. You are required to maintain complete and accurate records. [21 U.S.C. 827\(a\)\(3\)](#).

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EO-DEA210, July 13, 2020, DEA-DC-042