

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

FINAL REGULATION TEXT

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CALIFORNIA CODE OF REGULATIONS  
TITLE 3. FOOD AND AGRICULTURE  
DIVISION 5. LIVESTOCK DRUGS  
CHAPTER 1. SALES OF RESTRICTED LIVESTOCK DRUGS

ARTICLE 1. DEFINITIONS

**§5000. Definitions.**

For purposes of this chapter, the following definitions apply:

(a) "Company representative" means an individual representing a restricted livestock drug licensee that is assigned to perform the duties required to maintain a restricted livestock drug licensee's compliance with California livestock drug laws and regulations.

(b) "Livestock" includes all animals, poultry, and bees, and aquatic and amphibian species which are raised, kept, or used for profit. It does not include those species which are usually kept as pets, such as dogs, cats, and pet birds. "Species which are raised, kept, or used for profit" means:

(1) Livestock that are used for financial gain, commercial use, breeding, competition, or show; or

(2) Livestock whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show.

(c) "Parent company" means the legal business entity that owns a restricted livestock drug licensee.

(d) "Qualified individual" means a person who meets the requirements of Section 5009 of Title 3 of the California Code of Regulations.

(e) "Restricted livestock drug" means any livestock drug which is sold in such form that it might be administered to humans and if so administered would be dangerous to the health of such humans or any livestock drug which if improperly administered to livestock is dangerous to the health of such livestock or to humans who consume products from such livestock. Restricted drugs include all of the following:

(1) Arsenic compounds and preparations;

(2) Diethylstilbestrol and other substances which have a hormonelike action;

(3) Sulfanilamide or substitute sulfanilamides;

(4) Antibiotic preparations, including those medically important antimicrobial drugs federally labeled for over the counter sale listed in Appendix A of the federal Food and Drug Administration's Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended;

(5) Type A Medicated Articles as defined in Section 558.3(b)(2) of Title 21 of the Code of Federal Regulations (8/24/2016), which is hereby incorporated by reference; and

(6) Any drug that has a withdrawal period.

(f) "Restricted livestock drug licensee" is a location licensed pursuant to Article 3 of Chapter 1 of Division 5 of Title 3 of the California Code of Regulations where sales of restricted livestock drugs occur.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14203, 14205 and 14321, Food and Agricultural Code.

## **ARTICLE 2. GENERAL PROVISIONS**

### **§5001. Sales of Restricted Livestock Drugs.**

(a) A restricted livestock drug shall only be sold at retail within or into this state by a restricted livestock drug licensee. This includes:

(1) In-person sales at a physical place of business, including mobile units, and

(2) All sales conducted using the internet, electronic mail, telephone, facsimile, mail order, or catalog.

(b) A business located outside of the State of California that makes any retail sale of a restricted livestock drug into this state shall obtain a restricted livestock drug license prior to any such sale.

(c) A separate restricted livestock drug license is required for each place of business at which any restricted livestock drug is kept for sale, and for each mobile unit in which any such drug is kept for sale.

(d) All livestock drugs sold by restricted livestock drug licensees must be registered pursuant to Section 14281 of the Food and Agricultural Code.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14281, 14321 and 14326, Food and Agricultural Code.

## **ARTICLE 3. LICENSING**

### **§5002. License Application.**

(a) The restricted livestock drug license application required pursuant to Section 14322 of the Food and Agricultural Code shall contain:

(1) The following information for the parent company:

- (A) The legal business name, Federal Tax ID number, and telephone number.
- (B) The full legal name of the owner or owners.
- (C) The mailing address, including street number, city, county, state, and ZIP code.
- (D) The company representative who shall be responsible for compliance with the livestock drug laws and regulations. This person shall serve as the Department's primary point of contact for the parent company. The following information shall be provided for the company representative: full legal name, title, email address, and telephone number.
- (E) The type of entity (corporation, partnership, sole proprietorship, limited liability company, co-partnership, or other). If other, the type shall be specified.

(2) The following information for the location to be licensed:

- (A) The physical location where the sale of restricted livestock drugs will occur, including street number, city, county, state, and ZIP code.
- (B) Whether the location to be licensed conducts online sales. If the location to be licensed conducts online sales, the website where sales are conducted shall be provided.
- (C) The manager for the location to be licensed. This person shall serve as the Department's primary point of contact for the location to be licensed. The following information shall be provided for the manager: full legal name, title, email address, and telephone number.
- (D) Whether the location to be licensed is a mobile unit. If the location to be licensed is a mobile unit, the license plate number shall be provided.
- (E) Whether the location to be licensed conducts sales of restricted livestock drugs to other businesses for the purpose of resale.
- (F) Whether the business to be licensed intends to sell California prescription drugs as defined in Section 5007(a) of Title 3 of the California Code of Regulations. Retailers that indicate such intent shall comply with all requirements of Chapter 2 of Division 5 of Title 3 of the California Code of Regulations and shall submit all of the following:
  - 1. The full legal name of each qualified individual that will sell California prescription drugs and documentation that each individual identified meets the requirements of Section 5009 of Title 3 of the California Code of Regulations.
  - 2. Either a written certification from a consulting pharmacist pursuant to Section 5013(b) of Title 3 of the California Code of Regulations, signed and dated within three (3) months from the date of application; or identification of a staff pharmacist pursuant to Section 5013(d) of Title 3 of the California Code of Regulations.

(3) The full legal name and title of the individual submitting the application and either their signature and the date signed or electronic acknowledgment of submission affirming that the information provided on the application is complete, true, and accurate.

(b) The application shall be accompanied by a non-refundable application fee of fifty dollars (\$50). The fee shall not be reduced to cover a fraction of a year.

(c) A restricted livestock drug license is valid for the remainder of the current calendar year in which it is issued.

(d) A restricted livestock drug licensee shall notify the Department within thirty (30) calendar days if any of the information provided pursuant to Sections 5002(a)(1) through 5002(a)(2)(E) changes after the license is issued.

(e) A restricted livestock drug licensee shall notify the Department if any information provided pursuant to Section 5002(a)(2)(F) changes after the license is issued. This information shall be provided to the Department before a qualified individual may sell any California prescription drug as defined in Section 5007(a) of Title 3 of the California Code of Regulations.

(f) A restricted livestock drug license application shall be denied if two or more violations have been issued to the applicant, owner(s) listed, parent company, or the location to be licensed within the previous twelve (12) months.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14322, 14323 and 14324, Food and Agricultural Code.

### **§5003. License Renewal.**

(a) Applications for restricted livestock drug license renewal shall be submitted between January 1 and January 31 of each year and shall be limited to the information described in Section 5002(a) of this chapter.

(b) The fee for the renewal application for a license is fifty dollars (\$50) per year, payable on or before January 31 of each year. If the fee is not paid by that date, a penalty of fifty dollars (\$50) shall be added to the fee.

(c) Any restricted livestock drug licensee that fails to renew its license on or before January 31 shall not sell restricted livestock drugs beginning February 1. Restricted livestock drugs shall not be sold by the restricted livestock drug licensee until the license has been renewed by the Department.

(d) A restricted livestock drug licensee shall notify the Department within thirty (30) calendar days if any of the information provided pursuant to Sections 5002(a)(1) through 5002(a)(2)(E) changes after the license is renewed.

(e) A restricted livestock drug licensee shall notify the Department if any information provided pursuant to Section 5002(a)(2)(F) changes after the license is renewed. This information shall be provided to the Department before a qualified individual may sell any California prescription drug as defined in Section 5007(a) of Title 3 of the California Code of Regulations.

(f) A restricted livestock drug license renewal application shall be denied if two or more violations have been issued to the applicant, owner(s) listed, parent company, or the location to be licensed within the previous twelve (12) months.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14322 and 14325, Food and Agricultural Code.

#### **ARTICLE 4. RECORDKEEPING**

##### **§5004. Sales Records.**

(a) Each restricted livestock drug licensee shall maintain, at the licensed location, a record of each sale of a restricted livestock drug by the licensee.

(b) The record of each sale of a restricted livestock drug shall include all of the following:

(1) The established drug name or trade name, route of administration, quantity, and lot number(s) of the restricted livestock drug sold;

(2) Date of sale;

(3) Name, address, and telephone number of the purchaser;

(4) Signature of the purchaser; and

(5) Any additional information as required under Section 5010(c)(1) of the California Code of Regulations regarding retail sales of California prescription drugs.

(c) The record of each sale of a restricted livestock drug:

(1) Shall be retained for a period of not less than three (3) years following the date of sale.

(2) Is subject to audit by the Department and shall be made available to the Department upon request.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14295, 14328, 14329 and 14330, Food and Agricultural Code.

#### **ARTICLE 5. VIOLATIONS AND PENALTIES**

##### **§5005. Violations.**

(a) It is unlawful for any business located within or outside of the State of California to make any retail sale of a restricted livestock drug within or into this state unless the business holds a valid restricted livestock drug license issued pursuant to Article 3 of Chapter 1 of Division 5 of Title 3 of the California Code of Regulations.

(b) It is unlawful for any business to fail to obtain a separate restricted livestock drug license for each place of business at which any restricted livestock drug is kept for sale, and for each mobile unit in which any such drug is kept for sale.

(c) It is unlawful for any business to sell a livestock drug that is not registered pursuant to Article 4 of Chapter 4 of Division 7 of the Food and Agricultural Code.

(d) It is unlawful for any applicant to submit inaccurate or outdated information on the restricted livestock drug license application or renewal.

(e) It is unlawful for any restricted livestock drug licensee to fail to notify the Department within thirty (30) calendar days if any of the information provided pursuant to Sections 5002(a)(1) through 5002(a)(2)(E) changes after the license is issued.

(f) It is unlawful for any restricted livestock drug licensee to sell a California prescription drug prior to providing the information required pursuant to Section 5002(a)(2)(F).

(g) It is unlawful for any restricted livestock drug licensee to fail to notify the Department prior to selling a California prescription drug if any of the information provided pursuant to Section 5002(a)(2)(F) changes after the license is issued.

(h) It is unlawful for any restricted livestock drug licensee to fail to keep sales records of restricted livestock drugs or to fail to make the required records available to the Department upon request as required by Section 5004 of this chapter.

(i) It is unlawful for any business to prevent the entry into and inspection of any premises where restricted livestock drugs are stored or sold.

(j) It is unlawful for any business to sell any restricted livestock drug that is outdated, damaged, misbranded or adulterated.

(k) It is unlawful for a restricted livestock drug licensee who does not renew their license with the Department on or before January 31 to sell any restricted livestock drugs beginning February 1 of that year.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14321, 14326, 14327, 14328, 14329, 14351, 14354, 14356, 14357, and 14362, Food and Agricultural Code.

#### **§5006. Penalties.**

(a) Upon finding a violation, the Department shall issue a notice in accordance with Section 14382 Food and Agricultural Code.

(b) A first violation of this chapter is an infraction punishable by a fine of five hundred dollars (\$500).

(c) A second or subsequent violation of this chapter is a misdemeanor punishable by a fine of one thousand dollars (\$1000).

(d) If the renewal fee is not paid by January 31, a penalty of fifty dollars (\$50) shall be added to the license fee.

Note: Authority Cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14381 and 14382, Food and Agricultural Code; Sections 11445.20, 11445.30, 11445.40, 11445.50 and 11445.60, Government Code.

CALIFORNIA CODE OF REGULATIONS  
TITLE 3. FOOD AND AGRICULTURE  
DIVISION 5. LIVESTOCK DRUGS  
CHAPTER 2. SALES OF CALIFORNIA PRESCRIPTION DRUGS

**ARTICLE 1. DEFINITIONS**

**§5007. Definitions.**

For purposes of this chapter, the following definitions apply:

(a) "California prescription drug" means a medically important antimicrobial drug intended for use on livestock that is federally labeled for over the counter sale but requires a prescription to be sold in California pursuant to Chapter 4.5 of Division 7 of the Food and Agricultural Code.

(b) "Extra label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling. This includes, but is not limited to, use in species not listed in the labeling, use for indications (disease or other conditions) not listed in the labeling, use at dosage levels, frequencies, or routes of administration other than those stated in the labeling, and deviation from the labeled withdrawal time based on these different uses.

(c) "Federal prescription drug" means a drug intended for use on livestock that is labeled with the statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

(d) "Livestock" includes all animals and poultry, including aquatic and amphibian species, that are raised, kept, or used for profit. Livestock does not include bees or those species which are usually kept as pets, such as dogs, cats, and pet birds. "Species that are raised, kept, or used for profit" means:

(1) Livestock that are used for financial gain, commercial use, breeding, competition, or show; or

(2) Livestock whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show.

(e) "Medically important antimicrobial drug" means an antimicrobial drug listed in Appendix A of the federal Food and Drug Administration's Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended.

(f) "Pharmacist" means a natural person to whom a license has been issued by the State Board of Pharmacy under Section 4200 of the Business and Professions Code.

(g) "Prescription" means an oral, written, or email order issued by a veterinarian that includes at least the following information:

- (1) The name and address of the livestock owner;
- (2) The name and quantity of the drug or device prescribed and the directions for use;
- (3) The date of issue;
- (4) The name, address, and telephone number of the prescribing veterinarian, and;
- (5) If in writing, the signature of the prescribing veterinarian.

(h) "Qualified individual" means a person who meets the requirements of Section 5009 of Title 3 of the California Code of Regulations.

(i) "Restricted livestock drug" means any livestock drug which is sold in such form that it might be administered to humans and if so administered would be dangerous to the health of such humans or any livestock drug which if improperly administered to livestock is dangerous to the health of such livestock or to humans who consume products from such livestock. Restricted drugs include all of the following:

- (1) Arsenic compounds and preparations;
- (2) Diethylstilbestrol and other substances which have a hormonelike action;
- (3) Sulfanilamide or substitute sulfanilamides;
- (4) Antibiotic preparations, including those medically important antimicrobial drugs federally labeled for over the counter sale listed in Appendix A of the federal Food and Drug Administration's Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended;
- (5) Type A Medicated Articles as defined in Section 558.3(b)(2) of Title 21 of the Code of Federal Regulations (8/24/2016), which is hereby incorporated by reference, and
- (6) Any drug that has a withdrawal period.

(j) "Restricted livestock drug licensee" is a location licensed pursuant to Article 3 of Chapter 1 of Division 5 of Title 3 of the California Code of Regulations where sales of restricted livestock drugs occur.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.  
Reference: Sections 14203, 14321, 14400, 14403 and 14405, Food and Agricultural Code.

## **ARTICLE 2. GENERAL PROVISIONS**

### **§5008. Sales of California Prescription Drugs.**

(a) The provisions of this chapter apply only to restricted livestock drug licensees that choose to sell California prescription drugs pursuant to Chapter 4.5 of Division 7 of the Food and Agricultural Code. These are restricted livestock drugs under Section 14203(d) of the Food and Agricultural Code and are therefore subject to Chapter 4 of Division 7 of the Food and Agricultural Code and Chapter 1 of Division 5 of Title 3 of the of the California Code of

Regulations, in addition to Chapter 4.5 of Division 7 of the Food and Agricultural Code and the provisions of this chapter.

(b) A restricted livestock drug licensee shall not sell any drug that is required by federal law to be sold by prescription only unless the licensee also holds a valid license under Section 4110 or 4196 of the Business and Professions Code allowing it to do so.

(c) A restricted livestock drug licensee shall only sell California prescription drugs to an end user for the sole purpose of administration to livestock. A restricted livestock drug licensee shall not sell a California prescription drug to another business for resale unless the licensee also holds a valid license under Section 4160 of the Business and Professions Code allowing it to do so.

(d) A restricted livestock drug licensee shall not sell a California prescription drug until the information required in Section 5002(a)(2)(F) of Title 3 of the California Code of Regulations has been submitted to the Department.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.  
Reference: Sections 14203, 14262, 14281, 14321 and 14403, Food and Agricultural Code.

### **ARTICLE 3. ADDITIONAL REQUIREMENTS**

#### **§5009. Qualified Individuals.**

(a) Each restricted livestock drug licensee that chooses to sell California prescription drugs shall identify one (1) or more employees to serve as qualified individual(s) responsible for protecting the public health and safety in the handling, storage, and sale of California prescription drugs.

(b) A qualified individual shall be at least 18 years of age.

(c) A qualified individual shall complete a training program that meets the following:

(1) Offered by one of the following:

(A) Federal, state, or local government agencies;

(B) University or college accredited by a regional or national accrediting agency recognized by the United States Department of Education; or

(C) Veterinarian technician program accredited by the American Veterinary Medical Association's Committee on Veterinary Technician Education and Activities.

(2) Addresses each of the following subjects with regard to California prescription drugs:

(A) Applicable state and federal laws, including how to identify whether a product is a California prescription drug;

(B) The importance and obligations relative to drug use on livestock, including public health threats such as residue hazards to consumers and antimicrobial resistance;

(C) How to read and understand information contained on drug labels and package inserts, including cautionary statements and withdrawal times;

(D) How to read and understand a prescription and verify that it is in accordance with the labeled use for the prescribed drug. This shall include information on terminology, abbreviations, dosages, and routes of administration for drugs prescribed by veterinarians; and

(E) How to safely store and handle California prescription drugs in accordance with the storage conditions indicated on the manufacturer's label.

(d) Alternatives to the training requirements specified in subsection (c) of this section include fulfillment of one of the following:

(1) Registration as a registered veterinary technician with the California Veterinary Medical Board;

(2) Eligibility to take the State Board of Pharmacy's pharmacist licensure examination or the California Veterinary Medical Board's veterinarian licensure examination; or

(3) Possession of a pharmacist license issued by the State Board of Pharmacy.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code. Reference: Section 14403, Food and Agricultural Code.

#### **§5010. Sale Requirements.**

(a) A California prescription drug shall only be sold by a qualified individual.

(b) A qualified individual shall not sell a California prescription drug without the purchaser first providing a prescription in a written, facsimile, or electronic image format. A qualified individual shall not alter or amend a prescription nor sell a California prescription drug on the basis of an oral order. Prior to selling the California prescription drug, the qualified individual shall verify:

(1) The prescription describes a use that is in accordance with the manufacturer or distributor's label for the prescribed drug; and

(2) The date sold is within the expiration date and within six months of the issuance date listed on the prescription.

(c) In addition to the recordkeeping requirements listed in Chapter 4 of Division 7 of the Food and Agricultural Code and Section 5004 of Title 3 of the California Code of Regulations, a restricted livestock drug licensee shall comply with the following provisions for each sale of a California prescription drug.

(1) Include all of the following in the record of sale:

(A) Indication that the drug sold is a California prescription drug;

(B) Identification of the qualified individual selling the drug; and

(C) A unique identification number.

(2) Retain a copy of the prescription labeled with the corresponding unique identification number listed in the record of sale.

(3) The record of sale and copy of the prescription:

(A) Shall be retained for a period of not less than three (3) years following the date of sale.

(B) Are subject to audit by the Department and shall be made available to the Department upon request.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code. Reference: Sections 14295, 14327, 14328, 14329, 14330, 14358, 14403 and 14405, Food and Agricultural Code.

### **§5011. Storage and Inventory Requirements.**

(a) Each restricted livestock drug licensee shall store California prescription drugs in a secure, lockable area that shall only be accessible to the qualified individual(s) identified to the Department pursuant to section 5002(a)(2)(F) or section 5002(e) of Title 3 of the California Code of Regulations.

(b) Each restricted livestock drug licensee shall maintain on the premises fixtures and equipment in a clean and orderly condition. California prescription drugs shall be stored in accordance with the storage conditions indicated on the manufacturer's label.

(c) No restricted livestock drug licensee shall sell a California prescription drug except in the container in which it is packaged by the manufacturer or distributor.

(1) A restricted livestock drug licensee may break down case lots of California prescription drugs, so long as the seals on the individual containers are not broken.

(2) A restricted livestock drug licensee shall not open an individual container and count out or measure out any quantity of California prescription drugs.

(d) Each restricted livestock drug licensee shall adhere to the following procedures for handling damaged or outdated California prescription drugs:

(1) California prescription drugs that are outdated, damaged, misbranded or adulterated shall be placed in a quarantine area and physically separated from other drugs until they are disposed of in the manner indicated in the written procedures developed in accordance with Section 5012.

(2) Any California prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be placed in a quarantine area and physically separated from other drugs until they are disposed of in the manner indicated in the written procedures developed in accordance with Section 5012.

(e) Each restricted livestock drug licensee shall maintain an inventory of California prescription drugs, shall verify that inventory records are free from errors and inaccuracies, and shall identify and record losses or thefts of California prescription drugs.

(f) All records related to the receipt, storage, inventory, sale, and disposition of California prescription drugs:

(1) Shall be retained for a period of not less than three (3) years from the date of creation.

(2) Are subject to audit by the Department and shall be made available to the Department upon request.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.  
Reference: Sections 14295, 14327, 14330, 14358 and 14403, Food and Agricultural Code.

### **§5012. Written Operating Procedures.**

(a) Each restricted livestock drug licensee shall establish, maintain, and adhere to store-specific written operating procedures for the receipt, storage, inventory, sale, and disposition of California prescription drugs.

(b) Each qualified individual employed by a restricted livestock drug licensee shall receive training on the licensee's store-specific written operating procedures.

(c) All records pertaining to this section:

(1) Shall be retained for a period of not less than three (3) years from the date of creation.

(2) Are subject to audit by the Department and shall be made available to the Department upon request.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.  
Reference: Sections 14295, 14327, 14330, 14403 and 14405, Food and Agricultural Code.

### **§5013. Pharmacist Oversight.**

(a) Each restricted livestock drug licensee shall either retain a consulting pharmacist or employ a pharmacist on staff.

(b) If a restricted livestock drug licensee chooses to retain a consulting pharmacist, the consulting pharmacist shall complete the following on a quarterly basis:

(1) Review, approve, and revise the restricted livestock drug licensee's store-specific written operating procedures as defined in Section 5012(a) of this chapter.

(2) Ensure the restricted livestock drug licensee is following all written procedures and is maintaining all records required pursuant to Sections 5004 and 5011(f).

(3) Issue a signed, written certification stating whether or not the restricted livestock drug licensee is operating in compliance with California law and regulations regarding California prescription drugs.

(c) The consulting pharmacist shall notify the Department within ten (10) days if the restricted livestock drug licensee is not in compliance with California law and regulations regarding California prescription drugs.

(d) If a restricted livestock drug licensee chooses to employ a pharmacist on staff, the staff pharmacist shall:

(1) Review, approve, and revise the restricted livestock drug licensee's store-specific written operating procedures as defined in Section 5012(a) of this chapter.

(2) Ensure the restricted livestock drug licensee is following all written procedures and is maintaining all records required pursuant to Sections 5004 and 5011(f).

(3) A pharmacist employed by a restricted livestock drug licensee shall be exempt from the following provisions of this chapter:

(A) Prohibition on the sale of a California prescription drug on the basis of an oral order as specified in Section 5010(b).

(B) Prohibition on the sale of a California prescription drug for an extralabel use as specified in Section 5010(b)(1).

(e) The restricted livestock drug licensee shall disclose to the Department if the consulting or staff pharmacist has an ownership or financial interest in the location.

(f) All records pertaining to this section:

(1) Shall be retained for a period of not less than three (3) years from the date of creation.

(2) Are subject to audit by the Department and shall be made available to the Department upon request.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.  
Reference: Sections 14295, 14327, 14330, 14403 and 14405, Food and Agricultural Code.

#### **ARTICLE 4. VIOLATIONS AND PENALTIES**

##### **§5014. Violations.**

(a) It is unlawful for any restricted livestock drug licensee to sell any drug that is required by federal law to be sold on prescription only unless the licensee also holds a valid license under Article 7 or Article 15 of Chapter 9 of Division 2 of the Business and Professions Code allowing them to do so.

(b) It is unlawful for any restricted livestock drug licensee to sell any California prescription drug to another business for resale unless the licensee also holds a valid license under Article 11 of Chapter 9 of Division 2 of the Business and Professions Code allowing them to do so.

(c) It is unlawful for any employee of a restricted livestock drug licensee to sell a California prescription drug unless they are a qualified individual that meets the requirements of Section

5009 of this chapter that has been identified to the Department at the time of licensure, renewal, or upon appointment.

(d) It is unlawful for any qualified individual to sell any California prescription drug at retail unless the purchaser provides a valid prescription issued by a veterinarian.

(e) It is unlawful for any qualified individual to alter or amend any prescription.

(f) It is unlawful for any qualified individual who is not a licensed pharmacist to sell any California prescription drug on the basis of an oral order.

(g) It is unlawful for any qualified individual who is not a licensed pharmacist to sell any California prescription drug for a purpose that is not in accordance with its manufacturer or distributor's label.

(h) It is unlawful for any qualified individual to sell any California prescription drug at retail beyond the expiration date listed on the prescription or if the date of issuance of the prescription is more than six months prior to the date of purchase.

(i) It is unlawful for any restricted livestock drug licensee to fail to keep sales records of California prescription drugs or to fail to make the required records available to the Department upon request as required by Section 5010 of this chapter.

(j) It is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for receipt, storage, inventory, sale, and disposition of California prescription drugs as required by Section 5011 of this chapter.

(k) It is unlawful for any qualified individual to sell any California prescription drug except in the container in which it is packaged by the manufacturer or distributor.

(l) It is unlawful for any qualified individual to sell any California prescription drug that is outdated, damaged, misbranded or adulterated.

(m) It is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for written operating procedures for sales of California prescription drugs as required by Section 5012 of this chapter.

(n) It is unlawful for any restricted livestock drug licensee to sell California prescription drugs without either retaining a consulting pharmacist or employing a pharmacist on staff as required by Section 5013 of this chapter.

(o) It is unlawful for any business to prevent the entry into and inspection of any premises where California prescription drugs are stored or sold.

Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code.

Reference: Sections 14203, 14262, 14281, 14295, 14321, 14327, 14328, 14329, 14330, 14358, 14403 and 14405 Food and Agricultural Code.

### **§5015. Penalties.**

(a) Upon finding a violation, the Department shall issue a notice in accordance with Section 14408 Food and Agricultural Code.

(b) A person who violates this chapter shall be liable for a civil penalty of two hundred and fifty dollars (\$250) for each day a violation occurs.

(c) For a second or subsequent violation, a person who violates this chapter shall be punishable by an administrative fine, levied by the Secretary, in the amount of five hundred dollars (\$500) for each day a violation occurs.

Note: Authority Cited: Sections 407, 14231, 14403 and 14405, Food and Agricultural Code. Reference: Sections 14382 and 14408, Food and Agricultural Code; Sections 11445.10, 11445.20, 11445.30, 11445.40, 11445.50 and 11445.60, Government Code.