

**218A.170 Sale, distribution, administration, or prescription of controlled substances by licensed manufacturers, distributors, wholesalers, pharmacists, or practitioners -- Nontoxic compositions for safe disposal of controlled substances -- Duties of pharmacists and practitioners -- Penalties.**

- (1) A duly licensed manufacturer, distributor, or wholesaler may sell or distribute controlled substances, other than samples, to any of the following persons:
  - (a) To a manufacturer, wholesaler, or pharmacy;
  - (b) To a practitioner;
  - (c) To the administrator in charge of a hospital, but only for use by or in that hospital;
  - (d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical research purposes;
  - (e) To a person registered pursuant to the federal controlled substances laws.
- (2) A pharmacist may sell or distribute a controlled substance:
  - (a) Pursuant to a prescription that conforms to the requirements of this chapter; or
  - (b) To a person registered pursuant to the federal controlled substances laws.
- (3) A pharmacist who is licensed under KRS Chapter 315 or a pharmacist's designee shall inform persons who receive a prescription for a controlled substance that contains any salt, compound, derivative, or preparation of an opioid, benzodiazepine, a barbiturate, codeine, or an amphetamine, about the importance of proper and safe disposal of unused, unwanted, or expired prescription drugs by one of the following methods:
  - (a) Verbally;
  - (b) In writing; or
  - (c) Posted signage.
- (4) Upon dispensing of any prescription that contains any salt, compound, derivative, or preparation of an opioid, benzodiazepine, a barbiturate, codeine, or an amphetamine, a pharmacist who is licensed under KRS Chapter 315 or a pharmacist's designee may:
  - (a) Make available for purchase, or at no charge distribute, a nontoxic composition for the sequestration, deactivation, destruction, and disposal of any unused, unwanted, or expired prescription; or
  - (b) Provide an on-site, safe, and secure medicine disposal receptacle or kiosk for the safe disposal of any unused, unwanted, or expired prescription.
- (5) A manufacturer or distributor of nontoxic compositions for the sequestration, deactivation, or destruction and disposal of controlled substances is strongly encouraged to enter into a consignment-reimbursement contract with a pharmacy in order for a pharmacy to expand its inventory of the nontoxic compositions.
- (6) A practitioner may:
  - (a) Administer, dispense, or prescribe a controlled substance only for a legitimate medical purpose and in the course of professional practice; or

- (b) Distribute a controlled substance to a person registered pursuant to the federal controlled substance laws.
- (7) A practitioner who dispenses a controlled substance that contains any salt, compound, derivative, or preparation of an opioid, benzodiazepine, a barbiturate, codeine, or an amphetamine shall:
  - (a) Inform all persons who receive a prescription for a controlled substance about the importance of proper and safe disposal of unused, unwanted, or expired prescription drugs; and
  - (b) Make available for purchase, or at no cost distribute, a nontoxic composition for the sequestration, deactivation, or destruction and disposal of unused, unwanted, or expired controlled substances.
- (8) All sales and distributions shall be in accordance with KRS 218A.200 and the federal controlled substances laws, including the requirements governing the use of order forms.
- (9) Possession of or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.
- (10) Subsections (3), (4), (7), and (12) of this section shall not apply to veterinarians.
- (11) The Kentucky Medicaid program shall not be required to provide payment for the provisions established in subsections (4) and (7) of this section.
- (12) Any person who violates subsection (3) or (7) of this section shall be subject to a fine of twenty-five dollars (\$25) for the first violation, a fine of one hundred dollars (\$100) for the second violation, and a fine of two hundred dollars (\$200) for each subsequent violation.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 108, sec. 1, effective July 14, 2018. -- Amended 1998 Ky. Acts ch. 301, sec. 23, effective July 15, 1998. -- Created 1972 Ky. Acts ch. 226, sec. 18.