

BOARDS AND COMMISSIONS

Board of Pharmacy

(Amendment)

201 KAR 2:190. Return of prescription drugs

RELATES TO: KRS Chapters 217 and 315

STATUTORY AUTHORITY: KRS 217.055, 217.215, 315.191(1), (5)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: To prevent the dispensing of drugs that have been adulterated, contaminated or misbranded.

Section 1. No pharmacy, pharmacist, or agent thereof shall accept for reuse or resale a prescription drug. This administrative regulation shall not apply to sealed/unopened prescription drugs in the original standard unit of dispensing.

Section 2. Drug Integrity Must Be Verified Before Accepting Return.

(1) No pharmacist shall accept the return of a prescription drug unless:

(a) The drug is in a sealed container by which it can be readily determined by a pharmacist employed by the dispensing pharmacy that entry or attempted entry by any means has not been made;

(b) The drug container meets the standards of the United States Pharmacopoeia for storage conditions including temperature, light sensitivity, moisture, chemical and physical stability;

(c) The drug labeling and packaging has not been altered or defaced and the identity of the drug, its potency, lot number and expiration date are legible;

(d) The drug does not require refrigeration; and

(e) The drug is returned to a pharmacist employed by the dispensing pharmacy within fourteen (14) days.

(2) Subsection (1)(d) and (e) shall be waived if all other conditions are met and if:

(a) The drug was dispensed for a patient in a health care facility licensed by the Cabinet for Human Resources;

(b) The drug has not come into the physical possession of the person for whom it was prescribed;

(c) The drug has been under the continuous control of personnel in the health care facility who are trained and knowledgeable in the storage and administration of drugs;

(d) The drug has been properly stored in an area which is regularly inspected by a pharmacist; and

(e) The drug is not expired.

(3) Drugs dispensed within an acute care facility shall be exempt from the provisions of subsection 1(a), (d), and (e) of this section.

(4) Nothing in this administrative regulation shall be construed to require a pharmacist to accept the return of a prescription drug.

Section 3. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

CHRISTOPHER HARLOW, Pharm D, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.