

## **BOARDS AND COMMISSIONS**

### **Board of Pharmacy**

**(Amended at ARRS Committee)**

#### **201 KAR 2:330. Emergency pharmacy powers.**

RELATES TO: KRS 39A.100, 315.500

STATUTORY AUTHORITY: KRS 217.215, 315.191, 315.500, 315.505

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: KRS 315.500 establishes the conditions under which a pharmacy may operate temporarily in an area not designated on the pharmacy permit and for pharmacists dispensing emergency supplies of medication pursuant to an executive order issued by the Governor under KRS 39A.100. KRS 315.505 authorizes the Board of Pharmacy to promulgate administrative regulations to allow pharmacists to effectuate the authority granted in KRS 315.500(1). KRS 217.215(3) authorizes pharmacists to dispense prescription refills of medication without prior authorization from the provider during emergency situations as authorized by KRS 315.500 and requires the board to promulgate administrative regulations for implementation. KRS 315.191(1) authorizes the board to promulgate administrative regulations governing pharmacists and pharmacies. This administrative regulation establishes the conditions that authorize a prescription refill when the prescriber is unavailable and for a pharmacy to operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor under KRS 315.500.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense an emergency refill of up to a thirty (30) day supply of the medication pursuant to KRS 217.215 if:

- (1) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located;
- (2) The pharmacist obtains prescription information from:
  - (a) A prescription label;
  - (b) A prescription record within the pharmacy;
  - (c) A prescription record from another pharmacy;
  - (d) A common database;
  - (e) The patient; or
  - (f) Any other healthcare record;
- (3) The prescription refill is not for a controlled substance;
- (4) The prescription is for a maintenance medication;
- (5) In the pharmacist's professional judgment, the interruption of therapy may produce undesirable consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort; and
- (6) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

Section 2.

- (1) A pharmacy may temporarily relocate to and operate at a new location if:
  - (a) It is not safe or practicable to operate a pharmacy at the address listed on the permit; and
  - (b) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located.
- (2) The pharmacy owner shall:

- (a) Maintain confidentiality of patient records;
  - (b) Secure all drugs; and
  - (c) Notify the board of the temporary address as soon as practicable.
- (3) The following regulatory requirements shall not apply for this temporary location:
- (a) The requirement to maintain references as listed in 201 KAR 2:090, Section 1;
  - (b) The requirement to maintain equipment as listed in 201 KAR 2:205, Section 2; and
  - (c) The requirement that the pharmacy be enclosed by a floor to ceiling partition if it is located within a larger establishment which is open to the public for business when a pharmacist is not present.

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