902 KAR 55:040. Excluded nonnarcotic substances.

RELATES TO: KRS 218A.020-218A.120, 21 C.F.R. 1308.22, 21 U.S.C. 301-399f, 801-971

STATUTORY AUTHORITY: KRS 218A.020(4), 218A.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218A.020(4) requires the Cabinet for Health and Family Services to exclude any nonnarcotic substance from a schedule if the substance may be lawfully sold over the counter without prescription under the provisions of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301-399f), the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-971), or KRS Chapter 218A. KRS 218A.250 requires the Cabinet for Health and Family Services to promulgate administrative regulations to carry out the provisions of KRS Chapter 218A. This administrative regulation excludes certain nonnarcotic substances from scheduling pursuant to KRS 218A.020(4).

Section 1. Excluded Substances. The Cabinet for Health and Family Services shall exclude from all state schedules established in accordance with KRS 218A.020(1), (3) and 902 KAR 55:015 any nonnarcotic substance that may be lawfully sold over-the-counter without a prescription if the substance has been excluded from all federal schedules pursuant to 21 U.S.C. 811(g)(1) and as listed in 21 C.F.R. 1308.22.

(1 Ky.R. 635; eff. 4-9-1975; Recodified from 901 KAR 1:040, 4-14-1982; 11 Ky.R. 1679; eff. 6-4-1985; 18 Ky.R. 1471; eff. 2-7-1992; 19 Ky.R. 1665; 2251; eff. 3-17-1993; 20 Ky.R. 863; eff. 12-6-1993; 21 Ky.R. 1393; eff. 1-9-1995; 23 Ky.R. 3985; 24 Ky.R. 126; eff. 7-16-1997; 44 Ky.R. 147, 534; eff. 9-20-2017; Cert eff. 7-18-2024.)