

1 AN ACT relating to the safe disposal of controlled substances.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218A.170 is amended to read as follows:

- 4 (1) A duly licensed manufacturer, distributor, or wholesaler may sell or distribute
5 controlled substances, other than samples, to any of the following persons:
- 6 (a) To a manufacturer, wholesaler, or pharmacy;
 - 7 (b) To a practitioner;
 - 8 (c) To the administrator in charge of a hospital, but only for use by or in that
9 hospital;
 - 10 (d) To a person in charge of a laboratory, but only for use in that laboratory for
11 scientific and medical research purposes;
 - 12 (e) To a person registered pursuant to the federal controlled substances laws.
- 13 (2) A pharmacist may sell or distribute a controlled substance:
- 14 (a) Pursuant to a prescription that conforms to the requirements of this chapter; or
 - 15 (b) To a person registered pursuant to the federal controlled substances laws.
- 16 (3) ***A pharmacist who is licensed under KRS Chapter 315 or a pharmacist's designee***
17 ***shall inform persons who receive a prescription for a controlled substance that***
18 ***contains any salt, compound, derivative, or preparation of an opioid,***
19 ***benzodiazepine, a barbiturate, codeine, or an amphetamine, about the importance***
20 ***of proper and safe disposal of unused, unwanted, or expired prescription drugs by***
21 ***one of the following methods:***
- 22 ***(a) Verbally;***
 - 23 ***(b) In writing; or***
 - 24 ***(c) Posted signage.***
- 25 ***(4) Upon dispensing of any prescription that contains any salt, compound, derivative,***
26 ***or preparation of an opioid, benzodiazepine, a barbiturate, codeine, or an***
27 ***amphetamine, a pharmacist who is licensed under KRS Chapter 315 or a***

1 pharmacist's designee may:

2 (a) Make available for purchase, or at no charge distribute, a nontoxic
3 composition for the sequestration, deactivation, destruction, and disposal of
4 any unused, unwanted, or expired prescription; or

5 (b) Provide an on-site, safe, and secure medicine disposal receptacle or kiosk
6 for the safe disposal of any unused, unwanted, or expired prescription.

7 (5) A manufacturer or distributor of nontoxic compositions for the sequestration,
8 deactivation, or destruction and disposal of controlled substances is strongly
9 encouraged to enter into a consignment-reimbursement contract with a
10 pharmacy in order for a pharmacy to expand its inventory of the nontoxic
11 compositions.

12 (6) A practitioner may:

13 (a) Administer, dispense, or prescribe a controlled substance only for a legitimate
14 medical purpose and in the course of professional practice; or

15 (b) Distribute a controlled substance to a person registered pursuant to the federal
16 controlled substance laws.

17 (7) A practitioner who dispenses a controlled substance that contains any salt,
18 compound, derivative, or preparation of an opioid, benzodiazepine, a barbiturate,
19 codeine, or an amphetamine shall:

20 (a) Inform all persons who receive a prescription for a controlled substance
21 about the importance of proper and safe disposal of unused, unwanted, or
22 expired prescription drugs; and

23 (b) Make available for purchase, or at no cost distribute, a nontoxic
24 composition for the sequestration, deactivation, or destruction and disposal
25 of unused, unwanted, or expired controlled substances.

26 (8)~~[(4)]~~ All sales and distributions shall be in accordance with KRS 218A.200 and the
27 federal controlled substances laws, including the requirements governing the use of

1 order forms.

2 ~~(9)~~~~(5)~~ Possession of or control of controlled substances obtained as authorized by
3 this section shall be lawful if in the regular course of business, occupation,
4 profession, employment, or duty of the possessor.

5 **(10) Subsections (3), (4), (7), and (12) of this section shall not apply to veterinarians.**

6 **(11) The Kentucky Medicaid program shall not be required to provide payment for the**
7 **provisions established in subsections (4) and (7) of this section.**

8 **(12) Any person who violates subsection (3) or (7) of this section shall be subject to a**
9 **fine of twenty-five dollars (\$25) for the first violation, a fine of one hundred**
10 **dollars (\$100) for the second violation, and a fine of two hundred dollars (\$200)**
11 **for each subsequent violation.**