

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 shall offer to sell or distribute a nontoxic composition for the***  
17 ***sequestration or deactivation and disposal of unused, unwanted, or expired***  
18 ***controlled substances with the initial prescription, and any prescriptions that***  
19 ***change the unit dosage of an initial prescription, of a controlled substance that is***  
20 ***sold or distributed that contains any salt, compound, derivative, or preparation of***  
21 ***an opiate, benzodiazepine, a barbiturate, codeine, or an amphetamine. The***  
22 ***nontoxic composition must permanently sequester or deactivate the controlled***  
23 ***substance.***
- 24 (4) ***A pharmacist shall inform all persons who receive a prescription about the***  
25 ***importance of proper and safe disposal of unused, unwanted, or expired***  
26 ***prescription drugs.***
- 27 (5) A practitioner may:

- 1 (a) Administer, dispense, or prescribe a controlled substance only for a legitimate  
2 medical purpose and in the course of professional practice; or  
3 (b) Distribute a controlled substance to a person registered pursuant to the federal  
4 controlled substance laws.

5 **(6) A practitioner shall offer to sell or distribute a nontoxic composition for the**  
6 **sequestration or deactivation and disposal of unused, unwanted, or expired**  
7 **controlled substances with the initial prescription, and any prescriptions that**  
8 **change the unit dosage of an initial prescription, of a controlled substance that is**  
9 **dispensed or distributed that contains any salt, compound, derivative, or**  
10 **preparation of an opiate, benzodiazepine, a barbiturate, codeine, or an**  
11 **amphetamine. The nontoxic composition must permanently sequester or**  
12 **deactivate the controlled substance.**

13 **(7) A practitioner shall inform all persons who receive a prescription about the**  
14 **importance of proper and safe disposal of unused, unwanted, or expired**  
15 **prescription drugs.**

16 ~~(8)(4)~~ All sales and distributions shall be in accordance with KRS 218A.200 and the  
17 federal controlled substances laws, including the requirements governing the use of  
18 order forms.

19 ~~(9)(5)~~ Possession of or control of controlled substances obtained as authorized by  
20 this section shall be lawful if in the regular course of business, occupation,  
21 profession, employment, or duty of the possessor.

22 **(10) The Kentucky Medicaid program shall not be required to provide payment for the**  
23 **provisions established in subsections (3) and (6) of this section.**

24 **(11) Any person who violates subsection (3), (4), (6), or (7) of this section shall be**  
25 **subject to a fine of twenty-five dollars (\$25) for the first violation, a fine of one**  
26 **hundred dollars (\$100) for the second violation, and a fine of two hundred**  
27 **dollars (\$200) for each subsequent violation.**