

1 AN ACT relating to drug disposal.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, "drug disposal method" means a nontoxic composition
6 for the sequestration, deactivation, destruction, and disposal of any unused,
7 unwanted, or expired prescription.

8 (2) Upon the request of a pharmacist or practitioner as defined in KRS 218A.010, the
9 Kentucky Medicaid program shall provide payment to the pharmacist or
10 practitioner for the cost of a drug disposal method that the pharmacist or
11 practitioner distributed to a Medicaid recipient upon dispensing a controlled
12 substance that contains any salt, compound, derivative, or preparation of an
13 opioid, benzodiazepine, a barbiturate, codeine, or an amphetamine to the
14 Medicaid recipient, in accordance with Section 2 of this Act.

15 (3) The amount of the payment shall be the cost to the pharmacist or practitioner of
16 the drug disposal method.

17 (4) The pharmacist or practitioner shall only receive payment for the cost of the drug
18 disposal method if it was provided at no cost to the Medicaid recipient.

19 ➔Section 2. KRS 218A.170 is amended to read as follows:

20 (1) A duly licensed manufacturer, distributor, or wholesaler may sell or distribute
21 controlled substances, other than samples, to any of the following persons:

- 22 (a) To a manufacturer, wholesaler, or pharmacy;
- 23 (b) To a practitioner;
- 24 (c) To the administrator in charge of a hospital, but only for use by or in that
25 hospital;
- 26 (d) To a person in charge of a laboratory, but only for use in that laboratory for
27 scientific and medical research purposes;

- 1 (e) To a person registered pursuant to the federal controlled substances laws.
- 2 (2) A pharmacist may sell or distribute a controlled substance:
- 3 (a) Pursuant to a prescription that conforms to the requirements of this chapter; or
- 4 (b) To a person registered pursuant to the federal controlled substances laws.
- 5 (3) A pharmacist who is licensed under KRS Chapter 315 or a pharmacist's designee
- 6 shall inform persons who receive a prescription for a controlled substance that
- 7 contains any salt, compound, derivative, or preparation of an opioid,
- 8 benzodiazepine, a barbiturate, codeine, or an amphetamine, about the importance of
- 9 proper and safe disposal of unused, unwanted, or expired prescription drugs by one
- 10 of the following methods:
- 11 (a) Verbally;
- 12 (b) In writing; or
- 13 (c) Posted signage.
- 14 (4) Upon dispensing of any prescription that contains any salt, compound, derivative,
- 15 or preparation of an opioid, benzodiazepine, a barbiturate, codeine, or an
- 16 amphetamine, a pharmacist who is licensed under KRS Chapter 315 or a
- 17 pharmacist's designee may:
- 18 (a) Make available for purchase, or at no charge distribute, a nontoxic
- 19 composition for the sequestration, deactivation, destruction, and disposal of
- 20 any unused, unwanted, or expired prescription; or
- 21 (b) Provide an on-site, safe, and secure medicine disposal receptacle or kiosk for
- 22 the safe disposal of any unused, unwanted, or expired prescription.
- 23 (5) A manufacturer or distributor of nontoxic compositions for the sequestration,
- 24 deactivation, or destruction and disposal of controlled substances is strongly
- 25 encouraged to enter into a consignment-reimbursement contract with a pharmacy in
- 26 order for a pharmacy to expand its inventory of the nontoxic compositions.
- 27 (6) 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 (7) A practitioner who dispenses a controlled substance that contains any salt,
6 compound, derivative, or preparation of an opioid, benzodiazepine, a barbiturate,
7 codeine, or an amphetamine shall:
- 8 (a) Inform all persons who receive a prescription for a controlled substance about
9 the importance of proper and safe disposal of unused, unwanted, or expired
10 prescription drugs; and
- 11 (b) Make available for purchase, or at no cost distribute, a nontoxic composition
12 for the sequestration, deactivation, or destruction and disposal of unused,
13 unwanted, or expired controlled substances.
- 14 (8) All sales and distributions shall be in accordance with KRS 218A.200 and the
15 federal controlled substances laws, including the requirements governing the use of
16 order forms.
- 17 (9) Possession of or control of controlled substances obtained as authorized by this
18 section shall be lawful if in the regular course of business, occupation, profession,
19 employment, or duty of the possessor.
- 20 (10) Subsections (3), (4), (7), and (12) of this section shall not apply to veterinarians.
- 21 (11) The Kentucky Medicaid program shall ~~not be required to~~ provide payment for the
22 provisions established in subsections (4) and (7) of this section ***in accordance with***
23 ***Section 1 of this Act.***
- 24 (12) Any person who violates subsection (3) or (7) of this section shall be subject to a
25 fine of twenty-five dollars (\$25) for the first violation, a fine of one hundred dollars
26 (\$100) for the second violation, and a fine of two hundred dollars (\$200) for each
27 subsequent violation.

1 ➔Section 3. If the Department for Medicaid Services or the Cabinet for Health
2 and Family Services determines that a state plan amendment, waiver, or any other form
3 of authorization or approval from a federal agency is necessary prior to the
4 implementation of Sections 1 and 2 of this Act for any reason, including the loss of
5 federal funds, the department shall, within 90 days after the effective date of this Act,
6 request the state plan amendment, waiver, authorization, or approval, and may only delay
7 full implementation of those provisions for which a state plan amendment, waiver,
8 authorization, or approval was deemed necessary until the state plan amendment, waiver,
9 authorization, or approval is granted.