

AN ACT relating to controlled substances.

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

➔Section 1. KRS 218A.110 is amended to read as follows:

**(1)** Unless otherwise rescheduled by regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule IV:

**(a)**~~(1)~~ Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: chloral betaine; chloral hydrate; ethchlorvynol; ethinamate; meprobamate; paraldehyde; petrichloral;  
**and**

**(b) Any material, compound, mixture, or preparation which contains any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers.**

(2) The Cabinet for Health and Family Services may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subsection (1)**(a)** from the application of all or any part of this chapter if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

➔Section 2. KRS 218A.180 is amended to read as follows:

(1) Except when dispensed directly by a practitioner to an ultimate user, no methamphetamine or controlled substance in Schedule II may be dispensed without the written prescription of a practitioner. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No

prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.

- (2) (a) Except when dispensed directly by a practitioner to an ultimate user, a controlled substance included in Schedules III, IV, and V, which is a prescription drug, shall not be dispensed without a written, electronic, or oral prescription by a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date issued or be refilled more than five (5) times, unless renewed by the practitioner and a new prescription, written, electronic, or oral shall be required.

(b) Paragraph (a) of this subsection to the contrary notwithstanding, no practitioner shall dispense any drug, drug product, or combination of drug products containing more than nine (9) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers to an ultimate user within a thirty (30) day period; and

(c) No prescription containing a drug, drug product or combination of drug products identified in paragraph (b) of this subsection shall be refilled prior to the expiration of thirty (30) days from the date of the previous prescription.

- (3) (a) To be valid, a prescription for a controlled substance shall be issued only for a legitimate medical purpose by a practitioner acting in the usual course of his or her professional practice. Responsibility for the proper dispensing of a controlled substance pursuant to a prescription for a legitimate medical purpose is upon the pharmacist who fills the prescription.

(b) A prescription shall not be issued for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients.

- (4) All written prescriptions for controlled substances shall be dated and signed by the

practitioner on the date issued and shall bear the full name and address of the patient, drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

- (5) All oral or electronic prescriptions shall include the full name and address of the patient, drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.
- (6) All oral or electronic prescriptions shall be immediately reduced to writing, dated, and signed by the pharmacist. A prescription contained in a computer or other electronic format shall not be considered writing.
- (7) A pharmacist refilling any prescription shall record on the prescription or other equivalent record the date, the quantity, and the pharmacist's initials. The maintenance of prescription records under the federal controlled substances laws and regulations containing substantially the same information as specified in this subsection shall constitute compliance with this subsection.
- (8) The pharmacist filling a written, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- (9) Any person who violates any provision of this section shall:
  - (a) For the first offense, be guilty of a Class A misdemeanor.
  - (b) For a second or subsequent offense, be guilty of a Class D felony.

➔Section 3. The following KRS sections are repealed:

218A.1446 Requirements for dispensing of certain nonprescription drugs -- Log or other electronic recordkeeping mechanism -- Exemption request -- Exceptions -- Preemption of local laws.