

MINUTES

KENTUCKY BOARD OF PHARMACY held via Zoom

BOARD SPECIAL CALLED MEETING June 25, 2026 10:00 a.m.

Members present: Board President Meredith Figg, Vice President Kimberly Croley, Anthony Tagavi, Jason Belcher, and Jonathan Van Lahr joined virtually. Van Lahr joined the meeting at 10:26am.

Staff present: Christopher Harlow, Executive Director and Jessica Brown, General Counsel

Call to Order: President Meredith Figg called the meeting to order at 10:03 a.m.

Review of Written Comment Submitted for the Proposed Regulation Amendment for 201 KAR 2:440 Legend Drug Repository:

Written comments submitted on behalf of SIRUM.

Comment 1: Remove or clarify the "Legend Drug Donor Attestation Form."

Action: Kim Croley motioned to keep as is (reject the recommended language) but no second. The motion failed. No further action taken.

Comment 2: Permit pharmacies to charge handling fees to cover reasonable costs for dispensing donated drugs.

Action: Anthony Tagavi motioned to continue as is (reject the recommended language). Jason Belcher seconded the motion. Unanimous vote in favor of the motion.

Comment 3: We strongly support rules providing participating providers discretion for the expiration date cutoff of donated drugs. We suggest simplifying the draft rules to specify donated drugs must not be expired to avoid inventory shortages.

Action: Anthony Tagavi motioned to accept the recommended language to section 3(1)(f). Kim Croley seconded the motion. Unanimous vote in favor of the motion.

2:440 Section 3: (1)(f) Have **not expired** an expiration date of ninety (90) days or greater, unless the drug:

- ~~1. Is in high demand, as determined by the professional judgement of the authorized recipient; **and or**~~
- ~~2. Can be dispensed for use prior to the drug's expiration date;~~

Comment 4: Permitting the donation of drug samples

Action: Anthony Tagavi voted to reject the recommended language. Kim Croley seconded the motion. Unanimous vote in favor of the motion.

Comment 5: We think 'unopened tamper-evident packaging' already sufficiently conveys the acceptance standard; we recommend removing "sealed" from the acceptance criteria for consistency with the definitions.

Action: Kim Croley motion to amend the language to align with the following definition *"Unopened tamper-evident packaging" is defined by the United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements, and includes unopened unit-dose, multiple dose, immediate, secondary, and tertiary packaging.* Jonathan Van Lahr seconded the motion. Unanimous vote in favor of the motion.

2:440 Section 3: (1)(a) "1. Are in original, unopened, ~~sealed, and~~ tamper-evident packaging; or".

Comment 6: Give recipients the substitution authority of equivalent drugs or interchangeable biological products.

Action: Anthony Tagavi motioned to strike section 4 subsection 12 entirely. Jonathan Van Lahr seconded the motion. Unanimous vote in favor of the motion.

ADJOURNMENT

Action: Jason Belcher motioned to adjourn the meeting. Jonathan Van Lahr seconded the motion. The meeting ended at 11:16am.

AUDIO/VIDEO TRANSCRIPT AVAILABLE UPON REQUEST