



ANDY BESHEAR
GOVERNOR

KENTUCKY BOARD OF PHARMACY

125 Holmes Street, Suite 300
State Office Building Annex
Frankfort, Kentucky 40601
Phone (502) 564-7910
Fax (502) 696-3806
pharmacy.ky.gov

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**OPINION AND DECLARATORY RULING:
DISPENSING NALOXONE TO ANY AGENCY
AS PART OF A HARM REDUCTION PROGRAM**

Issued on: April 14, 2021

The Kentucky Board of Pharmacy issues this declaratory ruling to clarify what constitutes the safe practice of pharmacy within the Commonwealth of Kentucky. The Board of Pharmacy is authorized to issue Opinion and Declaratory Judgments pursuant to KRS 13A.130(3) and 13A.010(2)(b). A declaratory ruling does not create a new law or modify an existing one. Board of Pharmacy declaratory rulings are not binding, and are only offered as a guideline to licensees, permit-holders and registrants who wish to engage in a safe practice of pharmacy that promotes, preserves and protects public health, safety and welfare of the citizens of the Commonwealth.

The Kentucky Board of Pharmacy is authorized by Kentucky Revised Statutes (KRS) 315 to regulate pharmacies, pharmacists, pharmacist interns, pharmacy technicians, manufacturers, wholesalers, outsourcing facilities and third-party logistics providers within the Commonwealth of Kentucky or transacting business within the Commonwealth of Kentucky in order to promote, preserve, and protect public health, safety and welfare of the citizens of the Commonwealth.

The Kentucky Board of Pharmacy has been asked by a member of a local agency if a pharmacist can dispense naloxone to a person or agency as part of a harm reduction program. Currently, 201 KAR 2:360 does not authorize a pharmacist to dispense to an agency but, KRS 217.186 does authorize a pharmacist to dispense to an agency.

KRS 217.186 was amended in 2019 to allow pharmacists to dispense naloxone “to any person or agency who provides training on the mechanism and circumstances for the administration of naloxone to the public as part of a harm reduction program, regardless of whom the ultimate user of the naloxone may be.”

The Board of Pharmacy’s regulation has not been amended to account for the statutory change made in 2019. Despite 201 KAR 2:360 not reflecting an ability for a pharmacist to dispense to an agency, a regulation cannot conflict with a statute. Therefore, a pharmacist can dispense to

any person or agency as part of a harm reduction program regardless of who the ultimate user may be. 201 KAR 2:360 is currently under revision with the Board of Pharmacy, and as part of the revision, an amendment will be made to conform the regulation to the statute, authorizing pharmacists to dispense to an agency as part of a harm reduction program. Until the amended regulation is in effect, pharmacists are authorized to dispense to an agency pursuant to KRS 217.186.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry A. Hadley". The signature is fluid and cursive, with the first name "Larry" being the most prominent.

Larry A. Hadley, R.Ph.
Executive Director
Kentucky Board of Pharmacy

