

315.330 Seizure and forfeiture of illegal drug shipments.

- (1) Any drug which is ordered or shipped in violation of any provision of this chapter or KRS Chapter 218A shall be considered as contraband and may be seized by any peace officer or any employee of the Board of Pharmacy designated to enforce the provisions of this chapter or KRS Chapter 218A.
- (2) The officer, prior to seizing the drug, shall make a reasonable effort to determine:
 - (a) The person who ordered the drug;
 - (b) The pharmacy from which the drug was ordered;
 - (c) The shipper of the drug;
 - (d) The intended recipient of the drug; and
 - (e) Whether or not the shipment was legal.
- (3) Unless the matter is the subject of a criminal prosecution, if, after thirty (30) days of investigation, the officer seizing the drug cannot adequately determine the information required by subsection (2) of this section, the drug that has been seized shall be considered as abandoned and escheat to the Commonwealth.
- (4) If a drug seized pursuant to this section is the subject of a criminal investigation, the drug shall be retained as evidence and, if there is a conviction of any person or pharmacy relating to the ordering or shipment of the drug, the drug shall be forfeited to the Commonwealth. If the defendant is found not guilty or the charges are dismissed with prejudice, the drug shall be returned to the defendant.
- (5) Drugs which have been seized and which have been forfeited or abandoned and escheat to the Commonwealth shall be destroyed.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 150, sec. 17, effective June 20, 2005.