

**218A.190 Exempt codeine preparations.**

- (1) Nonprescription medicinal preparations that contain in one hundred (100) milliliters, or as a solid or semisolid preparation, in one hundred (100) grams, not more than two hundred (200) milligrams of codeine or its salts may be sold over the counter subject to the following conditions:
  - (a) That the medicinal preparation shall contain in addition to the codeine in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the codeine alone;
  - (b) That such preparation shall be dispensed or sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter;
  - (c) That such preparation shall only be sold at retail without a prescription to a person at least eighteen (18) years of age and only by a pharmacist. An employee may complete the actual cash or credit transaction or delivery;
  - (d) That such preparations shall not be displayed in areas of the pharmacy open to the public; and
  - (e) That no person shall purchase and no pharmacist or practitioner shall sell to the same person within a forty-eight (48) hour period more than one hundred twenty (120) milliliters of an exempt codeine preparation. Any person purchasing in excess of this limitation shall be deemed to be in illegal possession.
- (2) All wholesalers, manufacturers, and repackers shall keep a separate exempt codeine registry showing the following:
  - (a) Date;
  - (b) Registration number of recipient;
  - (c) Name of recipient;
  - (d) Address;
  - (e) Name of preparation; and
  - (f) Quantity.
- (3) All pharmacists and practitioners shall keep a separate exempt codeine registry showing the following:
  - (a) Date;
  - (b) Name of recipient;
  - (c) Address;
  - (d) Name of preparation;
  - (e) Quantity; and
  - (f) Pharmacist's or practitioner's name.
- (4) Notwithstanding any other provision of this section, the Cabinet for Health and Family Services may by regulation specifically prohibit any such codeine preparation from being sold over the counter due to actual or potential abuse.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 541, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 484, effective July 15, 1998. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(3). -- Created 1972 Ky. Acts ch. 226, sec. 20.