

218A.1439 Trafficking in or transferring a dietary supplement -- Exceptions -- Penalties.

- (1) A person is guilty of trafficking in or transferring a dietary supplement when he or she traffics in or transfers any dietary supplement product containing ephedrine group alkaloids, except as provided in this section.
- (2) The prohibition in subsection (1) of this section shall not apply to:
 - (a) A practitioner or pharmacist licensed in this Commonwealth who is practicing within his or her scope of practice and who prescribes or dispenses, or both, dietary supplement products containing ephedrine alkaloids in the course of the treatment of a patient under the direct care of the prescribing practitioner, except that a licensed practitioner or registered pharmacist shall not prescribe or dispense dietary supplement products containing ephedrine group alkaloids for purposes of weight loss, body building, or athletic performance enhancement;
 - (b) Dietary supplement products containing ephedrine group alkaloids that are sold or distributed directly to a licensed practitioner or registered pharmacist, when the dietary supplement products containing ephedrine group alkaloids are used solely for the purpose of the treatment of patients under the direct care of the practitioner;
 - (c) Dietary supplement products containing ephedrine group alkaloids that are sold or distributed directly to a licensed practitioner or registered pharmacist for resale to a patient for whom the products have been prescribed under paragraph (a) of this subsection; or
 - (d) Dietary supplement products containing ephedrine group alkaloids that are not for resale in this Commonwealth and that are sold or distributed directly to businesses not located in this Commonwealth.
- (3) Trafficking in or transferring a dietary supplement is:
 - (a) For the first offense, a Class A misdemeanor; and
 - (b) For a second or subsequent offense, a Class D felony.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 150, sec. 1, effective June 20, 2005.