

1. THE MANUFACTURER HAS STATED IN WRITING TO THE RECEIVING AUTHORIZED DISTRIBUTOR OF RECORD THAT THE MANUFACTURER IS UNABLE TO SUPPLY THE PRESCRIPTION DRUG; AND

2. THE SUPPLYING AUTHORIZED DISTRIBUTOR OF RECORD STATES IN WRITING THAT THE PRESCRIPTION DRUG BEING SUPPLIED HAD UNTIL THAT TIME BEEN EXCLUSIVELY IN THE NORMAL DISTRIBUTION CHANNEL;

(IX) THE DELIVERY OF, OR OFFER TO DELIVER, A PRESCRIPTION DRUG BY A COMMON CARRIER SOLELY IN THE COMMON CARRIER'S USUAL COURSE OF BUSINESS OF TRANSPORTING PRESCRIPTION DRUGS, IF THE COMMON CARRIER DOES NOT STORE, WAREHOUSE, OR TAKE LEGAL OWNERSHIP OF THE PRESCRIPTION DRUG; OR

(X) THE SALE OR TRANSFER FROM A RETAIL PHARMACY OR PHARMACY WAREHOUSE OF EXPIRED, DAMAGED, RETURNED, OR RECALLED PRESCRIPTION DRUGS TO THE ORIGINAL MANUFACTURER OR TO A THIRD PARTY RETURNS PROCESSOR.

(V) (1) "WHOLESALE DISTRIBUTOR" MEANS A PERSON THAT IS ENGAGED IN THE WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES.

(2) "WHOLESALE DISTRIBUTOR" INCLUDES:

(I) A MANUFACTURER;

(II) A REPACKAGER;

(III) AN OWN-LABEL DISTRIBUTOR;

(IV) A PRIVATE-LABEL DISTRIBUTOR;

(V) A JOBBER;

(VI) A BROKER;

(VII) A WAREHOUSE, INCLUDING A MANUFACTURER'S OR DISTRIBUTOR'S WAREHOUSE;

(VIII) A MANUFACTURER'S EXCLUSIVE DISTRIBUTOR OR AN AUTHORIZED DISTRIBUTOR OF RECORD;