

SECOND REGULAR SESSION

# HOUSE BILL NO. 1517

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To repeal sections 338.035 and 338.220, RSMo, and to enact in lieu thereof four new sections relating to the board of pharmacy.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 338.035 and 338.220, RSMo, are repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 338.035, 338.147, 338.149, and 338.220, to read  
3 as follows:

338.035. 1. Every person who desires to be licensed as an intern pharmacist shall file  
2 with the board of pharmacy an application, on a form to be provided by the board of pharmacy.

3 2. If an applicant for an intern pharmacist license has complied with the requirements  
4 of this section and with the rules and regulations of the board of pharmacy and is not denied a  
5 license on any of the grounds listed in section 338.055, the board of pharmacy may issue to him  
6 a license to practice as an intern pharmacist [for a period not to exceed one year].

7 3. Any intern pharmacist who wishes to renew his license shall within thirty days before  
8 the license expiration date file an application for a renewal.

9 4. A licensed intern pharmacist may practice pharmacy only under the direct supervision  
10 of a pharmacist licensed by the board.

11 5. The board of pharmacy shall promulgate rules and regulations which shall further  
12 regulate the duties [and restrictions] of intern pharmacists and shall set the amount of the fees  
13 which shall accompany the license and renewal applications for intern pharmacists.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 6. No rule or portion of a rule promulgated under the authority of this chapter shall  
15 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
16 RSMo.

**338.147. 1. The board may issue a cease and desist order to stop a person from  
2 engaging or offering to engage in an unauthorized practice. The order shall state the  
3 reason for its issuance and give notice of the person's right to request a hearing under  
4 chapter 621, RSMo. If, within fifteen days after service of the order, the subject of the  
5 order fails to request a hearing in writing, the cease and desist order becomes final.**

**6 2. The board may enforce its cease and desist order by applying to the circuit court  
7 of Cole County, the county in which the conduct occurred, or the county in which the  
8 defendant resides, for an order upon any person who fails to obey a cease and desist order  
9 to show cause why such cease and desist order should not be enforced. Such order and a  
10 copy of the application therefor shall be served upon the person in the same manner as  
11 summons in a civil action. If the circuit court shall, after a hearing, determine that the  
12 cease and desist order should be sustained and enforced, such court shall proceed to  
13 enforce the cease and desist order in the same manner as though the order had been issued  
14 by the court.**

**338.149. In any state of emergency declared by proclamation by the governor, or  
2 by resolution of the legislature under sections 44.010 to 44.130, RSMo, upon the actual  
3 occurrence of a natural or man-made disaster of major proportions within this state when  
4 the safety and welfare of the inhabitants of this state are jeopardized, the board of  
5 pharmacy may waive licensure, registration, and requirements for the operation of a  
6 pharmacy set forth in this chapter and its attendant regulations if the board determines  
7 such a waiver would be in the best interest of the public health.**

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation  
2 or any other business entity to open, establish, operate, or maintain any pharmacy as defined by  
3 statute without first obtaining a permit or license to do so from the Missouri board of pharmacy.  
4 The following classes of pharmacy permits or licenses are hereby established:

- 5 (1) Class A: Community/ambulatory;
- 6 (2) Class B: Hospital outpatient pharmacy;
- 7 (3) Class C: Long-term care;
- 8 (4) Class D: Nonsterile compounding;
- 9 (5) Class E: Radio pharmaceutical;
- 10 (6) Class F: Renal dialysis;
- 11 (7) Class G: Medical gas;
- 12 (8) Class H: Sterile product compounding;

13 (9) Class I: Consultant services;

14 (10) Class J: Shared service;

15 (11) Class K: Internet;

16 **(12) Class L: Veterinary.**

17 2. Application for such permit or license shall be made upon a form furnished to the  
18 applicant; shall contain a statement that it is made under oath or affirmation and that its  
19 representations are true and correct to the best knowledge and belief of the person signing same,  
20 subject to the penalties of making a false affidavit or declaration; and shall be accompanied by  
21 a permit or license fee. The permit or license issued shall be renewable upon payment of a  
22 renewal fee. Separate applications shall be made and separate permits or licenses required for  
23 each pharmacy opened, established, operated, or maintained by the same owner.

24 3. All permits, licenses or renewal fees collected pursuant to the provisions of sections  
25 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of  
26 pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the  
27 provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general  
28 assembly.

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