

FIRST REGULAR SESSION

HOUSE BILL NO. 831

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASSON.

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2037L.011

AN ACT

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

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Section A. Sections 338.035 and 338.220, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 338.035, 338.143, and 338.220, to read as
3 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.

**338.143. 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. If, within fifteen days after
3 service of the order, the subject of the order fails to appeal in writing to the circuit court
4 of Cole County, the county in which the conduct occurred, or the county in which the
5 defendant resides, 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 shall fail to obey a cease and desist
9 order to show cause why such cease and desist order should not be enforced, which such
10 order and copy of the application therefore shall be served upon the person in the same
11 manner as a summons in a civil action. If the circuit court shall determine, after a hearing,
12 that the cease and desist order should be sustained and enforced, such court shall proceed
13 to enforce the cease and desist order in the same manner as though the order had been
14 issued by the court.**

**15 3. The phrase "unauthorized practice" as defined in this section shall mean the
16 practice of pharmacy or wholesale drug distribution by a person or entity who holds no
17 license, certification, registration, or permit from the Missouri board of pharmacy.**

**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.

29 **4. Class L: Veterinary permit shall not be construed to prohibit or interfere with**
30 **any legally registered practitioner of veterinary medicine in the compounding or**
31 **dispensing of their own prescriptions.**

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