

SECOND REGULAR SESSION

# HOUSE BILL NO. 2706

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEPHENS (128).

5716H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to charitable pharmacies.

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

Section A. Section 338.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.220, to read as follows:

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

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

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.

- 18 (10) Class J: Shared service;
- 19 (11) Class K: Internet;
- 20 (12) Class L: Veterinary;
- 21 (13) Class M: Specialty (bleeding disorder);
- 22 (14) Class N: Automated dispensing system (health care facility);
- 23 (15) Class O: Automated dispensing system (ambulatory care);
- 24 (16) Class P: Practitioner office/clinic;
- 25 **(17) Class Q: Charitable.**

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

33 3. All permits, licenses or renewal fees collected pursuant to the provisions of sections  
34 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of  
35 pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the  
36 provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general  
37 assembly.

38 4. Class L: veterinary permit shall not be construed to prohibit or interfere with any  
39 legally registered practitioner of veterinary medicine in the compounding, administering,  
40 prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical  
41 product to be used for animals.

42 5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this  
43 section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used  
44 for treating animals.

45 6. A "class B hospital pharmacy" shall be defined as a pharmacy owned, managed, or  
46 operated by a hospital as defined by section 197.020 or a clinic or facility under common control,  
47 management or ownership of the same hospital or hospital system. This section shall not be  
48 construed to require a class B hospital pharmacy permit or license for hospitals solely providing  
49 services within the practice of pharmacy under the jurisdiction of, and the licensure granted by,  
50 the department of health and senior services under and pursuant to chapter 197.

51 7. Upon application to the board, any hospital that holds a pharmacy permit or license  
52 on August 28, 2014, shall be entitled to obtain a class B pharmacy permit or license without fee,  
53 provided such application shall be submitted to the board on or before January 1, 2015.

54           **8. A "class Q charitable pharmacy" shall be defined as a pharmacy established to**  
55 **provide access to donated prescription drugs to needy or uninsured individuals or those**  
56 **with limited access to pharmaceuticals.**

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