

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2372, Page 44, Section 338.010, Lines
2 9-17, by deleting said lines and inserting in lieu thereof the following:

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4 "(4) The ordering and administration of vaccines approved or authorized by the U.S.
5 Food and Drug Administration, as of January 1, 2026, or thereafter, excluding vaccines for
6 cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne
7 encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, ~~[and any vaccine~~
8 ~~approved after January 1, 2023]~~ or any vaccine that is not jointly included by joint rules
9 promulgated by the board of pharmacy and the state board of registration for the healing arts, to
10 persons at least seven years of age or the age recommended by the Centers for Disease Control
11 and Prevention, whichever is older, pursuant to joint promulgation of rules established by the
12 board of pharmacy and the state board of registration for the healing arts unless rules are
13 established under a state of emergency as described in section 44.100;" and

14
15 Further amend said bill and section, Page 47, Line 121, by inserting after said section and line
16 the following:

17
18 "338.012. 1. A pharmacist with a certificate of medication therapeutic plan authority
19 may provide influenza, group A streptococcus, and COVID-19 medication therapy services
20 pursuant to ~~[a statewide standing order issued by the director or chief medical officer of the~~
21 ~~department of health and senior services if that person is a licensed physician, or a licensed~~
22 ~~physician designated by the department of health and senior services]~~ rules established by the
23 board of pharmacy and the state board of registration for the healing arts, as described in this
24 section.

25 2. This section shall not be construed to allow a pharmacist to diagnose or independently
26 prescribe pharmaceuticals.

27 3. The state board of registration for the healing arts, pursuant to section 334.125, and
28 the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to
29 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
30 section 536.010, that is created under the authority delegated in this section shall become

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1 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
2 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
3 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
4 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
5 rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid
6 and void.

7 338.206. 1. As used in this section, the term "medical device" shall mean equipment that
8 is furnished by a supplier or a home health agency and meets the following conditions:

9 (1) Is a device classified by the United States Food and Drug Administration as a Class I
10 or Class II under 21 U.S.C. Section 360 and its implementing regulations under 21 CFR Parts
11 860 to 892;

12 (2) Is primarily and customarily used to serve a medical purpose;

13 (3) Generally is not useful to an individual in the absence of an illness or injury; and

14 (4) Is appropriate for use in the home.

15 2. Notwithstanding any provision of this chapter to the contrary, pharmacists may
16 prescribe any medical devices authorized by rule promulgated jointly by the state board of
17 registration for the healing arts and the board of pharmacy in accordance with subsection 3 of
18 this section.

19 3. The state board of registration for the healing arts, pursuant to section 334.125, and
20 the board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement
21 the provisions of this section. Such rules shall be written and effective within six months of the
22 effective date of this act.

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
24 under the authority delegated in this section shall become effective only if it complies with and is
25 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
26 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
27 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
28 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
29 proposed or adopted after August 28, 2026, shall be invalid and void.

30 338.208. Notwithstanding any other provision of law to the contrary, a pharmacist may
31 dispense ivermectin and hydroxychloroquine to a person, without requiring a prescription order
32 from a licensed health care practitioner, upon the approval of a warning label for the use and
33 indication in accordance with any written, standardized procedures or protocols for the
34 pharmacist issued by the board of pharmacy, including, if required, providing the person with
35 instructions on the proper use of ivermectin and hydroxychloroquine.

36 338.312. 1. As used in this section, unless the context requires otherwise, the following
37 terms mean:

1 (1) "Declared state disaster or emergency", a disaster or emergency event for which a
2 governor's state of emergency proclamation has been issued or that the President of the United
3 States has declared to be a major disaster or emergency;

4 (2) "Disaster period", the period of time that begins ten days before a governor's
5 proclamation of a state of emergency or the declaration by the President of the United States of a
6 major disaster or emergency, whichever occurs first, and extending for a period of sixty calendar
7 days following the end of the period specified in the proclamation or declaration or sixty
8 calendar days from the proclamation or declaration if no end is provided. The governor may
9 extend the disaster period as warranted;

10 (3) "Pharmacy", the same meaning given to the term in section 338.210.

11 2. Notwithstanding any provision of law to contrary, the board of pharmacy shall have
12 the authority to waive compliance with any Missouri rules and regulations for a licensed
13 pharmacy that is domiciled or headquartered in this state when such pharmacy is dispensing,
14 shipping, or delivering prescription drugs into another state or United States territory that is
15 experiencing a declared state disaster or emergency, provided that:

16 (1) The pharmacy is a licensed pharmacy in good standing under this chapter and is
17 authorized to ship prescription drugs into the state or territory in question;

18 (2) The pharmacy is responding to an active declared state disaster or emergency;

19 (3) The pharmacy complies with all emergency rules and regulations for pharmacies
20 established by the state or territory for the duration of the disaster period;

21 (4) The pharmacy complies with all applicable federal laws and regulations; and

22 (5) The waiver applies only to prescription drugs dispensed, shipped, or delivered to
23 residents or health care facilities located within the geographic area specified in the declared
24 state disaster or emergency.

25 3. The board of pharmacy may promulgate rules to implement the provisions of this
26 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
27 under the authority delegated in this section shall become effective only if it complies with and is
28 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
29 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
30 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
31 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
32 proposed or adopted after August 28, 2026, shall be invalid and void."; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.