

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 3009, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:

3
4 "338.010. 1. The "practice of pharmacy" includes:

5 (1) The interpretation, implementation, and evaluation of medical prescription orders,
6 including any legend drugs under 21 U.S.C. Section 353, and the receipt, transmission, or
7 handling of such orders or facilitating the dispensing of such orders;

8 (2) The designing, initiating, implementing, and monitoring of a medication therapeutic
9 plan in accordance with the provisions of this section;

10 (3) The compounding, dispensing, labeling, and administration of drugs and devices
11 pursuant to medical prescription orders;

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

22 (5) The participation in drug selection according to state law and participation in drug
23 utilization reviews;

24 (6) The proper and safe storage of drugs and devices and the maintenance of proper
25 records thereof;

26 (7) Consultation with patients and other health care practitioners, and veterinarians and
27 their clients about legend drugs, about the safe and effective use of drugs and devices;

28 (8) The prescribing and dispensing of any nicotine replacement therapy product under
29 section 338.665;

30 (9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

Action Taken _____ Date _____

1 (10) The offering or performing of those acts, services, operations, or transactions
2 necessary in the conduct, operation, management and control of a pharmacy.

3 2. No person shall engage in the practice of pharmacy unless he or she is licensed under
4 the provisions of this chapter.

5 3. This chapter shall not be construed to prohibit the use of auxiliary personnel under the
6 direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This
7 assistance in no way is intended to relieve the pharmacist from his or her responsibilities for
8 compliance with this chapter and he or she will be responsible for the actions of the auxiliary
9 personnel acting in his or her assistance.

10 4. This chapter shall not be construed to prohibit or interfere with any legally registered
11 practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or
12 the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in
13 the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

14 5. A pharmacist with a certificate of medication therapeutic plan authority may provide
15 medication therapy services pursuant to a written protocol from a physician licensed under
16 chapter 334 to patients who have established a physician-patient relationship, as described in
17 subdivision (1) of subsection 1 of section 191.1146, with the protocol physician. The written
18 protocol authorized by this section shall come only from the physician and shall not come from a
19 nurse engaged in a collaborative practice arrangement under section 334.104, or from a
20 physician assistant engaged in a collaborative practice arrangement under section 334.735.

21 6. Nothing in this section shall be construed as to prevent any person, firm or corporation
22 from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed
23 pharmacist is in charge of such pharmacy.

24 7. Nothing in this section shall be construed to apply to or interfere with the sale of
25 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are
26 normally sold by those engaged in the sale of general merchandise.

27 8. No health carrier as defined in chapter 376 shall require any physician with which
28 they contract to enter into a written protocol with a pharmacist for medication therapeutic
29 services.

30 9. This section shall not be construed to allow a pharmacist to diagnose or independently
31 prescribe pharmaceuticals.

32 10. The state board of registration for the healing arts, under section 334.125, and the
33 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use
34 of protocols for medication therapy services. Such rules shall require protocols to include
35 provisions allowing for timely communication between the pharmacist and the protocol
36 physician or similar body authorized by this section, and any other patient protection provisions
37 deemed appropriate by both boards. In order to take effect, such rules shall be approved by a
38 majority vote of a quorum of each board. Neither board shall separately promulgate rules

1 regulating the use of protocols for medication therapy services. Any rule or portion of a rule, as
2 that term is defined in section 536.010, that is created under the authority delegated in this
3 section shall become effective only if it complies with and is subject to all of the provisions of
4 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
5 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
6 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
7 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007,
8 shall be invalid and void.

9 11. The state board of pharmacy may grant a certificate of medication therapeutic plan
10 authority to a licensed pharmacist who submits proof of successful completion of a board-
11 approved course of academic clinical study beyond a bachelor of science in pharmacy, including
12 but not limited to clinical assessment skills, from a nationally accredited college or university, or
13 a certification of equivalence issued by a nationally recognized professional organization and
14 approved by the board of pharmacy.

15 12. Any pharmacist who has received a certificate of medication therapeutic plan
16 authority may engage in the designing, initiating, implementing, and monitoring of a medication
17 therapeutic plan as defined by a written protocol from a physician that may be specific to each
18 patient for care by a pharmacist.

19 13. Nothing in this section shall be construed to allow a pharmacist to make a
20 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the
21 written protocol or the physician's prescription order.

22 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
23 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
24 equivalent title means a person who has received a doctor's degree in veterinary medicine from
25 an accredited school of veterinary medicine or holds an Educational Commission for Foreign
26 Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical
27 Association (AVMA).

28 15. In addition to other requirements established by the joint promulgation of rules by
29 the board of pharmacy and the state board of registration for the healing arts:

30 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment
31 guidelines established by the Centers for Disease Control and Prevention (CDC);

32 (2) A pharmacist who is administering a vaccine shall request a patient to remain in the
33 pharmacy a safe amount of time after administering the vaccine to observe any adverse
34 reactions. Such pharmacist shall have adopted emergency treatment protocols.

35 16. In addition to other requirements by the board, a pharmacist shall receive additional
36 training as required by the board and evidenced by receiving a certificate from the board upon
37 completion, and shall display the certification in his or her pharmacy where vaccines are
38 delivered.

1 17. A pharmacist shall inform the patient that the administration of a vaccine will be
2 entered into the ShowMeVax system, as administered by the department of health and senior
3 services. The patient shall attest to the inclusion of such information in the system by signing a
4 form provided by the pharmacist. If the patient indicates that he or she does not want such
5 information entered into the ShowMeVax system, the pharmacist shall provide a written report
6 within fourteen days of administration of a vaccine to the patient's health care provider, if
7 provided by the patient, containing:

- 8 (1) The identity of the patient;
- 9 (2) The identity of the vaccine or vaccines administered;
- 10 (3) The route of administration;
- 11 (4) The anatomic site of the administration;
- 12 (5) The dose administered; and
- 13 (6) The date of administration.

14 18. A pharmacist licensed under this chapter may order and administer vaccines
15 approved or authorized by the U.S. Food and Drug Administration to address a public health
16 need, as lawfully authorized by the state or federal government, or a department or agency
17 thereof, during a state or federally declared public health emergency.

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

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

26 3. The state board of registration for the healing arts, pursuant to section 334.125, and
27 the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to
28 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
29 section 536.010, that is created under the authority delegated in this section shall become
30 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
31 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
32 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
33 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
34 rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid
35 and void.

36 338.206. 1. As used in this section, the term "medical device" shall mean equipment that
37 is furnished by a supplier or a home health agency and meets the following conditions:

1 (1) Is a device classified by the United States Food and Drug Administration as a Class I
2 or Class II under 21 U.S.C. Section 360 and its implementing regulations under 21 CFR Parts
3 860 to 892;

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

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

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

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

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

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

22 338.208. Notwithstanding any other provision of law to the contrary, a pharmacist may
23 dispense ivermectin and hydroxychloroquine to a person, without requiring a prescription order
24 from a licensed health care practitioner, upon the approval of a warning label for the use and
25 indication in accordance with any written, standardized procedures or protocols for the
26 pharmacist issued by the board of pharmacy, including, if required, providing the person with
27 instructions on the proper use of ivermectin and hydroxychloroquine."; and

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29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.