

SECOND REGULAR SESSION

HOUSE BILL NO. 3009

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAUSMAN.

6714H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to nonprofit pharmacies.

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

Section A. Chapter 338, RSMo, is amended by adding thereto one new section, to be
2 known as section 338.312, to read as follows:

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

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

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

13 (3) "Nonprofit pharmacy", any pharmacy licensed in this state that operates as a
14 charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as
15 amended.

16 2. **Notwithstanding any provision of law to contrary, the board of pharmacy**
17 **shall have the authority to waive compliance with any Missouri rules and regulations for**

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 a nonprofit pharmacy licensed in this state when such nonprofit pharmacy is dispensing,
19 shipping, or delivering prescription drugs into another state or United States territory
20 that is experiencing a declared state disaster or emergency, provided that:

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

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

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

29 (4) The nonprofit pharmacy complies with all applicable federal laws and
30 regulations; and

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

34 3. The board of pharmacy may promulgate rules to implement the provisions of
35 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
36 is created under the authority delegated in this section shall become effective only if it
37 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
38 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
39 vested with the general assembly pursuant to chapter 536 to review, to delay the
40 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
41 then the grant of rulemaking authority and any rule proposed or adopted after August
42 28, 2026, shall be invalid and void.

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