

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 3009**  
**103RD GENERAL ASSEMBLY**

6714H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

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

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*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 known as section 338.312, to read as follows:

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

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

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

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

2. Notwithstanding any provision of law to contrary, the board of pharmacy shall have the authority to waive compliance with any Missouri rules and regulations for a licensed pharmacy that is domiciled or headquartered in this state when such pharmacy is dispensing, shipping, or delivering prescription drugs into another state or

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 **United States territory that is experiencing a declared state disaster or emergency,**  
19 **provided that:**

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

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

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

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

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

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

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