SECOND REGULAR SESSION

HOUSE BILL NO. 3499

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

7460H.01I JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 338.012, RSMo, and to enact in lieu thereof two new sections relating to the duties of a pharmacist.

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

Section A. Section 338.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 338.012 and 338.206, to read as follows:

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

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

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.

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

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

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

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

(4) Is appropriate for use in the home.

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

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

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

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