HCS SS SCS SB 878 -- PHARMACEUTICAL DRUGS AND DEVICES

SPONSOR: Fitzwater

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health by a vote of 13 to 2. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for SB 878.

LIMITS ON SELLING OR PURCHASING CERTAIN DRUGS (Sections 195.417 and 579.060)

Current law prohibits the sale, purchase, or dispensation of ephedrine, phenylpropanolamine, or pseudoephedrine to the same individual in a 12-month period in any total amount greater than 43.2 grams without a valid prescription. This bill changes the total amount to 61.2 grams.

Beginning October 1, 2026, any manufacturer of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine sold in this State must, on a monthly basis, pay fees to the administrator of the real-time electronic pseudoephedrine tracking system, as specified in the bill. A manufacturer who fails to knowingly pay such fee will have committed the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs, which is a Class A misdemeanor.

PRACTICE OF PHARMACY - VACCINES (SECTION 338.010)

Currently, the practice of pharmacy includes the ordering and administration of vaccines approved or authorized by the FDA, but excludes certain vaccines and those vaccines approved after January 1, 2023. This bill instead provides that the practice of pharmacy includes the ordering and administration of certain vaccines approved or authorized by the FDA as of January 1, 2026, but excludes certain vaccines and those that are not included by joint rules promulgated by the Board of Pharmacy and the State Board of Registration for the Healing Arts, both within the Department of Professional Registration.

MEDICATION THERAPEUTIC PLAN AUTHORITY (SECTION 338.012)

Currently, a pharmacist with a certificate of medication therapeutic plan authority can provide certain medication therapy services if there is a statewide order issued by the Director or the Chief Medical Officer of the Department of Health and Senior Services if such person is a licensed physician or a licensed physician designated by the Department. This bill repeals this language and authorizes the provision of such medication therapy services under rules established by the Board of Pharmacy and the State Board of Registration for the Healing Arts.

MEDICAL DEVICE PRESCRIPTIONS (SECTION 338.206)

This bill authorizes pharmacists to prescribe medical devices, as defined in the bill. The Board of Pharmacy and the State Board of Registration for the Healing Arts will jointly promulgate rules to implement this provision within six months of the effective date of this bill.

DISPENSING OF IVERMECTIN AND HYDROXYCHLOROQUINE (SECTION 338.208)

Under this bill, a pharmacist may dispense ivermectin and hydroxychloroquine to a person, without a prescription order, upon the approval of a warning label for the use and indication in accordance with any written, standardized procedures or protocols issued by the Board of Pharmacy. Any ivermectin or hydroxychloroquine that is dispensed by a pharmacist or by a pharmacy technician under a pharmacist's supervision without a prescription must be kept behind the counter or otherwise not available in a self-service area and be stored in a secure area accessible only to pharmacy personnel.

NONPROFIT PHARMACY EMERGENCY WAIVERS (SECTION 338.312)

The Board of Pharmacy will have the authority to waive compliance with any Missouri rule or regulation for nonprofit pharmacies dispensing, shipping, or delivering prescription drugs into another state or United States territory that is experiencing a declared state disaster or emergency, provided that:

(1) The nonprofit pharmacy is a licensed pharmacy in good standing and is authorized to ship prescription drugs into such state or territory;

(2) The nonprofit pharmacy is responding to a declared state disaster or emergency;

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

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

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

340B DRUGS (Section 376.417)

Under this bill, a health carrier, a pharmacy benefits manager, or an agent or affiliate of such, will not discriminate against a "covered entity", as defined in the bill, including by reimbursing the covered entity for a quantity of a 340B drug in an amount less than it would pay similarly situated non-covered entities for such drugs, imposing different terms and conditions as compared to similarly situated entities, refusing to cover 340B drugs or discriminating in reimbursement for 340B drugs, and other situations described under this bill. The Director of the Department of Commerce and Insurance must impose a civil penalty on any health carrier, pharmacy benefits manager, or agent or affiliate of such, that violates this provision, not to exceed $5,000 per violation, per day.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate perfected version of the bill.

PROPONENTS: Supporters say that this bill puts some changes made during the COVID-19 pandemic into statute, seeing that removing barriers to care did not result in significant harm by allowing pharmacists to administer certain safe vaccines. Additionally, this provides further opportunities for patients to receive health care services without jumping through hoops. Pharmacists won't be doling out every treatment under the sun if the Board of Healing Arts and the Board of Pharmacy disagree.

Testifying in person for the bill were Senator Fitzwater; Hy-Vee; Missour Pharmacy Association; Rx Outreach; Michael Grote, CVS Health; Walmart; and Arnie C. Dienoff.

OPPONENTS: Those who oppose the bill say that approved vaccines for pharmacist administration are being opened up so that pharmacists may administer any vaccine approved by the Board of Healing Arts and Board of Pharmacy. After COVID, there was a reduction in the standard from a standing statewide order from the Governor to an order by the chief medical officer. Now, there has again been a reduction in the standard to rules passed by the Board of Pharmacy and the Board of Healing Arts. That's a significant shift in a short amount of time. In the COVID pandemic, vaccines were rolled out when they were unsafe, and they shouldn't have been. Pharmacists are not equal to doctors. The authority should stay with the Governor, not with rulemaking authority.

Testifying in person against the bill was Armorvine.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.