HCS SS SCS SB 878 -- PHARMACEUTICAL DRUGS AND DEVICES

This bill modifies provisions relating to pharmaceutical drugs and devices.

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 U.S. Food and Drug Administration (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.

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

provision and authorizes such medication therapy services under rules established by the Board of Pharmacy and the State Board of Registration for the Healing Arts.

This provision is not to be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

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 can 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, and be dispensed only by a pharmacist or pharmacy technician under a pharmacist's supervision.

PHARMACY EMERGENCY WAIVERS (SECTION 338.312)

The Board of Pharmacy will have the authority to waive compliance with any Missouri rule or regulation for licensed 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 pharmacy is a licensed pharmacy in good standing and is authorized to ship prescription drugs into such state or territory;

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

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

(4) The 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, must 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 in the bill. The Director of the Department of Commerce and Insurance will impose a civil penalty on any health carrier, pharmacy benefits manager, or agent or affiliate of such, that violates this provision, with such penalty not to exceed $5,000 per violation per day.

COVERAGE OF NONOPIOID PRESCRIPTION DRUGS (Section 376.1280)

This bill provides that health benefit plans must not deny coverage of a nonopioid prescription drug in favor of an opioid drug, require the enrollee to try an opioid drug before covering the nonopioid drug, or require a higher level of cost-sharing for a nonopioid prescription drug than for an opioid drug. This bill applies to health benefit plans delivered, issued for delivery, continued, or renewed in this State on or after January 1, 2027. Additionally, the provisions relating to the treatment of acute or chronic pain will be applicable only when multiple nonopioid medications are approved by the FDA and indicated for the treatment of either acute or chronic pain.

COVERAGE OF HOME BLOOD PRESSURE MONITORING DEVICES (Section 376.1960)

This bill establishes "Nora's Law", providing that health benefit plans offering maternity benefits will provide coverage for a "home blood pressure monitoring device" and "home blood pressure monitoring device services", as defined in the bill, for pregnant and postpartum women when determined to be medically appropriate in accordance with American College of Obstetricians and Gynecologists guidelines. This bill applies to health benefit plans delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2027.