

FIRST REGULAR SESSION

SENATE BILL NO. 143

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Pre-filed January 4, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

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AN ACT

To repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to the pharmacy providers tax, with an emergency clause.

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

Section A. Sections 198.439, 208.480, and 338.550, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 198.439, 208.480, and 338.550, to read as follows:

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2005] **2006**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2005] **2006**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) June 30, [2005] **2006**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on June 30, [2005] **2006**.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Section B. Because of the need to preserve state revenue, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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