AN ACT


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


324.014. Any board, commission, committee, council, or office within the division of professional registration shall notify any known current employer of a change in a licensee's license and discipline status. An employer may provide a list of current licensed employees and make a request in writing to the board, commission, committee, council, or office within the division of professional registration responsible for the licensee's license, to be notified upon a change in

EXPLANATION–Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
the licensing status of any such licensed employee. Nothing in this section shall be construed as requiring the board, commission, committee, council, or office within the division of professional registration to determine the current employer of any person whose license is sanctioned.

332.425. 1. The dental board may issue a limited teaching license to a dentist employed as an instructor in an accredited dental school in Missouri. The holder of a limited teaching license shall be authorized to practice dentistry, in accordance with section 332.071, only within the confines of the accredited dental school programs. A limited teaching license shall be renewed every two years and shall be subject to the same renewal requirements contained in section 332.181. A limited teaching license shall be subject to discipline in accordance with section 332.321 and shall be automatically cancelled and nullified if the holder ceases to be employed as an instructor in the accredited dental school.

2. To qualify for a limited teaching license, an applicant shall:
   (1) Be a graduate of and hold a degree from a dental school. An applicant shall not be required to be a graduate of an accredited dental school as defined in section 332.011;
   (2) Have passed the National Board Examination in accordance with criteria established by the sponsoring body;
   (3) Have passed a state or regional entry level competency examination approved by the Missouri dental board for licensure within the previous five years;
   (4) Have passed a written jurisprudence examination given by the board on the Missouri dental laws and rules with a grade of at least eighty percent;
   (5) Hold current certification in the American Heart Association's Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS or ACLS;
   (6) Submit to the board a completed application for licensure on forms provided by the board and the applicable license fee; and
   (7) Submit to the board evidence of successful passage of an examination approved by the board of spoken and written proficiency in the English language.

333.041. 1. Each applicant for a license to practice funeral directing shall
furnish evidence to establish to the satisfaction of the board that he or she is:

1. At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

2. Either a citizen or bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice funeral directing upon the grant of a license to do so; and

3. A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in [an] a program accredited [institution of mortuary science education] by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board, shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum [for the accredited institution of mortuary science education]. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

1. Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

2. [Is either a citizen or bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice embalming upon the grant of a license to do so;]

3. Is a person of good moral character;

[4]  (3) Has [graduated from an institute of mortuary science education] completed a funeral service education program accredited by the American Board of Funeral Service Education, [or] any successor organization [recognized by the United States Department of Education, for funeral service education], or
other accrediting entity as approved by the board. If an applicant does not [appear for the final examination before the board] complete all requirements for licensure within five years from the date of his or her [graduation from] completion of an accredited [institution of mortuary science education] program, his or her registration as [a student] an apprentice embalmer shall be automatically canceled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

[(5) (4)] Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

[(6) (5)] Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not [appear for oral examination] complete the application process within the five years after his or her [graduation from an accredited institution of mortuary science education] completion of an approved program, then he or she must file a new application and no fees paid
previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon
acceptance of the application and fees by the board, an applicant shall have
twenty-four months to successfully complete the requirements for licensure found
in this section or the application for licensure shall be canceled.

2. If a person applies for a limited license to work only in a funeral
establishment which is licensed only for cremation, including transportation of
dead human bodies to and from the funeral establishment, he or she shall make
application, pay the current application and examination fee and successfully
complete the Missouri law examination. He or she shall be exempt from the
twelve-month apprenticeship required by subsection 1 of this section and
the practical examination before the board. If a person has a limited license
issued pursuant to this subsection, he or she may obtain a full funeral director's
license if he or she fulfills the apprenticeship and successfully completes the
funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has [graduated
from an institute of mortuary science education] completed a program
accredited by the American Board of Funeral Service Education [or], any
successor organization [recognized by the United States Department of Education
for funeral service education], or other accrediting entity as approved by
the board or has successfully completed a course of study in funeral directing
offered by [a college] an institution accredited by a recognized national, regional
or state accrediting body and approved by the state board of embalmers and
funeral directors, and desires to enter the profession of funeral directing in this
state, the individual shall comply with all the requirements for licensure as a
funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of
this section; however, the individual is exempt from the twelve-month
apprenticeship required by subsection 1 of this section.

333.051. 1. Any [nonresident] individual holding a valid, unrevoked and
unexpired license as a funeral director or embalmer in the state of his or her
residence may be granted a license to practice funeral directing or embalming in
this state on application to the board and on providing the board with such
evidence as to his or her qualifications as is required by the board. [No license
shall be granted to a nonresident applicant except one who resides in a county
contiguous and adjacent to the state of Missouri and who is regularly engaged in
the practice of funeral directing or embalming, as defined by this chapter, at
funeral establishments within this state or in an establishment located in a
county contiguous and adjacent to the state of Missouri, unless the law of the
state of the applicant's residence authorizes the granting of licenses to practice
funeral directing in such state to persons licensed as funeral directors under the
law of the state of Missouri.]

2. Any individual holding a valid, unrevoked and unexpired license as an
embalmer or funeral director in another state having requirements substantially
similar to those existing in this state [who is or intends to become a resident of
this state] may apply for a license to practice in this state by filing with the board
a certified statement from the examining board of the state or territory in which
the applicant holds his or her license showing the grade rating upon which [his]
the license was granted, together with a recommendation, and the board shall
grant the applicant a license upon his or her successful completion of an
examination over Missouri laws as required in section 333.041 or section 333.042
if the board finds that the applicant's qualifications meet the requirements for
funeral directors or embalmers in this state at the time the applicant was
originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice
funeral directing or embalming in another state or territory with requirements
less than those of this state may, after five consecutive years of active experience
as a licensed funeral director or embalmer in that state, apply for a license to
practice in this state after passing a test to prove his or her proficiency,
including but not limited to a knowledge of the laws and regulations of this state
as to funeral directing and embalming.

333.061. 1. No funeral establishment shall be operated in this state
unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued
by the board, if the board finds:

(1) That the establishment is under the general management and the
supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the
direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is
conducted contains a preparation room with a sanitary floor, walls and ceiling,
and adequate sanitary drainage and disposal facilities including running water,
and complies with the sanitary standard prescribed by the department of health
and senior services for the prevention of the spread of contagious, infectious or
communicable diseases;
(4) Each funeral establishment shall have [available in the preparation
or embalming room] a register book or log which shall be available at all times
[in full view] for the board's inspector and [the name of each body embalmed,
place, if other than at the establishment, the date and time that the embalming
took place, the name and signature of the embalmer and the embalmer's license
number shall be noted in the book] that shall contain:

(a) The name of each body that has been in the establishment;
(b) The date the body arrived at the establishment;
(c) If applicable, the place of embalming, if known; and
(d) If the body was embalmed at the establishment, the date and
time that the embalming took place, and the name, signature, and
license number of the embalmer; and

(5) The establishment complies with all applicable state, county or
municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant
to this section within thirty days after it is filed. The applicant may request in
writing up to two thirty-day extensions of the application, provided the request
for an extension is received by the board prior to the expiration of the thirty-day
application or extension period.

4. Licenses shall be issued pursuant to this section upon application and
the payment of a funeral establishment fee and shall be renewed at the end of the
licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license
issued pursuant to this section if it finds, after hearing, that the funeral
establishment does not meet any of the requirements set forth in this section as
conditions for the issuance of a license, or for the violation by the owner of the
funeral establishment of any of the provisions of section 333.121. No new license
shall be issued to the owner of a funeral establishment or to any corporation
controlled by such owner for three years after the revocation of the license of the
owner or of a corporation controlled by the owner. Before any action is taken
pursuant to this subsection the procedure for notice and hearing as prescribed by
section 333.121 shall be followed.

333.091. [Each establishment, funeral director or embalmer receiving a
license under this chapter shall have recorded in the office of the local registrar
of vital statistics of the registration district in which the licensee practices.] All
licenses or registrations, or duplicates thereof, issued pursuant to this chapter
shall be displayed at each place of business.

333.151. 1. The state board of embalmers and funeral directors shall consist of ten members, including one voting public member appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, a qualified voter of this state and shall be of good moral character. Not more than three members of the board shall be of the same political party. The nonpublic members shall be appointed by the governor, with the advice and consent of the senate, one from each of the state's congressional districts be of good moral character and submit an audited financial statement of their funeral establishment by an independent auditor for the previous five years. This audited financial statement must include all at-need and preneed business. A majority of the members shall constitute a quorum. Members shall be appointed to represent diversity in gender, race, ethnicity, and the various geographic regions of the state.

2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, if any.

3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

333.171. The board shall hold at least two regular meetings each year for
the purpose of administering examinations at times and places fixed by the
board. Other meetings shall be held at the times fixed by regulations of the
board or on the call of the chairman of the board. Notice of the time and place
of each regular or special meeting shall be mailed by the executive secretary to
each member of the board at least five days before the date of the meeting. [At
all meetings of the board three members constitute a quorum.] The board may
adopt and use a common seal.

335.036. 1. The board shall:
   (1) Elect for a one-year term a president and a secretary, who shall also
be treasurer, and the board may appoint, employ and fix the compensation of a
legal counsel and such board personnel as defined in subdivision (4) of subsection
10 of section 324.001 as are necessary to administer the provisions of sections
335.011 to 335.096;
   (2) Adopt and revise such rules and regulations as may be necessary to
enable it to carry into effect the provisions of sections 335.011 to 335.096;
   (3)Prescribe minimum standards for educational programs preparing
persons for licensure pursuant to the provisions of sections 335.011 to 335.096;
   (4) Provide for surveys of such programs every five years and in addition
at such times as it may deem necessary;
   (5) Designate as "approved" such programs as meet the requirements of
sections 335.011 to 335.096 and the rules and regulations enacted pursuant to
such sections; and the board shall annually publish a list of such programs;
   (6) Deny or withdraw approval from educational programs for failure to
meet prescribed minimum standards;
   (7) Examine, license, and cause to be renewed the licenses of duly
qualified applicants;
   (8) Cause the prosecution of all persons violating provisions of sections
335.011 to 335.096, and may incur such necessary expenses therefor;
   (9) Keep a record of all the proceedings; and make an annual report to the
governor and to the director of the department of insurance, financial institutions
and professional registration;
   (10) Establish an impaired nurse program.
2. The board shall set the amount of the fees which this chapter
authorizes and requires by rules and regulations. The fees shall be set at a level
to produce revenue which shall not substantially exceed the cost and expense of
administering this chapter.
3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. 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 chapter 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

335.099. Any licensed practical nurse, as defined in section 335.016:

1. Who is an approved instructor for the level 1 medication aid program shall be qualified to teach the insulin administration course under chapter 198;

2. Shall be qualified to perform diabetic nail care and monthly onsite reviews of basic personal care recipients, as required by the department of social services, of a resident of a residential care facility or assisted living facility, as defined in chapter 198;
(3) Shall be qualified to perform dietary oversight, as required by the department of health and senior services, of a resident of a residential care facility or assisted living facility, as defined in chapter 198.

335.200. As used in sections 335.200 to [335.209] 335.203, the following terms mean:

(1) "Board", the [Missouri coordinating board for higher education] state board of nursing;

(2) "Department", the Missouri department of higher education;

(3) "Eligible [nursing program] institution of higher education", a Missouri institution of higher education accredited by the higher learning commission of the north central association which offers a nursing education program [accredited under this chapter];

[(3) "Fund", the nurse training incentive fund, established in section 335.203;]

(4) "[Incentive] Grant", a grant awarded to [a nurse education program] an eligible institution of higher education under the guidelines set forth in sections 335.200 to 335.203 [to 335.209;]

(5) "Nontraditional student", a person admitted to an eligible nursing program that is older than twenty-two years of age at the time he is admitted to the nursing program;

(6) "Nurse", a person holding a license as a registered nurse, pursuant to this chapter; and

(7) "Professional nursing education program", a program of education accredited by the state board of nursing, pursuant to this chapter, designed to prepare persons for licensure as registered professional nurses with an enrollment of no less than sixty-five percent of the enrollment approved by the state board of nursing].

335.203. [The "Nurse Training Incentive Fund" is hereby established in the state treasury. The fund shall be administered by the coordinating board for higher education. The board shall base its appropriation request on enrollment, graduation and licensure figures for the previous year. The board may accept funds from private, federal and other sources for the purposes of sections 335.200 to 335.209. All appropriations, private donations, and other funds provided to the board for the implementation of sections 335.200 to 335.209 shall be placed in the nurse training incentive fund. Notwithstanding the provisions of section 33.080]
to the contrary, funds in the nurse training incentive fund shall not revert to the
general revenue fund. Interest accruing to the fund shall be part of the fund.
Grants provided pursuant to section 335.206 shall be made within the amounts
appropriated therefor.] 1. There is hereby established the "Nursing
Education Incentive Program" within the department of higher
education.

2. Subject to appropriation, grants shall be awarded through the
nursing education incentive program to eligible institutions of higher
education based on criteria jointly determined by the board and the
department. Grant award amounts shall not exceed one hundred fifty
thousand dollars. No campus shall receive more than one grant per
year.

3. To be considered for a grant, an eligible institution of higher
education shall offer a program of nursing that meets the
predetermined category and area of need as established by the board
and the department under subsection 4 of this section.

4. The board and the department shall determine categories and
areas of need for designating grants to eligible institutions of higher
education. In establishing categories and areas of need, the board and
department may consider criteria including, but not limited to:

   (1) Data generated from licensure renewal data and the
department of health and senior services; and

   (2) National nursing statistical data and trends that have
identified nursing shortages.

5. The department shall be the administrative agency responsible
for implementation of the program established under sections 335.200
to 335.203, and shall promulgate reasonable rules for the exercise of its
functions and the effectuation of the purposes of sections 335.200 to
335.203. The department shall, by rule, prescribe the form, time, and
method of filing applications and shall supervise the processing of such
applications.

6. 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, 2011, shall
be invalid and void.

338.010. 1. The "practice of pharmacy" means the interpretation,
implementation, and evaluation of medical prescription orders, including any
legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling
of such orders or facilitating the dispensing of such orders; the designing,
initiating, implementing, and monitoring of a medication therapeutic plan as
defined by the prescription order so long as the prescription order is specific to
each patient for care by a pharmacist; the compounding, dispensing, labeling, and
administration of drugs and devices pursuant to medical prescription orders and
administration of viral influenza, pneumonia, shingles and meningitis vaccines
by written protocol authorized by a physician for persons twelve years of age or
older as authorized by rule or the administration of pneumonia, shingles, and
meningitis vaccines by written protocol authorized by a physician for a specific
patient as authorized by rule; the participation in drug selection according to
state law and participation in drug utilization reviews; the proper and safe
storage of drugs and devices and the maintenance of proper records thereof;
consultation with patients and other health care practitioners, and
veterinarians and their clients about legend drugs, about the safe and
effective use of drugs and devices; and the offering or performing of those acts,
services, operations, or transactions necessary in the conduct, operation,
management and control of a pharmacy. No person shall engage in the practice
of pharmacy unless he is licensed under the provisions of this chapter. This
chapter shall not be construed to prohibit the use of auxiliary personnel under
the direct supervision of a pharmacist from assisting the pharmacist in any of his
or her duties. This assistance in no way is intended to relieve the pharmacist
from his or her responsibilities for compliance with this chapter and he or she
will be responsible for the actions of the auxiliary personnel acting in his or her
assistance. This chapter shall also not be construed to prohibit or interfere with
any legally registered practitioner of medicine, dentistry, or podiatry, or
veterinary medicine only for use in animals, or the practice of optometry in
accordance with and as provided in sections 195.070 and 336.220 in the
compounding, administering, prescribing, or dispensing of his or her own
prescriptions.
2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. 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, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of [five] six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be
representatives of wholesale drug distributors as defined in section 338.330, [and] one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors [and], drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055.

338.150. Any person authorized by the board of pharmacy is hereby given the right of entry and inspection upon all open premises purporting or appearing to be drug or chemical stores, apothecary shops, pharmacies or places of business for exposing for sale, or the dispensing or selling of drugs, pharmaceuticals, medicines, chemicals or poisons or for the compounding of physicians' or veterinarians' prescriptions.

338.210. 1. Pharmacy refers to any location where the practice of pharmacy occurs or such activities are offered or provided by a pharmacist or another acting under the supervision and authority of a pharmacist, including every premises or other place:

(1) Where the practice of pharmacy is offered or conducted;

(2) Where drugs, chemicals, medicines, any legend drugs under 21 U.S.C. Section 353, prescriptions, or poisons are compounded, prepared, dispensed or sold or offered for sale at retail;

(3) Where the words "pharmacist", "apothecary", "drugstore", "drugs", and any other symbols, words or phrases of similar meaning or understanding are used in any form to advertise retail products or services;

(4) Where patient records or other information is maintained for the purpose of engaging or offering to engage in the practice of pharmacy or to comply with any relevant laws regulating the acquisition, possession, handling, transfer, sale or destruction of drugs, chemicals, medicines, prescriptions or poisons.

2. All activity or conduct involving the practice of pharmacy as it relates to an identifiable prescription or drug order shall occur at the pharmacy location.
where such identifiable prescription or drug order is first presented by the
patient or the patient's authorized agent for preparation or dispensing, unless
otherwise expressly authorized by the board.

3. The requirements set forth in subsection 2 of this section shall not be
construed to bar the complete transfer of an identifiable prescription or drug
order pursuant to a verbal request by or the written consent of the patient or the
patient's authorized agent.

4. The board is hereby authorized to enact rules waiving the requirements
of subsection 2 of this section and establishing such terms and conditions as it
deems necessary, whereby any activities related to the preparation, dispensing
or recording of an identifiable prescription or drug order may be shared between
separately licensed facilities.

5. If a violation of this chapter or other relevant law occurs in connection
with or adjunct to the preparation or dispensing of a prescription or drug order,
any permit holder or pharmacist-in-charge at any facility participating in the
preparation, dispensing, or distribution of a prescription or drug order may be
deemed liable for such violation.

6. Nothing in this section shall be construed to supersede the provisions
of section 197.100.

338.220. 1. It shall be unlawful for any person, copartnership,
association, corporation or any other business entity to open, establish, operate,
or maintain any pharmacy as defined by statute without first obtaining a permit
or license to do so from the Missouri board of pharmacy. A permit shall not be
required for an individual licensed pharmacist to perform nondispensing activities
outside of a pharmacy, as provided by the rules of the board. A permit shall not
be required for an individual licensed pharmacist to administer drugs, vaccines,
and biologicals by protocol, as permitted by law, outside of a pharmacy. The
following classes of pharmacy permits or licenses are hereby established:

(1) Class A: Community/ambulatory;
(2) Class B: Hospital outpatient pharmacy;
(3) Class C: Long-term care;
(4) Class D: Nonsterile compounding;
(5) Class E: Radio pharmaceutical;
(6) Class F: Renal dialysis;
(7) Class G: Medical gas;
(8) Class H: Sterile product compounding;
(9) Class I: Consultant services;
(10) Class J: Shared service;
(11) Class K: Internet;
(12) Class L: Veterinary.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. [Notwithstanding any other law to the contrary] Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

338.240. 1. Upon evidence satisfactory to the said Missouri board of pharmacy:

(1) That the pharmacy for which a permit, or renewal thereof, is sought, will be conducted in full compliance with sections 338.210 to 338.300, with existing laws, and with the rules and regulations as established hereunder by said board;

(2) That the equipment and facilities of such pharmacy are such that it can be operated in a manner not to endanger the public health or safety;

(3) That such pharmacy is equipped with proper pharmaceutical and
sanitary appliances and kept in a clean, sanitary and orderly manner;

(4) That the management of said pharmacy is under the supervision of either a registered pharmacist, or an owner or employee of the owner, who has at his or her place of business a registered pharmacist employed for the purpose of compounding physician's or veterinarian's prescriptions in the event any such prescriptions are compounded or sold;

(5) That said pharmacy is operated in compliance with the rules and regulations legally prescribed with respect thereto by the Missouri board of pharmacy, a permit or renewal thereof shall be issued to such persons as the said board of pharmacy shall deem qualified to conduct such pharmacy.

2. In lieu of a registered pharmacist as required by subdivision (4) of subsection 1 of this section, a pharmacy permit holder that only holds a class L veterinary permit and no other pharmacy permit, may designate a supervising registered pharmacist who shall be responsible for reviewing the activities and records of the class L pharmacy permit holder as established by the board by rule. The supervising registered pharmacist shall not be required to be physically present on site during the business operations of a class L pharmacy permit holder identified in subdivision (5) of subsection 1 of this section when noncontrolled legend drugs under 21 U.S.C. Section 353 are being dispensed for use in animals, but shall be specifically present on site when any noncontrolled drugs for use in animals are being compounded.

338.315. It shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class D felony.

338.330. As used in sections 338.300 to 338.370, the following terms mean:

(1) "Out-of-state wholesale drug distributor", a wholesale drug distributor with no physical facilities located in the state;

(2) "Pharmacy distributor", any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;
(3) "Legend drug":
(a) Any drug or biological product:
   a. Subject to Section 503(b) of the Federal Food, Drug and
      Cosmetic Act, including finished dosage forms and active ingredients
      subject to such section;
   b. Required under federal law to be labeled with one of the
      following statements prior to being dispensed or delivered:
      (i) "Caution: Federal law prohibits dispensing without
          prescription";
      (ii) "Caution: Federal law restricts this drug to use by or on the
           order of a licensed veterinarian"; or
      (iii) "Rx only";
   c. Required by any applicable federal or state law or regulation
      to be dispensed by prescription only or that is restricted to use or
      dispensed by practitioners only;
(b) The term "drug", "prescription drug", or "legend drug" shall
    not include:
    a. An investigational new drug, as defined in 21 CFR 312.3(b),
       that is being utilized for the purposes of conducting a clinical trial or
       investigation of such drug or product that is governed by and being
       conducted under 21 CFR 312, et seq.;
    b. Any drug product being utilized for the purposes of
       conducting a clinical trial or investigation that is governed by and
       being conducted under 21 CFR 312, et seq.;
    c. Any drug product being utilized for the purposes of
       conducting a clinical trial or investigation that is governed or approved
       by an institutional review board subject to 21 CFR Part 56 or 45 CFR
       Part 46;
(4) "Wholesale drug distributor", anyone engaged in the delivery or
    distribution of legend drugs from any location and who is involved in the actual,
    constructive or attempted transfer of a drug or drug-related device in this state,
    other than to the ultimate consumer. This shall include, but not be limited to,
    drug wholesalers, repackers and manufacturers which are engaged in the
    delivery or distribution of drugs in this state, with facilities located in this state
    or in any other state or jurisdiction. A wholesale drug distributor shall not
    include any common carrier or individual hired solely to transport legend
    drugs. Any locations where drugs are delivered on a consignment basis, as
defined by the board, shall be exempt from licensure as a drug distributor, and
those standards of practice required of a drug distributor but shall be open for
inspection by board of pharmacy representatives as provided for in section
338.360.

339.190. 1. A real estate licensee shall be immune from liability for
statements made by engineers, land surveyors, geologists, environmental hazard
experts, wood-destroying inspection and control experts, termite inspectors,
mortgage brokers, home inspectors, or other home inspection experts unless:
(1) The statement was made by a person employed by the licensee or the
broker with whom the licensee is associated;
(2) The person making the statement was selected by and engaged by the
licensee. For purposes of this section, the ordering of a report or
inspection alone shall not constitute selecting or engaging a person; or
(3) The licensee knew prior to closing that the statement was false or the
licensee acted in reckless disregard as to whether the statement was true or false.

2. A real estate licensee shall not be the subject of any action and no
action shall be instituted against a real estate licensee for any information
contained in a seller's disclosure for residential, commercial, industrial, farm, or
vacant real estate furnished to a buyer, unless the real estate licensee is a
signatory to such or the licensee knew prior to closing that the statement was
false or the licensee acted in reckless disregard as to whether the statement was
true or false.

3. A real estate licensee acting as a courier of documents referenced in
this section shall not be considered to be making the statements contained in
such documents.

429.015. 1. Every registered architect or corporation registered to practice
architecture, every registered professional engineer or corporation registered to
practice professional engineering, every registered landscape architect or
corporation registered to practice landscape architecture, and every registered
land surveyor or corporation registered to practice land surveying, who does any
landscape architectural, architectural, engineering or land surveying work upon
or performs any landscape architectural, architectural, engineering or land
surveying service directly connected with the erection or repair of any building
or other improvement upon land under or by virtue of any contract with the
owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or
subcontractor, or without a contract if ordered by a city, town, village or county
having a charter form of government to abate the conditions that caused a
structure on that property to be deemed a dangerous building under local
ordinances pursuant to section 67.410, upon complying with the provisions of this
chapter, shall have for such person's landscape architectural, architectural,
engineering or land surveying work or service so done or performed, a lien upon
the building or other improvements and upon the land belonging to the owner or
lessee on which the building or improvements are situated, to the extent of [one acre] three acres. If the building or other improvement is upon any lot of land
in any town, city or village, then the lien shall be upon such building or other
improvements, and the lot or land upon which the building or other
improvements are situated, to secure the payment for the landscape architectural,
architectural, engineering or land surveying work or service so done or
performed. For purposes of this section, a corporation engaged in the practice of
architecture, engineering, landscape architecture, or land surveying, shall be
deemed to be registered if the corporation itself is registered under the laws of
this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or
labor upon or furnish any material or machinery for the digging of a well to
obtain water under or by virtue of any contract with the owner or lessee thereof,
or such owner's or lessee's agent, trustee, contractor or subcontractor, upon
complying with the provisions of sections 429.010 to 429.340 shall have for such
person's work or labor done, or materials or machinery furnished, a lien upon the
land belonging to such owner or lessee on which the same are situated, to the
extent of [one acre] three acres, to secure the payment of such work or labor
done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or
labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the
purpose of demolishing or razing a building or structure under or by virtue of any
contract with the owner or lessee thereof, or such owner's or lessee's agent,
trustee, contractor or subcontractor, or without a contract if ordered by a city,
town, village or county having a charter form of government to abate the
conditions that caused a structure on that property to be deemed a dangerous
building under local ordinances pursuant to section 67.410, upon complying with
the provisions of sections 429.010 to 429.340, shall have for such person's work
or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien
upon the land belonging to such owner or lessee on which the same are situated,
to the extent of [one acre] three acres. If the building or buildings to be
demolished or razed are upon any lot of land in any town, city or village, then the
lien shall be upon the lot or lots or land upon which the building or other
improvements are situated, to secure the payment for the labor and materials
performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to
429.430 applicable to liens of mechanics and other persons shall apply to and
govern the procedure with respect to the liens provided for in subsections 1, 2 and
3 of this section.

5. Any design professional or corporation authorized to have lien rights
under subsection 1 of this section shall have a lien upon the building or other
improvement and upon the land, whether or not actual construction of the
planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or
trustee, contracted for such professional services directly with the design
professional or corporation asserting the lien; and

(2) The owner or lessee is the owner or lessee of such real property either
at the time the contract is made or at the time the lien is filed.

6. Priority between a design professional or corporation lien claimant and
any other mechanic's lien claimant shall be determined pursuant to the
provisions of section 429.260 on a pro rata basis.

7. In any civil action, the owner or lessee may assert defenses which
include that the actual construction of the planned work or improvement has not
been performed in compliance with the professional services contract, is
impracticable or is economically infeasible.

8. The agreement is in writing.

436.405. 1. As used in sections 436.400 to 436.520, unless the context
otherwise requires, the following terms shall mean:

(1) "Beneficiary", the individual who is to be the subject of the disposition
or who will receive funeral services, facilities, or merchandise described in a
preneed contract;

(2) "Board", the board of embalmers and funeral directors;

(3) "Guaranteed contract", a preneed contract in which the seller
promises, assures, or guarantees to the purchaser that all or any portion of the
costs for the disposition, services, facilities, or merchandise identified in a
preneed contract will be no greater than the amount designated in the contract
upon the preneed beneficiary's death or that such costs will be otherwise limited or restricted;

[(3)] (4) "Insurance-funded preneed contract", a preneed contract which is designated to be funded by payments or proceeds from an insurance policy or [single premium] a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid;

[(4)] (5) "Joint account-funded preneed contract", a preneed contract which designates that payments for the preneed contract made by or on behalf of the purchaser will be deposited and maintained in a joint account in the names of the purchaser and seller, as provided in this chapter;

[(5)] (6) "Market value", a fair market value:

(a) As to cash, the amount thereof;

(b) As to a security as of any date, the price for the security as of that date obtained from a generally recognized source, or to the extent no generally recognized source exists, the price to sell the security in an orderly transaction between unrelated market participants at the measurement date; and

(c) As to any other asset, the price to sell the asset in an orderly transaction between unrelated market participants at the measurement date consistent with statements of financial accounting standards;

[(6)] (7) "Nonguaranteed contract", a preneed contract in which the seller does not promise, assure, or guarantee that all or any portion of the costs for the disposition, facilities, service, or merchandise identified in a preneed contract will be limited to the amount designated in the contract upon the preneed beneficiary's death or that such costs will be otherwise limited or restricted;

[(7)] (8) "Preneed contract", any contract or other arrangement which provides for the final disposition in Missouri of a dead human body, funeral or burial services or facilities, or funeral merchandise, where such disposition, services, facilities, or merchandise are not immediately required. Such contracts include, but are not limited to, agreements providing for a membership fee or any other fee for the purpose of furnishing final disposition, funeral or burial services or facilities, or funeral merchandise at a discount or at a future date;

[(8)] (9) "Preneed trust", a trust to receive deposits of, administer, and disburse payments received under preneed contracts, together with income thereon;

[(9)] (10) "Purchaser", the person who is obligated to pay under a
47 preneed contract;
48 [(10)] (11) "Trustee", the trustee of a preneed trust, including successor
49 trustees;
50 [(11)] (12) "Trust-funded preneed contract", a preneed contract which
51 provides that payments for the preneed contract shall be deposited and
52 maintained in trust.
53 2. All terms defined in chapter 333 shall be deemed to have the same
54 meaning when used in sections 436.400 to 436.520.

436.412. Each preneed contract made before August 28, 2009, and all
2 payments and disbursements under such contract shall continue to be governed
3 by this chapter as the chapter existed at the time the contract was made. Any
4 licensee or registrant of the board may be disciplined for violation of any
5 provision of sections 436.005 to 436.071 within the applicable statute of
6 limitations. [In addition, the provisions of section 436.031, as it existed on
7 August 27, 2009, shall continue to govern disbursements to the seller from the
8 trust and payment of trust expenses.] Joint accounts in existence as of August
9 27, 2009, shall continue to be governed by the provisions of section 436.053, as
10 that section existed on August 27, 2009.

436.445. A trustee of any preneed trust, including trusts established
2 before August 28, 2009, shall not after August 28, 2009, make any decisions to
3 invest any trust fund with:
4 (1) The spouse of the trustee;
5 (2) The descendants, siblings, parents, or spouses of a seller or an officer,
6 manager, director or employee of a seller, provider, or preneed agent;
7 (3) Agents, other than authorized external investment advisors as
8 authorized by section 436.440, or attorneys of a trustee, seller, or provider;
9 or
10 (4) A corporation or other person or enterprise in which the trustee, seller,
11 or provider owns a controlling interest or has an interest that might affect the
12 trustee's judgment.

436.450. 1. An insurance-funded preneed contract shall comply with
2 sections 436.400 to 436.520 and the specific requirements of this section.
3 2. A seller, provider, or any preneed agent shall not receive or collect from
4 the purchaser of an insurance-funded preneed contract any amount in excess of
5 what is required to pay the premiums on the insurance policy as assessed or
6 required by the insurer as premium payments for the insurance policy except for
any amount required or authorized by this chapter or by rule. A seller shall not receive or collect any administrative or other fee from the purchaser for or in connection with an insurance-funded preneed contract, other than those fees or amounts assessed by the insurer. As of August 29, 2009, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan for any purpose other than as authorized by this chapter.

3. Payments collected by or on behalf of a seller for an insurance-funded preneed contract shall be promptly remitted to the insurer or the insurer's designee as required by the insurer; provided that payments shall not be retained or held by the seller or preneed agent for more than thirty days from the date of receipt.

4. It is unlawful for a seller, provider, or preneed agent to procure or accept a loan against any insurance contract used to fund a preneed contract.

5. Laws regulating insurance shall not apply to preneed contracts, but shall apply to any insurance or [single premium] annuity sold with a preneed contract; provided, however, the provisions of [this act] sections 436.400 to 436.520 shall not apply to [single premium] annuities or insurance polices regulated by chapters 374, 375, and 376 used to fund preneed funeral agreements, contracts, or programs.

6. This section shall apply to all preneed contracts including those entered into before August 28, 2009.

7. For any insurance-funded preneed contract sold after August 28, 2009, the following shall apply:

   (1) The purchaser or beneficiary shall be the owner of the insurance policy purchased to fund a preneed contract; and

   (2) An insurance-funded preneed contract shall be valid and enforceable only if the seller or provider is named as the beneficiary or assignee of the life insurance policy funding the contract.

8. If the proceeds of the life insurance policy exceed the actual cost of the goods and services provided pursuant to the nonguaranteed preneed contract, any overage shall be paid to the estate of the beneficiary, or, if the beneficiary received public assistance, to the state of Missouri.

436.455. 1. A joint account-funded preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. In lieu of a trust-funded or insurance-funded preneed contract, the
seller and the purchaser may agree in writing that all funds paid by the
purchaser or beneficiary for the preneed contract shall be deposited with a
financial institution chartered and regulated by the federal or state government
authorized to do business in Missouri in an account in the joint names and under
the joint control of the seller and purchaser, beneficiary or party holding power
of attorney over the beneficiary's estate, or in an account titled in the
beneficiary's name and payable on the beneficiary's death to the
seller. There shall be a separate joint account established for each preneed
contract sold or arranged under this section. Funds shall only be withdrawn or
paid from the account upon the signatures of both the seller and the purchaser
or under a pay-on-death designation or as required to pay reasonable expenses
of administering the account.

3. All consideration paid by the purchaser under a joint account-funded
contract shall be deposited into a joint account as authorized by this section
within ten days of receipt of payment by the seller.

4. The financial institution shall hold, invest, and reinvest funds
deposited under this section in other accounts offered to depositors by the
financial institutions as provided in the written agreement of the purchaser and
the seller, provided the financial institution shall not invest or reinvest any funds
deposited under this section in term life insurance or any investment that does
not reasonably have the potential to gain income or increase in value.

5. Income generated by preneed funds deposited under this section shall
be used to pay the reasonable expenses of administering the account as charged
by the financial institution and the balance of the income shall be distributed or
reinvested upon fulfillment of the contract, cancellation or transfer pursuant to
the provisions of this chapter.

6. Within fifteen days after a provider [and a witness certify to the
financial institution in writing] delivers a copy of a certificate of
performance to the seller, signed by the provider and the person
authorized to make arrangements on behalf of the beneficiary,
certifying that the provider has furnished the final disposition, funeral, and
burial services and facilities, and merchandise as required by the preneed
contract, or has provided alternative funeral benefits for the beneficiary under
special arrangements made with the purchaser, the [financial institution shall
distribute the deposited funds to the seller if the certification has been approved
by the purchaser] seller shall take whatever steps are required by the
financial institution to secure payment of the funds from the financial institution. The seller shall pay the provider within ten days of receipt of funds.

7. Any seller, provider, or preneed agent shall not procure or accept a loan against any investment, or asset of, or belonging to a joint account. As of August 28, 2009, it shall be prohibited to use any existing preneed contract as collateral or security pledged for a loan, or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

436.456. At any time before final disposition, or before the funeral or burial services, facilities, or merchandise described in a preneed contract are furnished, the purchaser may cancel the contract, if designated as revocable, without cause. In order to cancel the contract the purchaser shall:

1. In the case of a joint account-funded preneed contract, deliver written notice of the cancellation to the seller [and the financial institution]. Within fifteen days of receipt of notice of the cancellation, the [financial institution shall distribute all deposited funds to the purchaser] seller shall take whatever steps may be required by the financial institution to obtain the funds from the financial institution. Upon receipt of the funds from the financial institution, the seller shall distribute the principal to the purchaser. Interest shall be distributed as provided in the agreement with the seller and purchaser;

2. In the case of an insurance-funded preneed contract, deliver written notice of the cancellation to the seller. Within fifteen days of receipt of notice of the cancellation, the seller shall notify the purchaser that the cancellation of the contract shall not cancel any life insurance funding the contract and that insurance cancellation is required to be made in writing to the insurer;

3. In the case of a trust-funded preneed contract, deliver written notice of the cancellation to the seller and trustee. Within fifteen days of receipt of notice of the cancellation, the trustee shall distribute one hundred percent of the trust property including any percentage of the total payments received on the trust-funded contract that have been withdrawn from the account under subsection 4 of section 436.430 but excluding the income, to the purchaser of the contract;

4. In the case of a guaranteed installment payment contract where the beneficiary dies before all installments have been paid, the purchaser shall pay the seller the amount remaining due under the contract in order to receive the goods and services set out in the contract, otherwise the purchaser or their estate
will receive full credit for all payments the purchaser has made towards the cost of the beneficiary's funeral at the provider current prices.

516.098. [1.] Except where fraud is involved, no action to recover damages for an error or omission in the survey of land, nor any action for contribution or indemnity for damages sustained on account of an error or omission may be brought against any person performing the survey more than [five years after the discovery of the error or omission] ten years from the completion of the survey.

[2. This section shall become effective January 1, 1990.]

[335.206. 1. The nurse training incentive fund shall, upon appropriation, be used to provide incentive grants to eligible nursing programs which increase enrollment. Grants shall not be awarded to classes begun on or after July 1, 1996.

2. Grants shall be awarded to eligible nursing programs which increase enrollment pursuant to subsection 3 of this section. Eligible programs receiving grants provided under sections 335.200 to 335.209 shall monitor the enrollment of nontraditional students in their program and shall annually report to the board the number of nontraditional students enrolled therein. It shall be the intent of sections 335.200 to 335.209 to encourage the enrollment and graduation of nontraditional students in nursing education programs.

3. Incentive grants shall be awarded to professional nurse education programs, as follows:

   (1) A grant of eight thousand dollars for each entering class of ten students by which the program increases its enrollment over the number of entering students admitted in the fall of 1989; and

   (2) A grant of four hundred dollars for each student from each entering class cited in subdivision (1) of this section by which the program increases its number of graduates over the number of students graduated in the preceding year; or

   (3) Beginning with the first graduating class of the classes which enter and are enrolled after August 28, 1990, a grant of four hundred dollars for each student by which the program increases its number of graduates over the number of graduates of the preceding year, if the program is not otherwise qualified to receive
the grant provided pursuant to subdivision (1) of this section.]

[335.209. No rule or portion of a rule promulgated under
the authority of sections 335.200 to 335.209 shall become effective
unless it has been promulgated pursuant to the provisions of
section 536.024.]

Section B. Because immediate action is necessary to ensure the
continuance of clinical trials in this state, the repeal and reenactment of section
338.330 of 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 the
repeal and reenactment of section 338.330 of section A of this act shall be in full
force and effect upon its passage and approval.

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