

FIRST REGULAR SESSION

SENATE BILL NO. 303

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 12, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1536S.011

AN ACT

To repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to pharmacy permits.

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

Section A. Section 338.220, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 338.220, to read as follows:

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

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

20 (11) Class K: Internet;

21 (12) Class L: Veterinary;

22 **(13) Class M: Specialty (bleeding disorder);**

23 **(14) Class N: Automated dispensing system (health care facility);**

24 **(15) Class O: Automated dispensing system (ambulatory care);**

25 **(16) Class P: Practitioner office/clinic.**

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

35 3. All permits, licenses or renewal fees collected pursuant to the
36 provisions of sections 338.210 to 338.370 shall be deposited in the state treasury
37 to the credit of the Missouri board of pharmacy fund, to be used by the Missouri
38 board of pharmacy in the enforcement of the provisions of sections 338.210 to
39 338.370, when appropriated for that purpose by the general assembly.

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

45 5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions
46 of this section shall not apply to the sale, dispensing, or filling of a
47 pharmaceutical product or drug used for treating animals.

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