

SECOND REGULAR SESSION

SENATE BILL NO. 1088

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5645S.011

AN ACT

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

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Section A. Section 338.220, RSMo, is repealed and one new section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 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 **(17) Class Q: Charitable pharmacy.**

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

36 3. All permits, licenses or renewal fees collected pursuant to the
37 provisions of sections 338.210 to 338.370 shall be deposited in the state treasury
38 to the credit of the Missouri board of pharmacy fund, to be used by the Missouri
39 board of pharmacy in the enforcement of the provisions of sections 338.210 to
40 338.370, when appropriated for that purpose by the general assembly.

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

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

49 6. A "class B hospital pharmacy" shall be defined as a pharmacy owned,
50 managed, or operated by a hospital as defined by section 197.020 or a clinic or
51 facility under common control, management or ownership of the same hospital or
52 hospital system. This section shall not be construed to require a class B hospital
53 pharmacy permit or license for hospitals solely providing services within the
54 practice of pharmacy under the jurisdiction of, and the licensure granted by, the
55 department of health and senior services under and pursuant to chapter 197.

56 7. Upon application to the board, any hospital that holds a pharmacy

57 permit or license on August 28, 2014, shall be entitled to obtain a class B
58 pharmacy permit or license without fee, provided such application shall be
59 submitted to the board on or before January 1, 2015.

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