

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-EIGHTH DAY—THURSDAY, APRIL 29, 2021**

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The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Hear, O Lord, when I cry aloud, be gracious to me and answer me!” (Psalm 27:7)

Holy God, we pray that You will help us clear the way of things and issues that clutter our thinking and keeps us from performing our duty to look out for the people of Missouri who need the changes that are most helpful and needful that only we can perform. And Lord let us have Your presence in our lives so that as we act, we are assured Your love touches us and those we travel home to be with. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator White announced photographers from ABC News were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

|          |          |             |              |         |             |            |
|----------|----------|-------------|--------------|---------|-------------|------------|
| Arthur   | Bean     | Beck        | Bernskoetter | Brattin | Brown       | Burlison   |
| Cierpiot | Crawford | Eigel       | Eslinger     | Gannon  | Hegeman     | Hoskins    |
| Hough    | Koenig   | Luetkemeyer | May          | Moon    | Mosley      | O’Laughlin |
| Onder    | Razer    | Rehder      | Riddle       | Rizzo   | Roberts     | Rowden     |
| Schatz   | Schupp   | Washington  | White        | Wieland | Williams—34 |            |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Eslinger offered Senate Resolution No. 347, regarding Paula Wiedemann, West Plains, which was adopted.

Senator Schupp offered Senate Resolution No. 348, regarding Elyse Lederer, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 349, regarding Karen Aroesty, which was adopted.

President Pro Tem Schatz assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 66**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 701**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 139**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HS** for **HB 432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were

referred **HB 624**; **HS** for **HB 297**; **HB 948**, with **SCS**; **HB 530** and **HCS** for **HB 292**, with **SCS**; and **HB 578**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 369**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HJR**s **23** and **38**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Bernskoetter assumed the Chair.

### PRIVILEGED MOTIONS

Senator Hegeman moved that the Senate refuse to recede from its position on **HCS** for **HB 15**, with **SCS**, and grant the House a conference thereon, which motion prevailed.

### CONCURRENT RESOLUTIONS

**SCR 4**, introduced by Senator Burlison, entitled:

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Was taken up.

On motion of Senator Burlison, **SCR 4** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

|             |              |         |         |          |          |          |
|-------------|--------------|---------|---------|----------|----------|----------|
| Bean        | Bernskoetter | Brattin | Brown   | Burlison | Cierpiot | Crawford |
| Eigel       | Eslinger     | Gannon  | Hegeman | Hoskins  | Hough    | Koenig   |
| Luetkemeyer | O’Laughlin   | Onder   | Rehder  | Riddle   | Rowden   | Schatz   |
| White       | Wieland—23   |         |         |          |          |          |

#### NAYS—Senators

|        |      |     |      |        |       |       |
|--------|------|-----|------|--------|-------|-------|
| Arthur | Beck | May | Moon | Mosley | Razer | Rizzo |
|--------|------|-----|------|--------|-------|-------|

Roberts                  Schupp                  Washington                  Williams—11

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Burlison, title to the concurrent resolution was agreed to.

Senator Burlison moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HJR 35**, **HCS** for **HBs 557** and **560**, and **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873** and **1097**, begs leave to report that it has considered the same and recommends that the joint resolution and bills do pass.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 3**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 4**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SCS** for **HCS** for **HB 6**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 10**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 11**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### **CONCURRENT RESOLUTIONS**

Senator Moon moved that **SCR 9** be taken up for adoption, which motion prevailed.

Senator Hoskins offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 9, as it appears on Page 240 of the Senate Journal for Tuesday, February 9, 2021, Line 21, by inserting after all of said line the following:

“Be It Further Resolved that this resolution, prior to becoming effective, shall be submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2022, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general

assembly, and this resolution shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Moon, **SCR 9**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Brattin moved that **SCR 11** be taken up for adoption, which motion prevailed.

Senator Brattin offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 11, as it appears on Page 282 of the Senate Journal for Monday, February 22, 2021, Line 6, by striking “October” and inserting in lieu thereof the following: “September”.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Brattin, **SCR 11**, as amended, was adopted by the following vote:

#### YEAS—Senators

|          |          |             |              |            |         |            |
|----------|----------|-------------|--------------|------------|---------|------------|
| Arthur   | Bean     | Beck        | Bernskoetter | Brattin    | Brown   | Burlison   |
| Cierpiot | Crawford | Eigel       | Eslinger     | Gannon     | Hegeman | Hoskins    |
| Hough    | Koenig   | Luetkemeyer | May          | Moon       | Mosley  | O’Laughlin |
| Onder    | Razer    | Rehder      | Riddle       | Rizzo      | Roberts | Rowden     |
| Schatz   | Schupp   | Washington  | White        | Wieland—33 |         |            |

#### NAYS—Senators—None

Absent—Senator Williams—1

Absent with leave—Senators—None

Vacancies—None

President Kehoe assumed the Chair.

### RESOLUTIONS

Senator Onder moved that **SR 90** be taken up for adoption, which motion prevailed.

On motion of Senator Onder, **SR 90** was adopted by the following vote:

#### YEAS—Senators

|          |             |              |         |         |          |          |
|----------|-------------|--------------|---------|---------|----------|----------|
| Arthur   | Bean        | Bernskoetter | Brattin | Brown   | Burlison | Cierpiot |
| Crawford | Eigel       | Eslinger     | Gannon  | Hegeman | Hoskins  | Hough    |
| Koenig   | Luetkemeyer | May          | Moon    | Mosley  | Onder    | Razer    |
| Rehder   | Riddle      | Rizzo        | Roberts | Rowden  | Schatz   | Schupp   |
| White    | Wieland     | Williams—31  |         |         |          |          |

#### NAYS—Senators—None

Absent—Senators

Beck                      O’Laughlin                      Washington—3

Absent with leave—Senators—None

Vacancies—None

### CONCURRENT RESOLUTIONS

Senator Roberts moved that **HCS** for **HCRs 4** and **5** be taken up for adoption, which motion prevailed.

On motion of Senator Roberts, **HCS** for **HCRs 4** and **5** was adopted by the following vote:

YEAS—Senators

|            |             |          |              |         |         |          |
|------------|-------------|----------|--------------|---------|---------|----------|
| Arthur     | Bean        | Beck     | Bernskoetter | Brattin | Brown   | Burlison |
| Crawford   | Eigel       | Eslinger | Gannon       | Hegeman | Hoskins | Hough    |
| Koenig     | Luetkemeyer | May      | Moon         | Mosley  | Onder   | Razer    |
| Rehder     | Riddle      | Rizzo    | Roberts      | Rowden  | Schatz  | Schupp   |
| Washington | White       | Wieland  | Williams—32  |         |         |          |

NAYS—Senators—None

Absent—Senators

Cierpiot                      O’Laughlin—2

Absent with leave—Senators—None

Vacancies—None

### SENATE BILLS FOR PERFECTION

At the request of Senator Eslinger, **SB 265** was placed on the Informal Calendar.

Senator Burlison moved that **SB 231** be taken up for perfection, which motion prevailed.

On motion of Senator Burlison, **SB 231** was declared perfected and ordered printed.

President Pro Tem Schatz assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 189**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

### HOUSE BILLS ON THIRD READING

At the request of Senator Onder, **HCS No. 2** for **HB 75** was placed on the Informal Calendar.

At the request of Senator Wieland, **HCS** for **HB 362**, with **SCS**, was placed on the Informal Calendar.

**HB 657**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873** and **1097** was placed on the Informal Calendar.

**HB 273**, introduced by Representative Hannegan, with **SCS**, entitled:

An Act amend chapter 329, RSMo, by adding thereto one new section relating to the practice of shampooing.

Was taken up by Senator Riddle.

**SCS** for **HB 273**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 334.104, 335.175, 337.068, 339.100, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty new sections relating to professional registration, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **HB 273** be adopted.

Senator Riddle offered **SS** for **SCS** for **HB 273**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 334.104, 335.175, 337.068, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty-one new sections relating to professional registration, with penalty provisions.

Senator Riddle moved that **SS** for **SCS** for **HB 273** be adopted.

Senator White offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 273, Pages 57-64, Section 334.104, by striking all of said section from the bill; and

Further amend said bill, pages 64-65, section 335.175, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted.

Senator Burlison requested a roll call vote be taken and was joined in his request by Senators Eslinger, Moon, O'Laughlin, and White.



Senator Bernskoetter assumed the Chair.

At the request of Senator Riddle, **SS** for **SCS** for **HB 273** was withdrawn, rendering **SA 1** moot.

At the request of Senator Riddle, **HB 273**, with **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 574**, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Was taken up by Senator Riddle.

At the request of Senator Riddle, **HCS** for **HB 574** was placed on the Informal Calendar.

Senator Riddle moved that **HCS** for **HB 574** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Riddle offered **SS** for **HCS** for **HB 574**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 574

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Senator Riddle moved that **SS** for **HCS** for **HB 574** be adopted.

Senator Roberts offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 2, Section 261.099, Line 36, by striking “or civil case”.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 2, Section 261.099, Line 26, by inserting after “county” the following: “, **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants,**”.

Senator Eigel moved that the above amendment be adopted.

Senator Razer offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 574, Page 1, Line 1, by striking “26” and inserting in lieu thereof the following: “26-27”; and

Further amend said amendment, lines 2-5, by striking all of said lines and inserting in lieu thereof the following:

“by striking all of said lines and inserting in lieu thereof the following: **“performed in any municipality located in three or more counties, with one being a charter county, charter counties, except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, or any city not within a county.”.**”.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SA 2**, as amended, be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Beck offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 1, Section 261.099, Line 12, by inserting immediately after the semicolon “;” the following: **“or”**; and further amend line 13, by striking “; or” and inserting in lieu thereof a period “.”; and further amend lines 14-15, by striking all of said lines.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS** for **HCS** for **HB 574**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **HCS** for **HB 574**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

|          |              |         |         |          |             |          |
|----------|--------------|---------|---------|----------|-------------|----------|
| Bean     | Bernskoetter | Brattin | Brown   | Burlison | Cierpiot    | Crawford |
| Eslinger | Gannon       | Hegeman | Hoskins | Koenig   | Luetkemeyer | May      |
| Moon     | O’Laughlin   | Onder   | Rehder  | Riddle   | Rowden      | Schatz   |
| White    | Wieland—23   |         |         |          |             |          |

#### NAYS—Senators

|            |            |        |       |       |         |        |
|------------|------------|--------|-------|-------|---------|--------|
| Arthur     | Beck       | Mosley | Razer | Rizzo | Roberts | Schupp |
| Washington | Williams—9 |        |       |       |         |        |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Riddle moved that **HB 273**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection.

**SCS** for **HB 273** was again taken up.

Senator Riddle moved that **SCS** for **HB 273** be adopted.

Senator Riddle offered **SS No. 2** for **SCS** for **HB 273**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof twenty-nine new sections relating to professional registration, with penalty provisions.

Senator Riddle moved that **SS No. 2** for **SCS** for **HB 273** be adopted.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 273, Page 58, Section 337.068, Line 44, by inserting after all of said line the following:

“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, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza 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; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; 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 or she 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 collaborative practice arrangement 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).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient’s [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

**338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.**

**2. For purposes of this section, “postexposure prophylaxis” shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.**

**3. For purposes of this section, “CDC guidelines” shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.**

**4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately**

**promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.**

**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 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, 2021, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS No. 2 for SCS for HB 273**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS No. 2 for SCS for HB 273**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

|            |             |         |              |            |         |          |
|------------|-------------|---------|--------------|------------|---------|----------|
| Arthur     | Bean        | Beck    | Bernskoetter | Brattin    | Brown   | Burlison |
| Cierpiot   | Crawford    | Eigel   | Eslinger     | Gannon     | Hegeman | Hoskins  |
| Koenig     | Luetkemeyer | May     | Mosley       | O’Laughlin | Onder   | Razer    |
| Rehder     | Riddle      | Rizzo   | Roberts      | Rowden     | Schatz  | Schupp   |
| Washington | White       | Wieland | Williams—32  |            |         |          |

NAYS—Senator Moon—1

Absent—Senator Hough—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Bernskoetter moved that the Senate refuse to concur in **SB 37**, with **HA 1, HA 2, HA 3, HA 4, HA 5 and HA 6**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS for SCS for HCS for HB 2** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS for SCS for HCS for**

**HB 3** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 4** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 5** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 6** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 7** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 8** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 9** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 10** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 11** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 12** and grant the House a conference thereon, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 106**.

Bill Ordered Enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 242**, entitled:

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof five new sections relating to telecommunication practices, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 353**, entitled:

An Act to repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to the electronic transfer of workers' compensation benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 839**, entitled:

An Act to repeal section 590.030, RSMo, and to enact in lieu thereof one new section relating to peace officer license requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 381**, entitled:

An Act to repeal sections 50.800, 50.810, 50.815, and 50.820, RSMo, and to enact in lieu thereof two new sections relating to county financial statements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 338**, entitled:

An Act to repeal sections 60.301, 60.315, and 60.345, RSMo, and to enact in lieu thereof three new sections relating to land surveys.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 443**, entitled:

An Act to repeal sections 214.160 and 214.270, RSMo, and to enact in lieu thereof two new sections relating to cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1061**, entitled:

An Act to repeal section 620.2005, RSMo, and to enact in lieu thereof one new section relating to the Missouri works program.



In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 508**, entitled:

An Act to repeal sections 270.170, 270.180, 270.260, 270.270, and 270.400, RSMo, and to enact in lieu thereof five new sections relating to feral swine, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 231**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **RESOLUTIONS**

Senator Schatz offered Senate Resolution No. 350, regarding Anna Tarpey, Wildwood, which was adopted.

Senator Schatz offered Senate Resolution No. 351, regarding Caitlyn Sullivan, Gerald, which was adopted.

Senator Hough offered Senate Resolution No. 352, regarding the 2020 Missouri State University Football Bears, Springfield, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Monday, May 3, 2021.

### **SENATE CALENDAR**

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**FIFTY-NINTH DAY—MONDAY, MAY 3, 2021**

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### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HCS for HB 242

HB 353-Henderson

HCS for HB 839  
 HB 381-McGaugh  
 HB 338-Mayhew

HCS for HB 443  
 HB 1061-Eggleston  
 HCS for HB 508

### THIRD READING OF SENATE BILLS

SB 231-Burlison

### SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

### HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 349 (Koenig)<br>(In Fiscal Oversight)                    | 17. HCS#2 for HB 69, with SCS (Bean)                   |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder)<br>(In Fiscal Oversight)          | 18. HCS for HBs 557 & 560 (White)                      |
| 3. HCS for HB 59, with SCS (Luetkemeyer)<br>(In Fiscal Oversight)      | 19. HB 578-Bromley, with SCS (Brown)                   |
| 4. HCS for HB 529, with SCS (Hoskins)<br>(In Fiscal Oversight)         | 20. HB 687-Riley (Hough)                               |
| 5. HCS for HB 384, with SCS (Wieland)<br>(In Fiscal Oversight)         | 21. HB 661-Ruth (Brown)                                |
| 6. HCS for HB 697, with SCS (Crawford)                                 | 22. HB 530 & HCS for HB 292, with SCS<br>(Luetkemeyer) |
| 7. HB 604-Gregory (51), with SCS<br>(Crawford)                         | 23. HS for HB 297 ( Rehder)                            |
| 8. HCS for HJR 35 (Schatz)   | 24. HB 624-Richey (Arthur)                             |
| 9. HB 542-Shields (Burlison)   | 25. HCS for HB 17 (Hegeman)                            |
| 10. HB 948-Francis, with SCS (Hoskins)                                 | 26. HCS for HB 18, with SCS (Hegeman)                  |
| 11. HB 249-Ruth (Wieland)  | 27. HCS for HB 19, with SCS (Hegeman)                  |
| 12. HCS for HB 685, with SCS (Brown)                                   | 28. HCS for HB 734, with SCS (Cierpiot)                |
| 13. HCS for HBs 85 & 310, with SCS<br>(Burlison) (In Fiscal Oversight) | 29. HCS for HB 66 (Onder)                              |
| 14. HB 670-Houx (Moon)   | 30. HB 701-Black (Onder)                               |
| 15. HB 488-Hicks, with SCS (Burlison)<br>(In Fiscal Oversight)         | 31. HB 139-Hudson (Burlison)                           |
| 16. HCS for HB 13, with SCS (Hegeman)                                  | 32. HB 299-Wallingford, with SCS (Eigel)               |
|  | 33. HS for HB 432, with SCS (White)                    |
|  | 34. HCS for HB 137, with SCS<br>(Luetkemeyer)          |
|  | 35. HCS for HB 228, with SCS (O'Laughlin)              |
|  | 36. HCS for HB 369 (Bernskoetter)                      |
|  | 37. HCS for HJR 23 & 38 (Eslinger)                     |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

|   |  |
|---|--|
| SB 1-Hegeman, with SS#2 & SA 1 (pending)                              | SB 169-Burlison  |
| SB 3-Hegeman  | SB 174-Hough, with SCS   |
| SB 7-Riddle, with SS & SA 1 (pending)                                 | SB 179-Luetkemeyer   |
| SB 10-Schatz, with SS (pending)                                       | SB 182-O’Laughlin  |
| SB 11-Schatz, with SS & SA 1 (pending)                                | SB 183-O’Laughlin  |
| SB 24-Eigel, with SS#2 (pending)                                      | SB 184-Bean, with SCS  |
| SB 30-Cierpiot  | SB 195-Koenig  |
| SB 39-Burlison, with SS (pending)                                     | SB 198-Eigel, with SCS   |
| SB 47-Hough   | SB 204-Cierpiot, with SCS  |
| SB 54-O’Laughlin, with SCS  | SB 206-Arthur  |
| SBs 55, 23 & 25-O’Laughlin, et al, with<br>SCS & SS for SCS (pending) | SB 218-Luetkemeyer, with SCS   |
| SB 62-Williams, with SCS  | SB 227-Arthur  |
| SB 65-Rehder, with SCS  | SB 236-Hough, with SCS   |
| SB 74-Bean, with SCS  | SB 244-Onder   |
| SB 92-Riddle, with SCS  | SB 253-Hegeman   |
| SB 94-Onder with SS, SA1 to SS & SA 1 to<br>SA 1 (pending)            | SB 254-Riddle, with SCS, SS for SCS &<br>SA 2 (pending)                  |
| SB 95-Onder, with SCS   | SB 255-Riddle  |
| SB 96-Hoskins, with SCS   | SB 265-Eslinger  |
| SB 98-Hoskins, with SCS (pending)                                     | SB 282-Hegeman, with SCS   |
| SB 100-Koenig, with SCS   | SB 287-Crawford  |
| SB 105-Crawford, with SCS   | SB 291-Brown   |
| SB 114-Bernskoetter   | SB 295-Crawford, with SCS  |
| SB 123-Hough, with SS & SA 2 (pending)                                | SB 301-Bernskoetter, with SCS &<br>SA 1 (pending)                        |
| SB 131-Luetkemeyer  | SB 306-Bernskoetter, with SCS  |
| SB 132-O’Laughlin, with SCS   | SB 313-Eigel   |
| SB 134-O’Laughlin and Cierpiot  | SB 316-Hough   |
| SB 137-Brattin  | SB 317-May   |
| SB 138-Brattin, with SCS  | SB 318-May, with SCS   |
| SB 139-Bean   | SB 334-Bernskoetter  |
| SB 149-Onder  | SB 343-Brown   |
| SB 163-Cierpiot   | SB 354-Hoskins, with SCS, SS for SCS,<br>SA 1 & point of order (pending) |
| SB 168-Burlison   |  |

SB 360-Wieland, with SCS  
 SB 361-Wieland  
 SB 369-White  
 SB 370-Brown  
 SB 372-Riddle  
 SB 375-Eigel  
 SB 383-Moon  
 SB 390-Luetkemeyer  
 SB 399-Eigel  
 SB 400-Onder, with SCS  
 SB 404-Riddle  
 SB 408-Wieland  
 SB 434-Washington  
 SB 437-Hoskins  
 SB 459-Brattin, with SCS  
 SB 465-Hoskins, with SCS

SB 466-Hoskins, with SCS  
 SB 473-Brown  
 SB 481-Hough, et al  
 SB 506-Bean  
 SB 529-Cierpiot  
 SB 547-Hoskins, with SCS  
 SB 561-Gannon  
 SB 562-Schupp  
 SB 577-Riddle, with SCS  
 SB 582-Eslinger  
 SB 604-Koenig, with SCS  
 SJR 2-Onder, with SCS  
 SJR 4-Koenig  
 SJR 7-Eigel  
 SJR 12-Luetkemeyer  
 SJR 16-Eslinger

#### HOUSE BILLS ON THIRD READING

HCS#2 for HB 75 (Onder)  
 HB 333-Simmons (Onder)  
 HCS for HB 362, with SCS (Wieland)  
 HB 476-Grier (Bernskoetter)  
 (In Fiscal Oversight)

HB 657-Trent, with SCS (Hough)  
 HB 850-Wiemann (Eigel)  
 HCS for HBs 1083, 1085, 1050, 1035,  
 1036, 873 & 1097 (Bernskoetter)

#### CONSENT CALENDAR

##### House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)  
 HB 202-McGill (Gannon)  
 HB 404-Aldridge (May)  
 HB 449-Tate (Gannon)  
 HB 522-Windham (Williams)

HB 640-Morse (Bean)  
 HB 1053-Patterson (Onder)  
 HB 296-Wallingford (White)  
 HB 298-Wallingford (White)  
 HB 262-Black (137) (Eslinger)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

|   |  |
|---|--|
| HCS for HB 2, with SS for SCS (Hegeman) | HCS for HB 8, with SCS (Hegeman)         |
| HCS for HB 3, with SS for SCS (Hegeman) | HCS for HB 9, with SCS (Hegeman)         |
| HCS for HB 4, with SS for SCS (Hegeman) | HCS for HB 10, with SS for SCS (Hegeman) |
| HCS for HB 5, with SCS (Hegeman)        | HCS for HB 11, with SS for SCS (Hegeman) |
| HCS for HB 6, with SCS (Hegeman)        | HCS for HB 12, with SCS (Hegeman)        |
| HCS for HB 7, with SCS (Hegeman)        | HCS for HB 15, with SCS (Hegeman)        |

Requests to Recede or Grant Conference

SB 37-Bernskoetter, with HA 1, HA 2,  
HA 3, HA 4, HA 5 & HA 6 (Senate  
requests House recede or grant  
conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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