

FIRST REGULAR SESSION

# SENATE BILL NO. 479

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

2286S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 338.333, RSMo, and to enact in lieu thereof one new section relating to board of pharmacy inspections.

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

Section A. Section 338.333, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 338.333,  
3 to read as follows:

338.333. 1. Except as otherwise provided by the board  
2 of pharmacy by rule in the event of an emergency or to  
3 alleviate a supply shortage, no person or distribution  
4 outlet shall act as a wholesale drug distributor, pharmacy  
5 distributor, drug outsourcer, or third-party logistics  
6 provider without first obtaining license to do so from the  
7 Missouri board of pharmacy and paying the required fee. The  
8 board may grant temporary licenses when the wholesale drug  
9 distributor, pharmacy distributor, drug outsourcer, or third-  
10 party logistics provider first applies for a license to  
11 operate within the state. Temporary licenses shall remain  
12 valid until such time as the board shall find that the  
13 applicant meets or fails to meet the requirements for  
14 regular licensure. No license shall be issued or renewed  
15 for a wholesale drug distributor, pharmacy distributor, drug  
16 outsourcer, or third-party logistics provider to operate  
17 unless the same shall be operated in a manner prescribed by  
18 law and according to the rules and regulations promulgated

19 by the board of pharmacy with respect thereto. Separate  
20 licenses shall be required for each distribution site owned  
21 or operated by a wholesale drug distributor, pharmacy  
22 distributor, drug outsourcer, or third-party logistics  
23 provider, unless such drug distributor, pharmacy  
24 distributor, drug outsourcer, or third-party logistics  
25 provider meets the requirements of section 338.335. **In the  
26 event that rules or regulations require inspections or other  
27 documentation for purpose of licensing, the board of  
28 pharmacy shall insure that such requirements are practical  
29 either by personnel from the board of pharmacy conducting  
30 the necessary inspection or allowing for documentation of an  
31 inspection which certifies the applicant met the necessary  
32 inspection requirements. Additionally, the board of  
33 pharmacy shall allow certification if an inspection was  
34 conducted within the previous thirty-six months or personnel  
35 of the Missouri board of pharmacy are available to inspect  
36 the applicant in a shorter time frame. In the event the  
37 Missouri board of pharmacy has to conduct a site visit to  
38 inspect the applicant's facility, such reasonable charges  
39 shall be reimbursed to the board of pharmacy by the  
40 applicant.**

41 2. An agent or employee of any licensed or registered  
42 wholesale drug distributor, pharmacy distributor, drug  
43 outsourcer, or third-party logistics provider need not seek  
44 licensure under this section and may lawfully possess  
45 pharmaceutical drugs, if the agent or employee is acting in  
46 the usual course of his or her business or employment.

47 3. The board may permit out-of-state wholesale drug  
48 distributors, drug outsourcers, third-party logistics  
49 provider, or out-of-state pharmacy distributors to be

50 licensed as required by sections 338.210 to 338.370 on the  
51 basis of reciprocity to the extent that the entity both:

52 (1) Possesses a valid license granted by another state  
53 pursuant to legal standards comparable to those which must  
54 be met by a wholesale drug distributor, pharmacy  
55 distributor, drug outsourcers, or third-party logistics  
56 provider of this state as prerequisites for obtaining a  
57 license under the laws of this state; and

58 (2) Distributes into Missouri from a state which would  
59 extend reciprocal treatment under its own laws to a  
60 wholesale drug distributor, pharmacy distributor, drug  
61 outsourcers, or third-party logistics provider of this state.

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