

SENATE BILL NO. 1640

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

6618S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to nonprofit pharmacies.

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

Section A. Chapter 338, RSMo, is amended by adding thereto
2 one new section, to be known as section 338.312, to read as
3 follows:

338.312. 1. As used in this section, unless the
2 context requires otherwise, the following terms mean:

3 (1) "Declared state disaster or emergency", a disaster
4 or emergency event for which a governor's state of emergency
5 proclamation has been issued or that the President of the
6 United States has declared to be a major disaster or
7 emergency;

8 (2) "Disaster period", the period of time that begins
9 ten days before a governor's proclamation of a state of
10 emergency or the declaration by the President of the United
11 States of a major disaster or emergency, whichever occurs
12 first, and extending for a period of sixty calendar days
13 following the end of the period specified in the
14 proclamation or declaration or sixty calendar days from the
15 proclamation or declaration if no end is provided. The
16 governor may extend the disaster period as warranted;

17 (3) "Nonprofit pharmacy", any pharmacy licensed in
18 this state that operates as a charitable organization under

19 Section 501(c) (3) of the Internal Revenue Code of 1986, as
20 amended.

21 2. Notwithstanding any provision of law to the
22 contrary, the board of pharmacy shall have the authority to
23 waive compliance with any Missouri rules and regulations for
24 pharmacies licensed in this state when such nonprofit
25 pharmacy is dispensing, shipping, or delivering prescription
26 drugs into another state or United States territory that is
27 experiencing a declared state disaster or emergency,
28 provided that:

29 (1) The nonprofit pharmacy is a licensed pharmacy in
30 good standing under this chapter and is authorized to ship
31 prescription drugs into the state or territory in question;

32 (2) The nonprofit pharmacy is responding to an active
33 declared state disaster or emergency;

34 (3) The nonprofit pharmacy complies with all emergency
35 rules and regulations for pharmacies and nonprofit
36 pharmacies established by the state or territory for the
37 duration of the disaster period;

38 (4) The nonprofit pharmacy complies with all
39 applicable federal laws and regulations; and

40 (5) The waiver applies only to prescription drugs
41 dispensed, shipped, or delivered to residents or health care
42 facilities located within the geographic area specified in
43 the declared state disaster or emergency.

44 3. The board of pharmacy may promulgate rules to
45 implement the provisions of this section. Any rule or
46 portion of a rule, as that term is defined in section
47 536.010, that is created under the authority delegated in
48 this section shall become effective only if it complies with
49 and is subject to all of the provisions of chapter 536 and,
50 if applicable, section 536.028. This section and chapter

51 536 are nonseverable and if any of the powers vested with
52 the general assembly pursuant to chapter 536 to review, to
53 delay the effective date, or to disapprove and annul a rule
54 are subsequently held unconstitutional, then the grant of
55 rulemaking authority and any rule proposed or adopted after
56 August 28, 2026, shall be invalid and void.

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