

SECOND REGULAR SESSION

SENATE BILL NO. 878

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

5598S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 338.012, RSMo, and to enact in lieu thereof two new sections relating to the duties of a pharmacist.

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

Section A. Section 338.012, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 338.012 and 338.206, to read as follows:

338.012. 1. A pharmacist with a certificate of
2 medication therapeutic plan authority may provide influenza,
3 group A streptococcus, and COVID-19 medication therapy
4 services pursuant to [a statewide standing order issued by
5 the director or chief medical officer of the department of
6 health and senior services if that person is a licensed
7 physician, or a licensed physician designated by the
8 department of health and senior services] **rules established
9 by the board of pharmacy and the state board of registration
10 for the healing arts, as described in this section.**

11 2. The state board of registration for the healing
12 arts, pursuant to section 334.125, and the state board of
13 pharmacy, pursuant to section 338.140, shall jointly
14 promulgate rules to implement the provisions of this
15 section. Any rule or portion of a rule, as that term is
16 defined in section 536.010, that is created under the
17 authority delegated in this section shall become effective

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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, 2023, shall be invalid and void.

338.206. 1. As used in this section, the term "durable medical equipment" or "DME" shall mean equipment that is furnished by a supplier or a home health agency and meets the following conditions:

- (1) Can withstand repeated use;**
- (2) Effective with respect to items classified as DME after January 1, 2012, has an expected life of at least three years;**
- (3) Is primarily and customarily used to serve a medical purpose;**
- (4) Generally is not useful to an individual in the absence of an illness or injury; and**
- (5) Is appropriate for use in the home.**

2. Notwithstanding any provision of this chapter to the contrary, pharmacists may prescribe any devices categorized as durable medical equipment or DME.

3. The state board of registration for the healing arts, pursuant to section 334.125, and the board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this section. Such rules shall be written and effective within six months of the effective date of this act.

23 4. Any rule or portion of a rule, as that term is
24 defined in section 536.010, that is created under the
25 authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the
27 provisions of chapter 536 and, if applicable, section
28 536.028. This section and chapter 536 are nonseverable and
29 if any of the powers vested with the general assembly
30 pursuant to chapter 536 to review, to delay the effective
31 date, or to disapprove and annul a rule are subsequently
32 held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28,
34 2026, shall be invalid and void.

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