SECOND REGULAR SESSION

[P E R F E C T E D**]**

SENATE BILL NO. 940

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Read 1st time February 24, 1998, and 1,000 copies ordered printed.

Read 2nd time March 2, 1998, and referred to the Committee on Public Health and Welfare.

Reported from the Committee March 10, 1998, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 24, 1998. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S3931.01P

AN ACT

To repeal sections 338.250 and 338.330, RSMo 1994, relating to the regulation of pharmacies, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Section 338.250 and 338.330, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 338.250, 338.330 and 338.335, to read as follows:

338.250. No pharmacy shall be licensed under the provisions of this chapter unless it is equipped with proper pharmaceutical equipment and reference manuals, so that the practice of pharmacy may be accurately and properly performed. The board shall prescribe the minimum of technical equipment which the pharmacy shall at all times possess. Such requirements may vary, depending upon the population served, but shall be consistently and uniformly enforced. No permit shall be issued or renewed for the operation of a pharmacy unless the pharmacy shall be operated in a manner and according to the rules and regulations prescribed by law and by the Missouri board of pharmacy with respect to obtaining and maintaining such a permit. **Any pharmacy that receives or possesses drugs or devices shall be held responsible for compliance with all laws within this chapter as well as state and federal drug laws on all drugs received or possessed, including but not limited to drugs and devices received or possessed pursuant to a consignment arrangement.**

338.330. As used in sections 338.300 to 338.370, the following terms mean:

(1) "Out-of-state wholesale drug distributor", a wholesale drug distributor with no physical facilities located in the state;

(2) "Pharmacy distributor", any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;

(3) "Wholesale drug distributor", anyone engaged in the delivery or distribution of legend drugs from any location and who is involved in the actual, constructive or attempted transfer of a drug or drug related device in this state, other than to the ultimate consumer. This shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are engaged in the delivery or distribution of drugs in this state, with facilities located in this state or in any other state or jurisdiction. A wholesale drug distributor shall not include any common carrier or individual hired solely to transport legend drugs. **Any locations where drugs are delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a drug distributor, and those standards of practice required of a drug distributor but shall be open for inspection by board of pharmacy representatives as provided for in section 338.360.**

338.335. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor or pharmacy distributor unless drugs are delivered only on a consignment basis as defined by the board.

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