

SECOND REGULAR SESSION

# HOUSE BILL NO. 1563

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

5569L.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal section 338.315, RSMo, and to enact in lieu thereof one new section relating to legend drugs, with a penalty provision.

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

Section A. Section 338.315, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.315, to read as follows:

338.315. **1. Except as otherwise provided by the board by rule**, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class D felony.

**2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy's total annual prescription drug sales.**

**3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.**

**4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **under the authority delegated in this section shall become effective only if it complies with**  
19 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
20 **This section and chapter 536 are nonseverable and if any of the powers vested with the**  
21 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
22 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
23 **rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**  
24 **invalid and void.**

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