

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1178

101ST GENERAL ASSEMBLY

5759S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 338.270 and 338.337, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Sections 338.270 and 338.337, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 188.090, 338.270, and 338.337, to read as
4 follows:

188.090. 1. A person or entity commits the offense of
2 trafficking abortion-inducing drugs if such person or entity
3 knowingly imports, exports, distributes, delivers,
4 manufactures, produces, prescribes, administers, or
5 dispenses or attempts to import, export, distribute,
6 deliver, manufacture, produce, prescribe, administer, or
7 dispense any medicine, drug, or any other substance to be
8 used for the purpose of inducing an abortion on another
9 person in violation of any state or federal law.

10 2. The offense of trafficking abortion-inducing drugs
11 is a class B felony.

12 3. A woman upon whom an abortion was induced, or was
13 attempted to be induced, in violation of this section shall
14 not be prosecuted for:

15 (1) Violating any of the provisions of this section;

16 **(2) A conspiracy to violate any of the provisions of**
17 **this section; or**

18 **(3) Being criminally responsible for the conduct of**
19 **another person who, or an entity that, violated any of the**
20 **provisions of this section.**

338.270. 1. Application blanks for renewal permits
2 shall be mailed to each permittee on or before the first day
3 of the month in which the permit expires and, if application
4 for renewal of permit is not made before the first day of
5 the following month, the existing permit, or renewal
6 thereof, shall lapse and become null and void upon the last
7 day of that month.

8 2. The board of pharmacy shall not renew a nonresident
9 pharmacy license if the renewal applicant does not hold a
10 current pharmacy license or its equivalent in the state in
11 which the nonresident pharmacy is located.

12 **3. The board of pharmacy shall not issue or renew a**
13 **nonresident pharmacy license if the applicant or licensee**
14 **knowingly delivers directly to a patient within this state**
15 **via common carrier, mail, carrier services, or any other**
16 **delivery service any medicine, drug, or any other substance**
17 **to be used for the purpose of inducing an abortion, as**
18 **defined in section 188.015.**

338.337. 1. It shall be unlawful for any out-of-state
2 wholesale drug distributor, out-of-state pharmacy acting as
3 a distributor, drug outsourcers, or third-party logistics
4 provider to do business in this state without first
5 obtaining a license to do so from the board of pharmacy and
6 paying the required fee, except as otherwise provided by
7 section 338.335 and this section. Application for an out-of-
8 state wholesale drug distributor's, drug outsourcer's, or
9 out-of-state third-party logistics provider's license under

10 this section shall be made on a form furnished by the
11 board. The issuance of a license under sections 338.330 to
12 338.370 shall not change or affect tax liability imposed by
13 the Missouri department of revenue on any entity. Any out-
14 of-state wholesale drug distributor that is a drug
15 manufacturer and which produces and distributes from a
16 facility which has been inspected and approved by the Food
17 and Drug Administration, maintains current approval by the
18 federal Food and Drug Administration, and has provided a
19 copy of the most recent Food and Drug Administration
20 Establishment Inspection Report to the board, and which is
21 licensed by the state in which the distribution facility is
22 located, or, if located within a foreign jurisdiction, is
23 authorized and in good standing to operate as a drug
24 manufacturer within such jurisdiction, need not be licensed
25 as provided in this section but such out-of-state
26 distributor shall register its business name and address
27 with the board of pharmacy and pay a filing fee in an amount
28 established by the board.

29 **2. It shall be unlawful for a licensed or registered**
30 **out-of-state wholesale drug distributor, out-of-state**
31 **pharmacy acting as a distributor, drug outsourcer, or third-**
32 **party logistics provider to knowingly deliver directly to a**
33 **patient within this state via common carrier, mail, carrier**
34 **service, or any other delivery service any medicine, drug,**
35 **or any other substance to be used for the purpose of**
36 **inducing an abortion, as defined in section 188.015.**

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