

SECOND REGULAR SESSION

SENATE BILL NO. 914

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 8, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4796S.011

AN ACT

To repeal sections 338.333, 338.335, and 338.337, RSMo, and to enact in lieu thereof three new sections relating to wholesale drug distribution.

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

Section A. Sections 338.333, 338.335, and 338.337, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 338.333,
3 338.335, and 338.337, to read as follows:

338.333. 1. No person or distribution outlet shall act as a wholesale drug
2 distributor or pharmacy distributor without first obtaining license to do so from
3 the Missouri board of pharmacy and paying the required fee. The board may
4 grant temporary licenses when the wholesale drug distributor or pharmacy
5 distributor first applies for a license to operate within the state. Temporary
6 licenses shall remain valid until such time as the board shall find that the
7 applicant meets or fails to meet the requirements for regular licensure. No
8 license shall be issued or renewed for a wholesale drug distributor or pharmacy
9 distributor to operate unless the same shall be operated in a manner prescribed
10 by law and according to the rules and regulations promulgated by the board of
11 pharmacy with respect thereto. Separate licenses shall be required for each
12 distribution site owned or operated by a wholesale drug distributor or pharmacy
13 distributor, **unless such drug distributor or pharmacy distributor meets**
14 **the requirements of section 338.335.**

15 2. An agent or employee of any licensed or registered wholesale drug
16 distributor or pharmacy distributor need not seek licensure under this section
17 and may lawfully possess pharmaceutical drugs, if he is acting in the usual
18 course of his business or employment.

19 3. The board may permit out-of-state wholesale drug distributors or

20 out-of-state pharmacy distributors to be licensed as required by sections 338.210
21 to 338.370 on the basis of reciprocity to the extent that an out-of-state wholesale
22 drug distributor or out-of-state pharmacy distributor both:

23 (1) Possesses a valid license granted by another state pursuant to legal
24 standards comparable to those which must be met by a wholesale drug distributor
25 or pharmacy distributor of this state as prerequisites for obtaining a license
26 under the laws of this state; and

27 (2) Distributes into Missouri from a state which would extend reciprocal
28 treatment under its own laws to a wholesale drug distributor or pharmacy
29 distributor of this state.

338.335. **1. Separate licenses shall be required for each distribution site
2 owned or operated by a wholesale drug distributor or pharmacy distributor unless
3 drugs are delivered only on a consignment basis as defined by the board, or the
4 entity meets the requirements of subsection 2 of this section.**

**5 2. A wholesale drug distributor distributing drug-related devices
6 in Missouri is not required to obtain a license from the board for out-of-
7 state distribution sites owned by the wholesale drug distributor if:**

8 (1) **The wholesale drug distributor has one or more distribution
9 sites located in Missouri, and all such in-state distribution sites
10 receiving shipments of drug-related devices are licensed by the board
11 as a distributor;**

12 (2) **The wholesale drug distributor's out-of-state distribution
13 sites shipping to the in-state distribution site are in compliance with
14 their respective state's licensing laws;**

15 (3) **The wholesale drug distributor's out-of-state distribution
16 sites that deliver drug-related devices regulated by the board into
17 Missouri for patient use, deliver such devices only to the licensed
18 wholesale drug distributor's in-state distribution site.**

19 **3. A Missouri wholesale drug distributor receiving shipments of
20 drug-related devices from an out-of-state facility that is not required
21 to be licensed as a distributor pursuant to subsection 2 of this section
22 shall be responsible for all shipments received.**

338.337. It shall be unlawful for any out-of-state wholesale drug
2 distributor or out-of-state pharmacy acting as a distributor to do business in this
3 state without first obtaining a license to do so from the board of pharmacy and
4 paying the required fee, **except as otherwise provided by section 338.355**

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

Bill ✓

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