

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# SENATE BILL NO. 306

97TH GENERAL ASSEMBLY

2013

1540S.01T

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## AN ACT

To repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

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

Section A. Section 338.150, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 338.150, to read as follows:

338.150. 1. Any person authorized by the board of pharmacy is hereby  
2 given the right of entry and inspection upon all open premises purporting or  
3 appearing to be drug or chemical stores, apothecary shops, pharmacies or places  
4 of business for exposing for sale, or the dispensing or selling of drugs,  
5 pharmaceuticals, medicines, chemicals or poisons or for the compounding of  
6 physicians' or veterinarians' prescriptions.

7       **2. The board may establish and implement a program for testing**  
8 **drugs or drug products maintained, compounded, filled, or dispensed**  
9 **by licensees, registrants, or permit holders of the board. The board**  
10 **shall pay all testing costs and shall reimburse the licensee, registrant,**  
11 **or permit holder for the reasonable, usual, and customary cost of the**  
12 **drug or drug product requested for testing.**

13       **3. The board shall promulgate rules to implement the provisions**  
14 **of this section. Any rule or portion of a rule, as that term is defined in**  
15 **section 536.010, that is created under the authority delegated in this**  
16 **section shall become effective only if it complies with and is subject to**  
17 **all of the provisions of chapter 536 and, if applicable, section**  
18 **536.028. This section and chapter 536 are nonseverable and if any of**  
19 **the powers vested with the general assembly pursuant to chapter 536**  
20 **to review, to delay the effective date, or to disapprove and annul a rule**  
21 **are subsequently held unconstitutional, then the grant of rulemaking**

22 **authority and any rule proposed or adopted after August 28, 2013, shall**  
23 **be invalid and void.**

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Unofficial

Bill

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