

SENATE BILL NO. 510

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

1858S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 338.730, RSMo, and to enact in lieu thereof one new section relating to HIV preexposure prophylaxis.

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

Section A. Section 338.730, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 338.730,
3 to read as follows:

338.730. 1. Notwithstanding any other law to the
2 contrary, a pharmacist may dispense HIV postexposure
3 prophylaxis **and preexposure prophylaxis** in accordance with
4 this section. Such prophylaxis shall be dispensed only if
5 the pharmacist follows a written protocol authorized by a
6 licensed physician. **A pharmacist shall not dispense more
7 than a thirty-day supply of preexposure prophylaxis to a
8 patient more than once every two years under this section;
9 provided, however, that a pharmacist may dispense more than
10 a thirty-day supply to a patient if directed by a
11 prescription.**

2. For purposes of this section[, "postexposure
13 prophylaxis" shall mean any drug approved by the Food and
14 Drug Administration that meets the same clinical eligibility
15 recommendations provided in CDC guidelines.

16 3. For purposes of this section, "CDC guidelines"
17 shall mean the current HIV guidelines published by the
18 federal Centers for Disease Control and Prevention] **the
19 following terms shall mean:**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 (1) "CDC guidelines", the current HIV guidelines
21 published by the federal Centers for Disease Control and
22 Prevention;

23 (2) "Preexposure prophylaxis", any drug approved by
24 the Food and Drug Administration that meets the same
25 clinical eligibility recommendations provided in CDC
26 guidelines;

27 (3) "Postexposure prophylaxis", any drug approved by
28 the Food and Drug Administration that meets the same
29 clinical eligibility recommendations provided in CDC
30 guidelines.

31 [4.] 3. The state board of registration for the
32 healing arts [and] may advise the state board of pharmacy
33 [shall jointly] on the [promulgate] promulgation of rules
34 and regulations for the administration of this section.
35 [Neither board shall separately promulgate rules governing a
36 pharmacist's authority to dispense HIV postexposure
37 prophylaxis under this section.]

38 5.] 4. Any rule or portion of a rule, as that term is
39 defined in section 536.010, that is created under the
40 authority delegated in this section shall become effective
41 only if it complies with and is subject to all of the
42 provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and
44 if any of the powers vested with the general assembly
45 pursuant to chapter 536 to review, to delay the effective
46 date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking
48 authority and any rule proposed or adopted after August 28,
49 2021, shall be invalid and void.

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