
Emergency Rules

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

amendment filed July 10, 2015, effective July 20, 2015, expires Dec. 1, 2015.

EMERGENCY AMENDMENT

20 CSR 2220-4.010 General Fees. The Board of Pharmacy is proposing to add section (5).

PURPOSE: The Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce renewal fees for Missouri pharmacies and drug distributors.

EMERGENCY STATEMENT: The Board of Pharmacy is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of Chapter 338, RSMo. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Therefore, the board is proposing to decrease 2015 renewal fees for Missouri pharmacies and drug distributors from four hundred fifty dollars (\$450) to one hundred fifty dollars (\$150). Pharmacy and drug distributor renewal notices will be mailed on August 1, 2015. Without this emergency amendment, the decreased fee requirements will not be effective prior to renewal notices being mailed, and the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency amendment, the board has determined that the fee decrease is necessary for the 2015 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 10, 2015, becomes effective July 20, 2015, and expires December 1, 2015.

(5) To ensure compliance with section 338.070, RSMo, the following renewal fees shall be effective from August 1, 2015, to October 31, 2015:

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| (A) Pharmacy Distributor/Wholesale Drug Distributor License Renewal Fee | \$150 |
| (B) Pharmacy Permit Renewal Fee | \$150 |

AUTHORITY: sections [338.020,] 338.040, 338.060, 338.070, 338.185, 338.230, 338.270, 338.280, and 338.350, RSMo 2000, [and] sections 338.035, 338.140, [338.220,] and 338.335, RSMo Supp. 2013, and sections 338.020 and 338.220, RSMo Supp. 2014. This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency