

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 370, Page 4–7, Sections 338.730–338.735, Lines 1–65 and 1–55, by  
2 deleting all of said sections and lines and inserting in lieu thereof the following:

3  
4 "338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV  
5 preexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if  
6 the pharmacist follows a written protocol authorized by a licensed physician.

7 2. For purposes of this section, "preexposure prophylaxis" shall mean any drug approved by  
8 the Food and Drug Administration that meets the same clinical eligibility recommendations  
9 provided in CDC guidelines.

10 3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines  
11 published by the federal Centers for Disease Control and Prevention.

12 4. The state board of registration for the healing arts and the state board of pharmacy shall  
13 jointly promulgate rules and regulations for the administration of this section. Neither board shall  
14 separately promulgate rules governing a pharmacist's authority to dispense HIV preexposure  
15 prophylaxis under this section.

16 5. A pharmacist may furnish a thirty-day supply of preexposure prophylaxis to a patient if  
17 all of the following conditions are met:

18 (1) The patient is HIV negative, as documented by a negative HIV test result obtained  
19 within the previous seven days from an HIV antigen/antibody test or antibody-only test or from a  
20 rapid point-of-care fingerstick blood test approved by the federal Food and Drug Administration. If  
21 the patient does not provide evidence of a negative HIV test in accordance with this subdivision, the  
22 pharmacist shall order an HIV test. If the test results are not transmitted directly to the pharmacist,  
23 the pharmacist shall verify the test results to the pharmacist's satisfaction. If the patient tests  
24 positive for HIV infection, the pharmacist or person administering the test shall direct the patient to  
25 a health care provider and provide a list of providers and clinics in the region;

26 (2) The patient does not report any signs or symptoms of acute HIV infection on a self-  
27 reported checklist of acute HIV infection signs and symptoms;

28 (3) The patient does not report taking any contraindicated medications;

29 (4) A pharmacist provides counseling to the patient on the ongoing use of preexposure  
30 prophylaxis, which may include education about side effects, safety during pregnancy and breast-  
31 feeding, adherence to recommended dosing, and the importance of timely testing and treatment, as  
32 applicable, for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted diseases, and  
33 pregnancy for individuals of child-bearing capacity. The pharmacist shall not permit the patient to  
34 waive the counseling required under this subdivision; and

35 (5) A pharmacist notifies the patient's health care provider that the pharmacist completed the  
36 requirements specified in this section. If the patient does not have a health care provider or refuses

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 consent to notify the patient's health care provider, the pharmacist shall provide the patient a list of  
2 physicians and surgeons, clinics, or other health care providers to contact regarding ongoing care for  
3 preexposure prophylaxis.

4 6. A pharmacist shall notify the patient that the patient shall be seen by a health care  
5 provider to receive subsequent prescriptions for preexposure prophylaxis and that a pharmacist shall  
6 not furnish a thirty-day supply of preexposure prophylaxis to a single patient more than once every  
7 two years.

8 7. A pharmacist shall document, to the extent possible, the services provided by the  
9 pharmacist in the patient's record in the record system maintained by the pharmacy. The pharmacist  
10 shall maintain records of preexposure prophylaxis furnished to each patient.

11 8. A pharmacist shall not furnish, under the provisions of this section, a thirty-day supply of  
12 preexposure prophylaxis to a single patient more than once every two years. A pharmacist may  
13 furnish more than a thirty-day supply of preexposure prophylaxis to a single patient if directed by a  
14 prescriber.

15 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
16 under the authority delegated in this section shall become effective only if it complies with and is  
17 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
18 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
19 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
20 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
21 August 28, 2021, shall be invalid and void.

22 338.735. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV  
23 postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only  
24 if the pharmacist follows a written protocol authorized by a licensed physician.

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

28 3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines  
29 published by the federal Centers for Disease Control and Prevention.

30 4. The state board of registration for the healing arts and the state board of pharmacy shall  
31 jointly promulgate rules and regulations for the administration of this section. Neither board shall  
32 separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure  
33 prophylaxis under this section.

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

41  
42 Further amend said bill by amending the title, enacting clause, and intersectional references  
43 accordingly.