

HOUSE BILL NO. 372

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0226H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacy to fill prescriptions, with penalty provisions.

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

Section A. Chapter 338, RSMo, is amended by adding thereto one new section, to be
2 known as section 338.014, to read as follows:

338.014. 1. Upon receipt of a valid, lawful prescription for a contraceptive, a
2 pharmacy and its employees have a duty to dispense the contraceptive, or a suitable
3 alternative permitted by the health care provider who issued the prescription, to the
4 patient or the patient's agent without delay, consistent with the normal time frame for
5 filling any other prescription. If the contraceptive or suitable alternative is not in stock,
6 the pharmacy shall obtain the contraceptive under the pharmacy's standard procedures
7 for ordering contraceptive drugs not in stock, including the procedures of any entity that
8 is affiliated with, owns, or franchises the pharmacy. However, if the patient prefers, the
9 prescription shall either be transferred to a local pharmacy of the patient's choice or
10 returned to the patient, as the patient directs.

11 2. For purposes of subsection 1 of this section, the term "contraceptive" shall refer
12 to all drugs and devices approved for sale by the Food and Drug Administration to prevent
13 pregnancy.

14 3. Nothing in subsection 1 of this section shall interfere with a pharmacist's
15 screening for potential drug therapy problems due to therapeutic duplication, drug-disease
16 contraindications, drug-drug interactions, including serious interactions with

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 nonprescription or over-the-counter drugs, drug-food interactions, incorrect drug dosage
18 or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse.

19 4. A pharmacy has a duty to treat each customer in a nonjudgmental manner and
20 ensure that each customer is not subjected to indignity, humiliation, breaches of
21 confidentiality, or pressure to fill or not to fill the prescription. The provisions of this
22 subsection are applicable to emergency contraception sold over the counter to persons of
23 legal age.

24 5. A pharmacy shall also ensure that persons of legal age purchasing emergency
25 contraception over the counter are promptly served, consistent with the normal time frame
26 for in-store nonprescription purchases stored in a like manner.

27 6. Violation of the provisions of this section shall subject the licensed pharmacy to
28 disciplinary action under section 338.055.

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