

SECOND REGULAR SESSION

SENATE BILL NO. 965

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL.

Read 1st time January 17, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4071S.011

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to the state board of pharmacy.

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 known as section 338.145, to read as follows:

338.145. 1. The president of the board, may administer oaths, issue subpoenas duces tecum and require production of documents and records. Subpoena duces tecum shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The board may enforce its subpoenas duces tecum by applying to the circuit court of Cole County, the county of the investigation, hearing or proceeding, or any county where the records reside or may be found, for an order upon any person who shall fail to obey a subpoena duces tecum to show cause why such subpoena duces tecum should not be enforced, which such order and a copy of the application therefore shall be served upon the person in the same manner as a summons in a civil action. If the circuit court shall, after a hearing, determine that the subpoena duces tecum should be sustained and enforced, such court shall proceed to enforce the subpoena duces tecum in the same manner as though the subpoena had been issued in a civil case in the circuit court.

3. Failure of a licensee to comply with the requirements of a validly enforced

subpoena duces tecum shall constitute grounds for disciplinary action as defined in section 338.055.

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