

FIRST REGULAR SESSION

SENATE BILL NO. 72

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0502S.011

AN ACT

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

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
2 section, to be known as section 338.014, to read as follows:

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

**13 2. For purposes of subsection 1 of this section, the term
14 "contraceptive" shall refer to all FDA-approved drugs or devices that
15 prevent pregnancy.**

**16 3. Nothing in subsection 1 of this section shall interfere with a
17 pharmacist's screening for potential drug therapy problems due to
18 therapeutic duplication, drug-disease contraindications, drug-drug
19 interactions, including serious interactions with nonprescription or
20 over-the-counter drugs, drug food interactions, incorrect drug dosage
21 or duration of drug treatment, drug-allergy interactions, or clinical**

22 **abuse or misuse.**

23 **4. A pharmacy has a duty to treat each customer in a non-**
24 **judgmental manner and ensure that each customer is not subjected to**
25 **indignity, humiliation, breaches of confidentiality, or pressure to fill or**
26 **not to fill the prescription.**

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

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Bill

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