

FIRST REGULAR SESSION

SENATE BILL NO. 72

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

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

0502S.01I

TERRY L. SPIELER, Secretary.

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

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

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

16 3. Nothing in subsection 1 of this section shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs, drug food interactions, incorrect drug dosage 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-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not to fill the prescription.**

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

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Unofficial

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