

FIRST REGULAR SESSION

SENATE BILL NO. 203

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time January 15, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1054S.01I

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

**14 2. For purposes of subsection 1 of this section, the term
15 "contraceptive" shall refer to all drugs or devices approved for sale by
16 the federal Food and Drug Administration to prevent pregnancy.**

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

22 or duration of drug treatment, drug-allergy interactions, or clinical
23 abuse or misuse.

24 4. A pharmacy has a duty to treat each customer in a non-
25 judgmental manner and ensure that each customer is not subjected to
26 indignity, humiliation, breaches of confidentiality, or pressure to fill or
27 not to fill the prescription. The provisions of this subsection are
28 applicable to emergency contraception sold over the counter to persons
29 of legal age.

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

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

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Bill

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