

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 302
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 14, 2013, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1531S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

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 338.200, to read as follows:

338.200. 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgement, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within his or her professional judgment as needed for the emergency period, provided the amount dispensed shall not exceed a seven-day supply;

(2) In the event of prescriber death or incapacity or inability of

21 the prescriber to provide medical services, the amount dispensed shall
22 not exceed a thirty-day supply.

23 3. Pharmacists or permit holders dispensing an emergency
24 supply pursuant to this section shall promptly notify the prescriber or
25 the prescriber's office of the emergency dispensing, as required by the
26 board by rule.

27 4. An emergency supply may not be dispensed pursuant to this
28 section if the pharmacist has knowledge that the prescriber has
29 otherwise prohibited or restricted emergency dispensing for the
30 applicable patient.

31 5. The board shall promulgate rules to implement the provisions
32 of this section. Any rule or portion of a rule, as that term is defined in
33 section 536.010, that is created under the authority delegated in this
34 section shall become effective only if it complies with and is subject to
35 all of the provisions of chapter 536 and, if applicable, section
36 536.028. This section and chapter 536 are nonseverable and if any of
37 the powers vested with the general assembly pursuant to chapter 536
38 to review, to delay the effective date, or to disapprove and annul a rule
39 are subsequently held unconstitutional, then the grant of rulemaking
40 authority and any rule proposed or adopted after August 28, 2013, shall
41 be invalid and void.

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