

FIRST REGULAR SESSION

# SENATE BILL NO. 302

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 12, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1531S.011

## 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 inability of the prescriber to provide medical services to the patient, 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;**

22           **(2) In the event of prescriber death or incapacity or inability of**  
23 **the prescriber to provide medical services, the amount dispensed shall**  
24 **not exceed a thirty day supply.**

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

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

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

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