

SECOND REGULAR SESSION

HOUSE BILL NO. 1873

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHOEMYER (9).

Read 1st time February 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4434L.011

AN ACT

To repeal section 338.057, RSMo, and to enact in lieu thereof two new sections relating to the state board of pharmacy.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 338.057, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 338.057 and 338.145, to read as follows:

338.057. The board of pharmacy shall publish a list of drug products [for which substitution as provided in section 338.056 shall not be permitted], **or may by rule adopt an official listing of drugs from another source that complies with the requirements of section 338.056.** The list of drug products to be included on this list shall be based upon a joint determination made by the department of health and senior services, the state board of registration for the healing arts, and the state board of pharmacy. The board of pharmacy shall publish the list not less often than semiannually, and shall publish amendments to the list as required.

338.145. 1. The president of the board may administer oaths, issue subpoenas duces tecum, and require production of documents and records. Subpoena duces tecum shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The board may enforce its subpoena duces tecum by applying to the circuit court of Cole County, the county of the investigation, hearing, or proceeding, or any county

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 where the records reside or may be found for an order upon any person who shall fail to
10 obey a subpoena duces tecum to show cause why such subpoena duces tecum should not
11 be enforced. The order and a copy of the application shall be served upon the person in
12 the same manner as a summons in a civil action. If after a hearing the circuit court
13 determines that the subpoena duces tecum should be sustained and enforced, the court
14 shall proceed to enforce the subpoena duces tecum in the same manner as though the
15 subpoena had been issued in a civil case in the circuit court.

16 3. Failure of a licensee to comply with the requirements of a validly enforced
17 subpoena duces tecum shall constitute grounds for disciplinary action, as defined in section
18 338.055.