

FIRST REGULAR SESSION

HOUSE BILL NO. 350

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0941L.011

D. ADAM CRUMBLISS, Chief Clerk

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 and its employees have 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.

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **nonprescription or over-the-counter drugs, drug food interactions, incorrect drug dosage**
18 **or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse.**

19 **4. A pharmacy has a duty to treat each customer in a nonjudgmental manner and**
20 **ensure that each customer is not subjected to indignity, humiliation, breaches of**
21 **confidentiality, or pressure to fill or not to fill the prescription. The provisions of this**
22 **subsection are applicable to emergency contraception sold over the counter to persons of**
23 **legal age.**

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

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

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