

SECOND REGULAR SESSION

SENATE BILL NO. 1192

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS WHEELER, BRAY, DAYS, COLEMAN, GRAHAM AND WILSON.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5154S.011

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

**13 2. For purposes of subsection 1 of this section, the term
14 "contraceptive" shall refer to all FDA-approved drugs or devices that
15 prevent pregnancy.**

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

22 **abuse or misuse.**

23 **4. A pharmacy has a duty to treat each customer in a non-**
24 **judgmental manner and ensure that each customer is not subjected to**
25 **indignity, humiliation, breaches of confidentiality, or pressure to fill or**
26 **not to fill the prescription.**

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

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Unofficial

Bill

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