

SECOND REGULAR SESSION

HOUSE BILL NO. 1328

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3165L.01I

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to confidentiality of prescriptive information.

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
2 known as section 338.200, to read as follows:

**338.200. 1. Records relative to prescription information containing patient-
2 identifiable and prescriber-identifiable data shall not be licensed, transferred, used, or sold
3 by any pharmacy benefits manager, insurance company, electronic transmission
4 intermediary, retail, mail order, or Internet pharmacy or other similar entity for any
5 commercial purpose, except for the limited purposes of pharmacy reimbursement;
6 formulary compliance; care management; utilization review by a health care provider, the
7 patient's insurance provider, or the agent of either; health care research; or as otherwise
8 provided by law.**

**9 2. For purposes of this section, commercial purposes includes, but is not limited to,
10 advertising, marketing, promotion, or any activity that could be used to influence sales or
11 market share of a pharmaceutical product, influence or evaluate the prescribing behavior
12 of an individual health care professional, except for the purpose of improving prescription
13 practices, or evaluate the effectiveness of a professional pharmaceutical detailing sales
14 force.**

15 3. Nothing in this section shall prohibit:

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.

- 16 (1) The dispensing of prescription medications to a patient or the patient's
17 authorized representative;
- 18 (2) The transmission of prescription information between an authorized prescriber
19 and a licensed pharmacy;
- 20 (3) The transfer of prescription information between licensed pharmacies;
- 21 (4) The transfer of prescription records that may occur in the event a pharmacy
22 ownership is changed or transferred;
- 23 (5) Care management educational communications provided to a patient about the
24 patient's health condition, adherence to a prescribed course of therapy, or other
25 information about the drug being dispensed, treatment options, or clinical trials;
- 26 (6) The collection, use, transfer, or sale of patient and prescriber de-identified data
27 by zip code, geographic region, or medical specialty for commercial purposes; or
- 28 (7) Disease management and care improvement programs that evaluate and
29 influence prescribing behavior of individual prescribers for the purpose of improving
30 patient care and prescribing practices based on clinical best practices.
- 31 4. In addition to other appropriate remedies under this chapter, a violation of this
32 section is an unlawful practice within the meaning of section 407.020, RSMo.

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