

SECOND REGULAR SESSION

HOUSE BILL NO. 1720

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TALBOY (Sponsor), LOWE (44), LAMPE,
CHAPPELLE-NADAL, LOW (39), OXFORD, BOWMAN, WALTON, DAUS,
CURLS AND JOHNSON (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3168L.02I

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
2 known as section 338.014, to read as follows:

338.014. 1. Upon receipt of a valid, lawful prescription for a contraceptive, a
2 pharmacy and its employees have a duty to dispense the contraceptive, or a suitable
3 alternative permitted by the health care provider who issued the prescription, to the
4 patient or the patient's agent without delay, consistent with the normal time frame for
5 filling any other prescription. If the contraceptive or suitable alternative is not in stock,
6 the pharmacy shall obtain the contraceptive under the pharmacy's standard procedures
7 for ordering contraceptive drugs not in stock, including the procedures of any entity that
8 is affiliated with, owns, or franchises the pharmacy. However, if the patient prefers, the
9 prescription shall be transferred to a local pharmacy of the patient's choice or returned to
10 the patient, whichever the patient directs.

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

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.

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

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

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

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

✓