

HOUSE BILL NO. 2236

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

5076H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to the women's right to the pill act.

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. This section shall be known and may be cited as the “Women’s Right
2 to the Pill Act”.**

3 2. For purposes of this section, the following terms mean:

**4 (1) “Contraception” or “contraceptive”, any drug or device approved by the Food
5 and Drug Administration to prevent pregnancy;**

**6 (2) “Emergency contraception”, one or more drugs, used separately or in
7 combination, to prevent pregnancy within a medically recommended amount of time after
8 sexual intercourse;**

**9 (3) “Employee”, a person hired, by contract or any other form of an agreement, by
10 a pharmacy;**

**11 (4) “Pharmacy”, an entity that is licensed by the state to engage in the business of
12 selling prescription drugs at retail and employs one or more employees;**

13 (5) “Product”, a Food and Drug Administration-approved drug or device;

**14 (6) “Professional clinical judgment”, the use of professional knowledge and skills
15 to form a clinical judgment, in accordance with prevailing medical standards;**

**16 (7) “Without delay”, with respect to a pharmacy dispensing, providing a referral
17 for, or ordering contraception, or transferring the prescription for contraception, within**

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.

18 the usual and customary time frame at the pharmacy for dispensing, providing a referral
19 for, or ordering other products, or transferring the prescription for other products,
20 respectively.

21 **3. If a customer requests a contraceptive that is in stock, the pharmacy shall ensure**
22 **that the contraceptive is provided to the customer without delay. If a customer requests**
23 **a contraceptive that is not in stock, the pharmacy shall immediately inform the customer**
24 **that the contraceptive is not in stock and without delay offer the customer the following**
25 **options:**

26 **(1) If the customer prefers to obtain the contraceptive through a referral or**
27 **transfer, the pharmacy shall locate a pharmacy of the customer's choice or the closest**
28 **pharmacy confirmed to have the contraceptive in stock and refer the customer or transfer**
29 **the prescription to that pharmacy; or**

30 **(2) If the customer prefers for the pharmacy to order the contraceptive, the**
31 **pharmacy shall obtain the contraceptive under the pharmacy's standard procedure for**
32 **expedited ordering of medication and notify the customer when the contraceptive arrives.**

33 **4. Each pharmacy shall ensure that its employees shall not:**

34 **(1) Intimidate, threaten, or harass customers in the delivery of services relating to**
35 **a request for contraception;**

36 **(2) Interfere with or obstruct the delivery of services relating to a request for**
37 **contraception;**

38 **(3) Intentionally misrepresent or deceive customers about the availability of**
39 **contraception or its mechanism of action;**

40 **(4) Breach medical confidentiality with respect to a request for contraception or**
41 **threaten to breach such confidentiality; or**

42 **(5) Refuse to return a valid, lawful prescription for contraception upon customer**
43 **request.**

44 **5. This section shall not prohibit a pharmacy from refusing to provide a**
45 **contraceptive to a customer in accordance with any of the following:**

46 **(1) If it is unlawful to dispense the contraceptive to the customer without a valid,**
47 **lawful prescription and no such prescription is presented;**

48 **(2) If the customer is unable to pay for the contraceptive; or**

49 **(3) If a licensed pharmacist refuses to provide the contraceptive on the basis of a**
50 **professional clinical judgment.**

51 **6. Pharmacies shall stock over-the-counter emergency contraception and make it**
52 **available for purchase without a prescription in accordance with Food and Drug**
53 **Administration protocol.**

54 **7. The board of pharmacy shall have the authority to enforce the provisions of this**
55 **section.**

56 **8. Any person aggrieved as a result of a violation of this section may, in any court**
57 **of competent jurisdiction, commence a civil action against the pharmacy involved to obtain**
58 **appropriate relief, including actual and punitive damages, injunctive relief, and reasonable**
59 **attorney's fees and costs.**

60 **9. The provisions of this section shall be severable, and if any phrase, clause,**
61 **sentence, or provision is declared to be invalid or is preempted by federal law or**
62 **regulation, the validity of the remainder of this section shall not be affected.**

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