

FIRST REGULAR SESSION

HOUSE BILL NO. 794

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GUEST.

1664L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to confidentiality of prescriptive information, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be known as section 195.085, to read as follows:

195.085. 1. Records relative to prescription information containing patient-identifiable and prescriber-identifiable data shall not be licensed, transferred, used, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy or other similar entity for any commercial purpose, except for the limited purpose of pharmacy reimbursement; formulary compliance, care management; utilization review by a health care provider, the patient's insurance provider, or the agent of either; health care research; or as otherwise provided by law. Commercial purposes includes, but is not limited to, advertising, marketing, promotion, or any activity that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, or evaluate the effectiveness of a professional pharmaceutical detailing sales force.

2. Nothing in this section shall prohibit:

(1) The dispensing of prescription medications to a patient or a patient's authorized representative;

(2) The transmission of prescription information between an authorized prescriber and a licensed pharmacy;

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 **(3) The transfer of prescription information between licensed pharmacies;**

19 **(4) The transfer of prescription records that may occur in the event a pharmacy**
20 **ownership is changed or transferred;**

21 **(5) Care management educational communications provided to a patient about the**
22 **patient's health condition, adherence to a prescribed course of therapy, or other**
23 **information about the drug being dispensed, treatment options, and clinical trials;**

24 **(6) The collection, use, transfer, or sale of patient and prescriber de-identified data**
25 **by zip code, geographic region, or medical specialty for commercial purposes.**

26 **3. In addition to any other remedies available at law, any person who violates this**
27 **section is guilty of a class A misdemeanor and shall be subject to licensure sanction by the**
28 **appropriate licensing body. Any second or subsequent violation of this section is a class**
29 **D felony.**

✓