

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 90 & 68, Page 5, Section 195.468, Line
2 10, by inserting after all of said section and line the following:

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4 "195.650. 1. For the purposes of sections 195.650 to 195.665, the following terms shall
5 mean:

6 (1) "Controlled substance", the same meaning ascribed to it in section 195.010;

7 (2) "Department", the department of health and senior services;

8 (3) "Health care provider", the same meaning ascribed to it in section 376.1350;

9 (4) "Registry", the prescription abuse registry established under sections 195.650 to
10 195.665;

11 (5) "Rehabilitation facility", any facility where residential prevention, evaluation, care,
12 treatment, habilitation, or rehabilitation is provided for individuals affected by alcohol or drug
13 abuse.

14 2. The department shall promulgate rules and regulations to implement the provisions of
15 sections 195.650 to 195.665. Any rule or portion of a rule, as that term is defined in section
16 536.010, that is created under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
18 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
19 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
20 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
21 rule proposed or adopted after August 28, 2017, shall be invalid and void.

22 195.655. 1. There is hereby established within the department of health and senior services
23 a "Prescription Abuse Registry", which shall be available by January 1, 2019.

24 2. The following individuals who are eighteen years of age or older shall be listed in the
25 prescription abuse registry:

26 (1) Individuals who have been found guilty under the laws of this state involving possession
27 or use of a controlled substance; and

28 (2) Individuals who request to be listed in the registry.

29 3. Information regarding individuals in the prescription abuse registry shall include, but not
30 be limited to, the following:

31 (1) The individual's name;

32 (2) The individual's date of birth;

33 (3) The individual's Social Security number; and

34 (4) The method by which and the date on which the individual was reported to the
35 department under subsection 2 of this section.

36 195.660. 1. Information contained in the prescription abuse registry shall be confidential

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1 and not subject to public disclosure under chapter 610 except as provided in subsection 3 of this
2 section.

3 2. The department shall maintain procedures to ensure the privacy and confidentiality of
4 personal information reported to, collected by, and maintained in the registry and to ensure such
5 information is not disclosed except as provided in subsection 3 of this section.

6 3. The department shall establish procedures to enable health care providers to access the
7 prescription abuse registry for the sole purpose of determining whether an individual is listed in the
8 registry. A health care provider may submit a request to determine if an individual is listed in the
9 registry by submitting the individual's name and date of birth or Social Security number. The health
10 care provider shall receive a response that only confirms or denies the individual's listing in the
11 registry. No health care provider shall have access to any other personal information contained in
12 the registry.

13 4. No department, agency, instrumentality, political subdivision, or law enforcement agency
14 of this state including the bureau of narcotics and dangerous drugs, federal law enforcement agency,
15 or individual other than a health care provider under the provisions of subsection 3 of this section
16 shall have access to the prescription abuse registry.

17 195.665. 1. Individuals listed in the registry under subdivision (2) of subsection 2 of section
18 195.655 may submit a petition to the department to be removed from the registry after five years
19 from the date such individual was placed in the registry. In order to be eligible for removal from the
20 registry, a person shall execute and submit, in a manner acceptable to the department, an application
21 for removal on a form provided by the department. Such application shall include:

22 (1) The person's full name and all aliases;

23 (2) The person's current home address, email address, and phone number;

24 (3) Social Security number, when voluntarily provided in accordance with section 7 of the
25 Privacy Act of 1974 or International Identification number;

26 (4) Date of birth and gender;

27 (5) A statement that the person wishes to be removed from the registry and accepts full
28 responsibility for any adverse consequences which may result from removal;

29 (6) A photograph suitable for the department to use in identifying the person requesting
30 removal from the registry; and

31 (7) Other information deemed necessary by the department.

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33 The application shall be verified and reviewed as designated by the director of the department.
34 Once an application for removal from the registry has been deemed complete and valid, the director
35 shall file a notice of removal from the registry and shall provided a copy to the applicant via regular
36 U.S. mail to the address provided. Should the director find an applicant does not qualify for
37 removal from the registry, the director shall notify the applicant by regular U.S. mail to the address
38 provided.

39 2. Any person who unlawfully and knowingly accesses or discloses, or a person authorized
40 to have information in the prescription abuse registry under sections 195.650 to 195.665 who
41 knowingly discloses, such information in violation of sections 195.650 to 195.665 or knowingly
42 uses such information in a manner and for a purpose in violation of sections 195.650 to 195.665 is
43 guilty of a class E felony.

44 3. If a person unlawfully and knowingly accesses or discloses, or if a person authorized to
45 have information in the prescription abuse registry under sections 195.650 to 195.665 knowingly
46 discloses such information in violation of sections 195.650 to 195.665 or knowingly uses such
47 information in a manner and for a purpose in violation of sections 195.650 to 195.665, the person
48 whose information was disclosed shall have a cause of action to recover liquidated damages in the

1 amount of two thousand five hundred dollars in addition to compensatory economic and
2 noneconomic damages, attorney's fees, and court costs. If it is determined by a court of competent
3 jurisdiction that such disclosure was done intentionally and maliciously, the person shall be entitled
4 to punitive damages in addition to the damages above. The total amount of damages that may be
5 recovered from the department shall be ten million dollars per incident if the individual's
6 information in the prescription abuse registry was disclosed by an employee of the department
7 without the knowledge or consent of the employee's supervisor."; and

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9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.