

HCS HBs 90 & 68 -- NARCOTICS CONTROL ACT

SPONSOR: Rehder

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Insurance Policy by a vote of 11 to 0.

This bill establishes the "Narcotics Control Act." In its main provisions, the bill:

- (1) Requires the Department of Health and Senior Services to establish and maintain a program to monitor the prescribing and dispensing of all Schedule II through Schedule IV controlled substances;
- (2) Requires each dispenser to electronically submit specified information to the department within 24 hours of dispensation;
- (3) Allows the department to issue a waiver to a dispenser who is unable to submit the required information electronically and allows a dispenser to submit the required information by paper form or other means;
- (4) Requires all submitted prescription information to be confidential and not subject to public disclosure, with specified exceptions;
- (5) Requires the department to notify appropriate law enforcement or agencies if it has reasonable cause to believe that there may have been a violation in the law or a breach of professional standards;
- (6) Prohibits dispensation information submitted to the department from being used to prevent an individual from obtaining a concealed carry permit;
- (7) Allows the department to release non-personal, general information for statistical, educational, or research purposes;
- (8) Authorizes the department to contract with any other agency of this state or any other state with a private vendor or any state government that currently runs a narcotics control program;
- (9) Specifies that a dispenser who knowingly fails to submit required dispensation information to the department or knowingly submits incorrect dispensation information will be subject to an administrative penalty in the amount of \$1,000 for each violation; and

(10) Specifies that any person who unlawfully and knowingly accesses or discloses, or a person authorized to have prescription or dispensation information under these provisions or knowingly uses the information in a manner and for a purpose in violation of these provisions is guilty of a class E felony.

This bill is similar to HB 1892 (2016) and similar to HCS SS SCS SB 63 & 111, HCS HB 130, and HCS HB 816 (2015).

PROPOSERS: Supporters say that they have heard a lot of privacy concerns and these are addressed in the bill. The amount of electronic data under the bill is no different than the amount of data pharmacists send to third parties when filling a prescription. Prescription drug abuse is one of fastest growing epidemics in the U.S. and a prescription drug monitoring program will provide prescribers a tool to find and address abuses. When a provider searches through the program, it doesn't return with the patients' doctors and drugs, it just says, "high concern," "medium concern," etc. to protect patients' personal information and privacy. The prescription drug monitoring program will not be sharing information with other states under the current draft. This is a complex issue that will require multiple revisits by the General Assembly. Physicians want a monitoring program in the state to deal with doctor shoppers. Privacy is important, thus data is doubly encrypted. Missouri is the loophole in the country. Border states are having issues with citizens crossing into Missouri and doctor shopping without fear of monitoring. The genesis of the bill is not to catch people abusing drugs, the goal is to give doctors and pharmacists more information so they can make a better decision when prescribing.

Testifying for the bill were Representative Rehder; Missouri Insurance Coalition; St Louis County-County Executive; Missouri Nurses Association; Express Scripts; State Farm Insurance Companies; American Insurance Association; Missouri Retailers Association; Missouri Grocers Association; Missouri Chamber Of Commerce and Industry; Jackson County Legislature; Robert Twillman, Academy of Integrative Pain Management; Anita Jurkowski; SSM Health Care; Alyssa Wadlow; Missouri Academy of Family Physicians; Missouri Chamber of The American Academy of Pediatrics; Missouri Psychological Association; Missouri Police Chiefs Association; Associated Industries of Missouri; Missouri Psychiatric Society; Missouri Pharmacy Association; Missouri State Troopers Association; CVS Health; Natalie Newville, Act Missouri; Missouri Association of Rural Health Clinics; BJC Healthcare; Pfizer; Bob Twillman, Academy Of Integrative Pain Management; Missouri Hospital Association; Missouri Coalition of Community Mental Health Centers; St Louis Area Business Health Coalition; Missouri State Medical Association; and the Greater Kansas City Chamber of Commerce.

OPPONENTS: Those who oppose the bill say that there is no proof that this will stop illegal prescriptions. Opponents have civil rights concerns about the government having a database containing prescriptions that law abiding citizens receive paired with their name and they can determine who might have mental illness and take their guns. This does not do anything to stop the heroin epidemic. It is different than when your insurance company has a database that includes your information. The Fourth Amendment protects individuals from unreasonable search and seizure by the government and the prescription drug monitoring program violates citizens' Fourth Amendment rights with no useful outcome.

Testifying against the bill were Ron Staggs; Wes Powell; Concerned Women For America; Ron J Calzone; Mart S Staggs; and Ken Hurley.

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