

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for House Bill No. 2105,
Page 1, Line 1, by deleting all of said line and insert in lieu thereof the following:

"AMEND House Committee Substitute for House Bill No. 2105, Page 13, Section 195.265, Line 25
by inserting immediately after said line the following:

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

- (1) "Controlled substance", the same meaning ascribed to it in section 195.010;
- (2) "Department", the department of health and senior services;
- (3) "Health care provider", the same meaning ascribed to it in section 376.1350;
- (4) "Registry", the prescription abuse registry established under sections 195.650 to
195.665.

2. The department shall promulgate rules and regulations to implement the provisions of
sections 195.650 to 195.665. Any rule or portion of a rule, as that term is defined in section
536.010, that is created under the authority delegated in this section shall become effective only if it
complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
rule proposed or adopted after August 28, 2018, shall be invalid and void.

195.655. 1. There is hereby established within the department of health and senior services
a "Prescription Abuse Registry", which shall be available by January 1, 2020.

2. An individual who is eighteen years of age or older may request to be listed in the
prescription abuse registry.

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

- (1) The individual's name;
- (2) The individual's date of birth;
- (3) The individual's Social Security number; and
- (4) The method by which and the date on which the individual was reported to the
department under subsection 2 of this section.

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
 15 agency, or individual other than a health care provider under the provisions of subsection 3 of this
 16 section shall have access to the prescription abuse registry.

17 195.665. 1. Individuals listed in the registry under subsection 2 of section 195.655 may
 18 submit a petition to the department to be removed from the registry after five years from the date
 19 such individual was placed in the registry. In order to be eligible for removal from the registry, a
 20 person shall execute and submit, in a manner acceptable to the department, an application for
 21 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) The person's Social Security number, when voluntarily provided in accordance with
 25 section 7 of the Privacy Act of 1974, or International Identification number;
- 26 (4) The person's 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 provide a copy to the applicant via regular
 36 United States mail to the address provided. Should the director find an applicant does not qualify
 37 for removal from the registry, the director shall notify the applicant by regular United States mail to
 38 the address 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 uses
 42 such information in a manner and for a purpose in violation of sections 195.650 to 195.665 is guilty
 43 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."; and
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6 Further amend said bill, Page 16, Section 334.036, Line 65,"; and
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8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.
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11 THIS AMENDMENT AMENDS 5793H06.13H.