

HB 1149 -- NARCOTICS CONTROL ACT

SPONSOR: Clemens

This bill establishes the "Narcotics Control Act". The Department of Health and Senior Services shall establish a program for monitoring the prescribing and dispensing of all Schedule II, III, and IV controlled substances, subject to appropriations. The Department may apply for grants and accept donations.

Each drug dispenser covered by the bill must electronically send dispensation information, including the prescription information and patient information of each drug dispensed. The information must be sent within 24 hours of dispensation, and by January 1, 2022, the Department must start phasing in a requirement that the information be sent in real-time with everyone reporting in real time by January 1, 2023. An extension on the time requirements can be given for temporary unforeseen circumstances. If a dispenser cannot send the information electronically, they may apply for a wavier to send the information in an alternative format.

The information sent is confidential and the Department must maintain procedures to ensure the privacy and confidentiality of the information.

The Department must review the information sent by dispensers and if there is reasonable cause to believe that a violation of the law or a breach of professional standards may have occurred, law enforcement or the appropriate professional licensing board must be notified.

The Department may provide information collected to dispensers, a professional licensing board, law enforcement, or MO HealthNet. An individual may also request his or her own dispensation information. The Department may also provide data for statistical, research, or educational purposes after removing identifying information. The information cannot be used to prevent an individual from owning a firearm. The information cannot be used as the sole basis for probable cause to obtain an arrest or search warrant.

A pharmacist or prescriber is not required to obtain information from the Narcotics Control Program before dispensing or prescribing a drug.

The Department may contract with another entity to develop and maintain the Narcotics Control Program. Any program already in effect that is being operated by a political subdivision can continue to operate until the state-wide program is available for

use.

A dispenser who fails to provide the dispensation information required or who knowingly submits the incorrect information will be fined up to \$1,000 per violation. An appeal for the fine may be made to the Administrative Hearing Commission. A person who unlawfully accesses or discloses information from the Narcotics Control Program is guilty of a class E felony.

This bill is similar to HB 1693 (2020) and HB 188 (2019).