

HB 1892 -- NARCOTICS CONTROL ACT (Rehder)

COMMITTEE OF ORIGIN: Standing Committee on Health Insurance

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 the department to reimburse each dispenser for the fees and other direct costs of transmitting the required information;
- (5) Requires all submitted prescription information to be confidential and not subject to public disclosure, with specified exceptions;
- (6) Requires the department to notify appropriate law enforcement or agencies if it has reasonable cause to believe may have violated the law or been in breach of professional standards;
- (7) Prohibits dispensation information submitted to the department from being used to prevent an individual from obtaining a concealed carry permit.
- (8) Allows the department to release non-personal, general information for statistical, educational, or research purposes;
- (9) 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;
- (10) 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;
- (11) 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 D felony until December 31, 2016, and a class E felony beginning January 1, 2017;

(12) Specifies that any person harmed or damaged by any violation of this section may bring a civil action for damages, as well as injunctive relief. Sovereign immunity shall not be available as a defense for the department of health and senior services in such an action. In the event the plaintiff prevails on any count.

(13) Requires the department to create and implement specified educational courses regarding the provisions of the bill and, when appropriate, to work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and follow up and encourage individual patients, 16 years of age or older, who are identified and who have become addicted to substances monitored by the program to receive addiction treatment.

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