

HCS HBs 90 & 68 -- NARCOTICS CONTROL ACT (Rehder)

COMMITTEE OF ORIGIN: Standing Committee on Insurance Policy

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. Beginning January 1, 2019 the department shall begin phasing in a requirement that dispensers report data in real time with full implementation by January 1, 2020;
- (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).