

SECOND REGULAR SESSION

HOUSE BILL NO. 2209

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES (60).

6045H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto four new sections relating to the prescription abuse registry, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 195, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 195.650, 195.655, 195.660, and 195.665, to read as follows:

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

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

8 **2. The department shall promulgate rules and regulations to implement the
9 provisions of sections 195.650 to 195.665. Any rule or portion of a rule, as that term is
10 defined in section 536.010, that is created under the authority delegated in this section shall
11 become effective only if it complies with and is subject to all of the provisions of chapter
12 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
13 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
14 to delay the effective date, or to disapprove and annul a rule are subsequently held
15 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
16 after August 28, 2018, shall be invalid and void.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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 and not subject to public disclosure under chapter 610 except as provided in subsection 3 of this section.

2. The department shall maintain procedures to ensure the privacy and confidentiality of personal information reported to, collected by, and maintained in the registry and to ensure such information is not disclosed except as provided in subsection 3 of this section.

3. The department shall establish procedures to enable health care providers to access the prescription abuse registry for the sole purpose of determining whether an individual is listed in the registry. A health care provider may submit a request to determine if an individual is listed in the registry by submitting the individual's name and date of birth or Social Security number. The health care provider shall receive a response that only confirms or denies the individual's listing in the registry. No health care provider shall have access to any other personal information contained in the registry.

4. No department, agency, instrumentality, political subdivision, or law enforcement agency of this state, including the bureau of narcotics and dangerous drugs, federal law enforcement agency, or individual other than a health care provider under the provisions of subsection 3 of this section shall have access to the prescription abuse registry.

195.665. 1. Individuals listed in the registry under subsection 2 of section 195.655 may submit a petition to the department to be removed from the registry after five years from the date such individual was placed in the registry. In order to be eligible for removal from the registry, a person shall execute and submit, in a manner acceptable to the department, an application for removal on a form provided by the department. Such application shall include:

- 7 **(1) The person's full name and all aliases;**
8 **(2) The person's current home address, email address, and phone number;**
9 **(3) The person's Social Security number, when voluntarily provided in accordance**
10 **with section 7 of the Privacy Act of 1974, or International Identification number;**
11 **(4) The person's date of birth and gender;**
12 **(5) A statement that the person wishes to be removed from the registry and accepts**
13 **full responsibility for any adverse consequences which may result from removal;**
14 **(6) A photograph suitable for the department to use in identifying the person**
15 **requesting removal from the registry; and**
16 **(7) Other information deemed necessary by the department.**
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18 **The application shall be verified and reviewed as designated by the director of the**
19 **department. Once an application for removal from the registry has been deemed complete**
20 **and valid, the director shall file a notice of removal from the registry and shall provide a**
21 **copy to the applicant via regular United States mail to the address provided. Should the**
22 **director find an applicant does not qualify for removal from the registry, the director shall**
23 **notify the applicant by regular United States mail to the address provided.**

24 **2. Any person who unlawfully and knowingly accesses or discloses, or a person**
25 **authorized to have information in the prescription abuse registry under sections 195.650**
26 **to 195.665 who knowingly discloses such information in violation of sections 195.650 to**
27 **195.665 or knowingly uses such information in a manner and for a purpose in violation of**
28 **sections 195.650 to 195.665 is guilty of a class E felony.**

29 **3. If a person unlawfully and knowingly accesses or discloses, or if a person**
30 **authorized to have information in the prescription abuse registry under sections 195.650**
31 **to 195.665 knowingly discloses such information in violation of sections 195.650 to 195.665**
32 **or knowingly uses such information in a manner and for a purpose in violation of sections**
33 **195.650 to 195.665, the person whose information was disclosed shall have a cause of action**
34 **to recover liquidated damages in the amount of two thousand five hundred dollars in**
35 **addition to compensatory economic and noneconomic damages, attorney's fees, and court**
36 **costs. If it is determined by a court of competent jurisdiction that such disclosure was done**
37 **intentionally and maliciously, the person shall be entitled to punitive damages in addition**
38 **to the damages above.**

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