

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3053-01  
Bill No.: SB 677  
Subject: Drugs and Controlled Substances; Health Care Professionals; Health and Senior Services Department; Pharmacy; Physicians  
Type: Original  
Date: January 23, 2020

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Bill Summary: This proposal establishes the Narcotics Control Act and provides for the incineration of certain controlled substances.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$444,488) or (Less than \$1,835,140)	(Less than \$598,178) or (Less than \$767,879)	(Less than \$603,572) or (Less than \$779,009)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Less than \$444,488) or (Less than \$1,835,140)</b>	<b>(Less than \$598,178) or (Less than \$767,879)</b>	<b>(Less than \$603,572) or (Less than \$779,009)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 16 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	5 FTE	5 FTE	5 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>5 FTE</b>	<b>5 FTE</b>	<b>5 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Local Government</b>	<b>Less than \$100,000</b>	<b>Less than \$157,522 or \$218,549</b>	<b>Less than \$158,000 or \$220,017</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§195.140 - Incineration of controlled substances**

Officials from the **Office of Administration (OA), Division of Purchasing (Purchasing)** state the legislation may require OA, Purchasing to establish more contracts for Department of Health and Senior Services. OA, Purchasing estimates the fiscal impact will be less than \$10,000, and anticipates being able to absorb these costs. However, until the FY21 budget is final, OA cannot identify specific funding sources.

**Oversight** does not have any information to the contrary. Oversight assumes OA, Purchasing will absorb the minimal additional costs of this proposal and will reflect the no fiscal impact for OA, Purchasing for fiscal note purposes.

#### **§195.453 - Funding for the Narcotics Control Program**

Officials from the **Department of Health and Senior Services (DHSS)** state §195.453.1 of the proposed legislation requires DHSS to establish and maintain a program for the monitoring of prescribing and dispensing of all Schedule II, III, and IV controlled substances by all professionals licensed to prescribe or dispense such substances in this state. DHSS assumes the costs associated with a narcotics control program will be funded with General Revenue.

There is a federal grant in place for states to apply for a one-time \$400,000 grant to start a narcotics control program. States can only apply for the funding if they have already passed and enacted legislation for a narcotics control program. Since Missouri does not currently have a narcotics control program, DHSS cannot apply. The application deadline is April 2020, and funds are awarded in October 2020. Even if Missouri passed legislation in FY 2020 for a narcotics program, DHSS cannot apply until April 2021. As a result, funds would not be available to Missouri until at least SFY 2022. Also, since the amount of any award is unknown, the impact to both General Revenue and Federal Funds will be unknown.

Officials from the **St. Louis County Department of Public Health (DPH)** state the adoption of HB 1693, with or without the contract opportunities outlined in §195.459, would decrease County expenditures related to the contract for the prescription drug monitoring program (PDMP) platform by \$56,118 (2021); \$57,522 (2022); and \$58,000 (2023).

The County would lose \$680,726 (2021) and \$598,804 (2022) in federal funding if the state operated the PDMP.

ASSUMPTION (continued)

**Oversight** received subsequent information from **St. Louis County (County)/DPH**. County officials stated St. Louis County has received 2 PDMP grants from the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (Harold Rogers funding opportunity). The initial grant was awarded in 2017 and is through September 2020. St. Louis County received an additional grant in 2019 that runs through September 2022.

The PDMP is paid for through a mix of County and Federal funds. The County's cost comes out of the DPH budget and federal funds cover the cost for all participating jurisdictions. Below are the Federal and County funds DPH has dedicated to the PDMP for the next three (3) years. Both funding columns include all PDMP-related costs (staffing and contractual). The current grants in end September 2022 and St. Louis County would re-apply for funds before the grant period ends.

St. Louis County does not have, nor has ever had, a National All Schedules Prescription Electronic Reporting Act (NASPER)/Substance Abuse and Mental Health Services Administration (SAMHSA) grant for the PDMP. DOJ grants are the only grants that have been received by St. Louis County for the PDMP.

Year	Federal Funds	County Funds
2020	\$658,555.42	\$117,145.95
2021	\$680,726.15	\$118,548.92
2022	\$598,804.65	\$120,016.96

**Oversight** notes the U.S. Department of Justice, Drug Enforcement Administration (DEA), Diversion Control Division's website ([www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)) indicates the Harold Rogers Prescription Drug Monitoring Program (HRPDMP, administered by the U.S. Department of Justice) provides three types of grants: planning, implementation, and enhancement. Since inception of the grant program in FY 2002, grants have been awarded to 47 states and 1 U.S. territory. For FY 2011, HRPDMP's funding was approximately \$5.6 million.

The National All Schedules Prescription Electronic Reporting Act (NASPER), enacted in 2005, created a U.S. Department of Health and Human Services (HHS) grant program for states to implement or enhance prescription drug monitoring programs. In FY 2009 and FY 2010, NASPER received \$2 million to support NASPER grants in 13 states (most recent information available).

States can participate in both funding programs, but requirements and priorities for each program may vary.

ASSUMPTION (continued)

§§195.450 - 195.465 - Narcotics Control Act

**DHSS** officials assume for §§195.450 - 195.465 that the Division of Regulation and Licensure's (DRL), Section for Health Standards and Licensure's (HSL), Bureau of Narcotics and Dangerous Drugs (BNDD) will assume the duties set forth in the proposed sections. BNDD will require additional staff to implement the proposed legislation. The following positions will be hired as of September 1, 2020.

One (1) Health and Senior Services Manager with an annual salary of \$59,740 (salary based on equivalent level managers in the division with pay plan) will be needed to perform the following duties:

- Assist Bureau Chief in drafting a request for proposal to solicit bids for the required database;
- Develop rules, policies, and procedures for reporting by dispensers and access to data by authorized parties;
- Provide technical assistance to program participants on matters relating to the program;
- Supervise subordinate staff involved in program implementation;
- Design and prepare reports of program data and review data collected to determine trends; and
- Review database information.

One (1) Investigator III with an annual salary of \$46,908 (salary is based on the average department salary with pay plan) will be needed to perform the following duties:

- Assign and supervise investigations.
- Assist in the conducting of investigations and complaints.
- This position is expected to travel extensively; it is assumed that the travel cost will be \$10,000 annually for all investigative staff.

One (1) Health Program Representative II with an annual salary of \$37,070 (salary is based on the average starting salary in the division with pay plan) will be needed to perform the following duties:

- Assist the manager in running the program;
- Provide educational meetings on how to report and running reports and queries;
- Assist with requests for information that are allowable by law to be released; and
- Prepare statistics and reports.

ASSUMPTION (continued)

Two (2) Administrative Office Support Assistants with the annual salary of \$30,346 (salary is based on the average starting salary in the division with pay plan) will:

- Provide support to the program;
- Respond to inquiries and requests for database reports received;
- Coordinate communication with other agencies and the public, and maintain a memoranda of understanding for data sharing;
- Assist practitioners in obtaining access to the reporting subsystem of the program;
- Generate and e-mail or generate, print, and fax reports as requested by authorized individuals and agencies that cannot access this information via the internet; and
- Respond to telephone inquiries regarding the program.

This fiscal note assumes minimal staffing with review and possible referral going to the most serious issues identified in the dispensation information. Additional staff would be required to increase the level of review and investigation.

DHSS estimates total costs to General Revenue for this proposal (including OA, ITSD) of Unknown to (\$1,741,757) for FY2021; Unknown to (\$275,798 to \$675,798) for FY 2022; and Unknown to (\$686,905) for FY 2023.

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)** state DHSS will need support from ITSD to establish and maintain an application to monitor the dispensing of Schedule II, III, and IV controlled substances by all professionals licensed to dispense such substances in this state. In an electronic format, each dispenser will submit to DHSS the required information in accordance with transmission standards established by the American Society for Automation in Pharmacy, or any successor organization, and shall report data within twenty-four hours. A paper form alternative must be available for those provided a waiver for electronic submission by DHSS.

DHSS has had discussions regarding Custom off the Shelf (COTS) solutions that are utilized by other surrounding states and estimates this will be used for the purpose of this fiscal note. Assuming the use of an application built for the State of Missouri and hosted by the State Data Center (SDC), infrastructure costs were calculated using the FY2019 SDC CAP (Cost Allocation Plan) document. Three servers with 100 GB of disk storage each will be needed to develop, test, and produce the system. Funding has been identified as "General Revenue" based on language in the bill that directs DHSS to establish and maintain this program "subject to appropriations". The fiscal impact to General Revenue (GR) is estimated to be (\$1,390,652) in FY2021; on-going ITSD support is estimated to cost (\$288,250) in FY2022 and (\$295,455) in FY2023.

ASSUMPTION (continued)

For fiscal note purposes, **Oversight** will present two scenarios regarding the potential cost for this proposal. In the first scenario, Oversight assumes the state will acquire the St. Louis PDMP (or contract for it), that the grant funding St. Louis receives will “transfer” to the State and the DHSS will require 5 FTE. No costs relating to ITSD will be included although costs for other state agencies will be included, as necessary. Under this scenario, **Oversight** assumes a FY21 GR impact of (Less than \$444,488); an FY22 impact of (Less than \$598,178); and an FY23 impact of (Less than \$603,572).

In the second scenario, **Oversight** assumes the St. Louis PDMP is not acquired (or contracted with) and OA, ITSD will instead acquire Custom off the Shelf (COTS) solutions and DHSS will require 5 FTE as well as another other state agency estimate. Under this scenario, **Oversight** assumes a FY21 GR impact of (Less than \$1,835,140); an FY22 impact of (Less than \$767,879); and an FY23 impact of (Less than \$779,009).

Officials from the **OA, Facilities Management, Design and Construction (FMDC)** state, depending on the additional FTE and/or space needs of DHSS as a result of this legislation, additional capital improvements and/or rental space may be required. Capital improvement costs would depend on the specific needs of the agency.

If the legislation is passed, FMDC assumes funding to support these costs would be transferred from the DHSS budget to HB13.

Officials from the **Department of Corrections (DOC)** state this legislation creates a new class E felony. Therefore, the department will use the standard response for a non-violent class E felony offense to estimate the fiscal impact.

For each new non-violent class E felony, the DOC estimates one person will be sentenced to prison and two to probation. The average sentence for a non-violent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years. The cumulative impact on the DOC is estimated to be 2 additional offenders in prison and 7 on field supervision by FY23.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$6,386)	(\$5,322)	2	absorbed	\$0	(\$5,322)
Year 2	2	(\$6,386)	(\$13,027)	4	absorbed	\$0	(\$13,027)
Year 3	2	(\$6,386)	(\$13,288)	7	absorbed	\$0	(\$13,288)
Year 4	2	(\$6,386)	(\$13,554)	7	absorbed	\$0	(\$13,554)
Year 5	2	(\$6,386)	(\$13,825)	7	absorbed	\$0	(\$13,825)
Year 6	2	(\$6,386)	(\$14,101)	7	absorbed	\$0	(\$14,101)
Year 7	2	(\$6,386)	(\$14,383)	7	absorbed	\$0	(\$14,383)
Year 8	2	(\$6,386)	(\$14,671)	7	absorbed	\$0	(\$14,671)
Year 9	2	(\$6,386)	(\$14,964)	7	absorbed	\$0	(\$14,964)
Year 10	2	(\$6,386)	(\$15,264)	7	absorbed	\$0	(\$15,264)

**Oversight** does not have any information to the contrary. However, Oversight assumes, for fiscal note purposes, the proposed fiscal impact provided by DOC to be minimal and absorbable within current funding levels. Therefore, for fiscal note proposes, Oversight assumes no fiscal impact for the DOC.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with any of the proposed new crimes where indigent persons are charged with any of the proposed new crimes relating to disclosure of pharmaceutical information; new Class E felonies. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, **Oversight** assumes the SPD is at maximum capacity and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.



ASSUMPTION (continued)

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, **Oversight** assumes the cost for a new APD could approach \$100,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Bill as a whole

Officials from the **Cooper County Public Health Center** state this proposal will have an unknown impact on revenues, savings, costs and losses. No additional information was provided.

**Oversight** assumes, based on other local public health agency responses, the net fiscal impact on the Cooper County Public Health Center will be minimal and, therefore, absorbable within current funding levels. Oversight will present no fiscal impact for this organization for fiscal note purposes.

Officials from the **OA, Budget & Planning (B&P)** state the proposed legislation should not result in additional costs or savings to the Division of Budget and Planning.

Section 195.465.1 contains an administrative penalty of \$1,000 per violation for dispensers that knowingly fail to submit or submit incorrect information. Section 195.465.2 states that any person who unlawfully and knowingly accesses or discloses, or any person authorized to have prescription and dispensation information who knowingly discloses or misuses such information, shall be guilty of a Class E felony. Fines or penalties collected must be directed to the benefit of public schools and may increase TSR. This would increase TSR by an unknown amount.

The proposal has no direct impact on the calculation in Article X, Section 18(e).

**Oversight** does not have any information to the contrary. Administrative penalties against a dispenser that knowingly fails to submit dispensation information is in the amount of \$1,000 per violation. 100 violations would have to be made by dispensers that “knowingly fail” to submit dispensation information for the amount to be \$100,000. Oversight assumes penalty income to school districts would be less than \$100,000 annually.

ASSUMPTION (continued)

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

**Oversight** notes the **Missouri Office of Prosecution Services** has stated the proposal would not have a measurable fiscal impact on their organization. However, the creation of additional responsibilities for county prosecutors may result in additional costs which are difficult to determine at the present time. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Officials from the **Department of Commerce and Insurance (DCI)** state this bill is anticipated to have no fiscal impact to the DCI. However, should the extent of the work be more than anticipated, the department would request additional appropriation and/or FTE through the budget process.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact provided by DCI for fiscal note purposes.

Officials from the **Office of Administration (OA), Administrative Hearing Commission (AHC)** anticipate this legislation will not significantly alter its caseload. However, if similar bills pass resulting in more cases, there could be a fiscal impact.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact provided by the OA, AHC for fiscal note purposes.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

**Oversight** assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

ASSUMPTION (continued)

**Oversight** notes the **Department of Natural Resources**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Department of Social Services**, the **Office of State Courts Administrator**, the **Adair County Health Department**, the **Boone County Sheriff's Department**, the **St. Louis Police Department** and the **Springfield Police Department** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, Boone County, other local public health agencies, sheriffs' departments and police departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<b>SCENARIO 1</b>			
<u>Transfer-in</u> - DHSS (§§195.450 - 195.465)			
Federal grant monies from St. Louis County p.4	\$0	\$680,726	\$598,804
<u>Costs</u> - Assumption of St. Louis PDMP p. 4 & 6	\$0	(\$799,275)	(\$718,822)
<u>Costs</u> - DHSS (§§195.450 - 195.465) p. 5			
Personal service	(\$170,342)	(\$206,454)	(\$208,519)
Fringe benefits	(\$104,571)	(\$126,163)	(\$126,849)
Equipment and expense	(\$69,575)	(\$47,012)	(\$48,186)
Total <u>Costs</u> - DHSS	(\$344,488)	(\$379,629)	(\$383,554)
FTE Change - DHSS	5 FTE	5 FTE	5 FTE
<u>Costs</u> - SPD (§195.465) - Personal services, fringe benefits, and equipment and expense p. 8	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
Estimated Net Effect on General Revenue Fund <u>if State assumes St. Louis PDMP</u>	<u>(Less than \$444,488)</u>	<u>(Less than \$598,178)</u>	<u>(Less than \$603,572)</u>

**OR**

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b> (continued)			
<b>SCENARIO 2</b>			
<u>Costs</u> - OA,ITD (§§195.450 - 195.465)			
IT consultant costs, equipment and supplies and on-going maintenance p. 6	(\$1,390,652)	(\$288,250)	(\$295,455)
<u>Costs</u> - DHSS (§§195.450 - 195.465) p. 5			
Personal service	(\$170,342)	(\$206,454)	(\$208,519)
Fringe benefits	(\$104,571)	(\$126,163)	(\$126,849)
Equipment and expense	(\$69,575)	(\$47,012)	(\$48,186)
Total <u>Costs</u> - DHSS	(\$344,488)	(\$379,629)	(\$383,554)
FTE Change - DHSS	5 FTE	5 FTE	5 FTE
<u>Costs</u> - SPD (§195.465) - Personal services, fringe benefits, and equipment and expense p. 8	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Estimated Net Effect on General Revenue Fund <u>if OA-ITSD and COTS solution</u>	(Less than \$1,835,140)	(Less than \$767,879)	(Less than \$779,009)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<u>(Less than \$444,488) or (Less than \$1,835,140)</u>	<u>(Less than \$598,178) or (Less than \$767,879)</u>	<u>(Less than \$603,572) or (Less than \$779,009)</u>
Estimated Net FTE Change on the General Revenue Fund	5 FTE	5 FTE	5 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>LOCAL GOVERNMENTS</b>			
<u>Income</u> - Schools (§195.465)			
Administrative penalties p. 9	Less than \$100,000	Less than \$100,000	Less than \$100,000
<u>Savings</u> - St. Louis County (§§195.450 - 195.465)			
Reduction in PDMP platform expenditures p. 3	\$0	\$57,522 or \$799,275	\$58,000 or \$718,822
<u>Transfer-out</u> - St. Louis County (§§195.450 - 195.465)			
Transfer of federal grant monies to the State p. 4	\$0	\$0 or (\$680,726)	\$0 or (\$598,804)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b><u>Less than</u> <u>\$100,000</u></b>	<b><u>Less than</u> <u>\$157,522 or</u> <u>\$218,549</u></b>	<b><u>Less than</u> <u>\$158,000 or</u> <u>\$220,017</u></b>

#### FISCAL IMPACT - Small Business

Licensed pharmacies and individual practitioners dispensing Schedule II, III, and IV controlled substances may incur an indeterminate fiscal impact obtaining the computer hardware and software and for additional work hours related to entering and transmitting dispensation data. This dispensing information is already maintained and documented by law; however, the proposed legislation would require the dispensation log information to be submitted within 24 hours of dispensing to the patient. Any costs incurred may be partially offset by being able to immediately access controlled substance dispensing data from the database. An additional economic impact could occur if the dispenser is assessed a fine for not reporting as required by the proposed legislation. (§§195.450 - 195.465)

#### FISCAL DESCRIPTION

Under this act, certain controlled substances which have come into the custody of a peace officer or an officer or agent of the Department of Health and Senior Services may be disposed of through incineration, as described in the act, to the extent permissible under federal law.

FISCAL DESCRIPTION (continued)

This act also establishes the "Narcotics Control Act". The Department of Health and Senior Services shall be required to establish and maintain a program to monitor the prescribing and dispensing of all Schedule II, III, and IV controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The provisions of this act shall be subject to appropriations and may also be funded with federal or private moneys.

A dispenser shall electronically submit to the Department specified information for each controlled substance dispensed. The Department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser may submit the required information in paper format or by other approved means. Beginning January 1, 2022, the Department shall begin phasing in a requirement that dispensers report data in real time with all reported data to be submitted in real time by January 1, 2023.

All dispensation information shall be kept confidential with specified exceptions. This act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The Department shall review the dispensation information and, if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the Department shall notify the appropriate law enforcement or professional regulatory entity and provide the dispensation information required for an investigation. No dispensation information submitted to the Department shall be used by any local, state, or federal authority to prevent an individual from owning or obtaining a firearm, or used as the sole basis for probable cause to obtain an arrest or search warrant in a criminal investigation.

Beginning August 28, 2022, the Department shall maintain an individual's prescription and dispensation information obtained under this act for a maximum of 3 years, after which the information shall be deleted from the program.

If a political subdivision of this state is operating a prescription monitoring program for controlled substances prior to August 28, 2020, such program may continue until such time as the Department's program is available for statewide utilization.

Dispensers who knowingly fail to submit the required information or who knowingly submit incorrect dispensation information shall be subject to a penalty of \$1,000 per violation. Any persons who are authorized to have prescription or dispensation information and who knowingly disclose such information or who knowingly use it in a manner and for a purpose in violation of this act shall be guilty of a Class E felony.

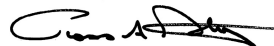
This legislation is not federally mandated, would not duplicate any other program but may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Attorney General's Office  
Department of Commerce and Insurance  
Department of Health and Senior Services  
Department of Natural Resources  
Department of Corrections  
Department of Public Safety - Missouri State Highway Patrol  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of Administration -  
    Administrative Hearing Commission  
    Budget & Planning  
    Facilities Management, Design and Construction  
    Division of Purchasing  
Office of State Courts Administrator  
Office of Secretary of State  
Office of State Public Defender  
Boone County  
St. Louis County  
Adair County Health Department  
Cooper County Public Health Center  
St. Louis County Department of Public Health  
Boone County Sheriff's Department  
St. Louis County Police Department  
Springfield Police Department



Julie Morff  
Director  
January 23, 2020



Ross Strobe  
Assistant Director  
January 23, 2020