

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0532-03  
Bill No.: SB 155  
Subject: Drugs and Controlled Substances; Health Care Professionals; Health and Senior Services Department; Pharmacy; Physicians  
Type: #Updated  
Date: February 13, 2019  
 # Updated with new information from DHSS and St. Louis County.

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Bill Summary: This proposal establishes the Narcotics Control Act.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
#General Revenue	Less than (\$868,180 to \$1,068,180)	Less than (\$932,324 to \$1,132,324)	Less than (\$938,224 to \$1,138,224)
<b>#Total Estimated Net Effect on General Revenue</b>	<b>Less than (\$868,180 to \$1,068,180)</b>	<b>Less than (\$932,324 to \$1,132,324)</b>	<b>Less than (\$938,224 to \$1,138,224)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 15 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

#\* Grant income and transfer-out to GR \$0 to \$200,000 annually and net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
#General Revenue	6.5 FTE	6.5 FTE	6.5 FTE
<b>#Total Estimated Net Effect on FTE</b>	<b>6.5 FTE</b>	<b>6.5 FTE</b>	<b>6.5 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>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>#Local Government</b>	<b>Less than \$400,000</b>	<b>Less than \$400,000</b>	<b>Less than \$400,000</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§195.453, 195.456, 195.459, 195.462, and 195.465

Officials from the **Department of Health and Senior Services (DHSS)** state §195.453.1 requires the DHSS to establish and maintain a program for 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.

The DHSS assumes the costs associated with a narcotics control program will be funded with General Revenue (GR). Also, since DHSS is not assured of any potential grant funding opportunities at this time, none of the costs are assumed to be funded by grants.

Further, DHSS assumes costs related to a narcotics control program would commence in FY 2020.

#There will be \$500,000 annual cost to assume control of the St. Louis County Prescription Drug Monitoring Program (PDMP). The cost to have the current vendor modify the existing system to general real time reports is unknown.

**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. The purpose of the HRPDMP is to enhance the capacity of regulatory and law enforcement agencies as well as public health officials to collect and analyze controlled substance prescription data through a centralized database administered by an authorized state agency. 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. NASPER administers a grant program under the authority of HHS. The intent of the law was to foster the establishment or enhancement of PDMPs (prescription drug monitoring programs) that would meet consistent national criteria and have the capacity for the interstate exchange of information. In FY 2009 and FY 2010, NASPER received \$2 million to support NASPER grants in 13 states (most recent information available).

ASSUMPTION (continued)

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

**#Oversight** assumes the DHSS would receive up to \$200,000 in grant funding that is currently being awarded to St. Louis County for its PDMP module. For fiscal note purposes, Oversight will reflect \$0 to a positive \$200,000 impact in Federal grant funds.

**DHSS** officials state §195.462 requires the DHSS to "promulgate rules setting forth the procedures and methods of implementing §§195.450 to 195.465." To complete this, DHSS, Office of General Counsel will need the following:

**#One** full-time Legal Counsel with a salary of \$64,500 (salary is based on the average department salary with pay plan) would be needed to assist in drafting emergency and proposed regulations and forms; perform legal research and provide day-to-day legal counsel to the program; including review under the Health Insurance Portability and Accountability Act and to represent the DHSS in legal actions.

One half full-time Senior Office Support Assistant with a salary of \$31,000 (salary is based on the average division salary with pay plan) would be needed to perform the following:

- Compose correspondence including some interpretation and application of established policies and procedures;
- Attend meetings and takes notes;
- Transcribe written and verbal communication;
- Establish and maintain complex filing systems;
- Prepare and/or oversee the preparation of records for storage and/or archiving;
- Maintain correspondence and report files; enters, updates, and/or retrieves information; and,
- Develop spreadsheets and databases

**#Oversight** assumes part-time FTE (0.5 FTE Senior Office Support Assistant) would not receive the standard fringe benefit package offered to full-time state employees. Therefore, Oversight assumes DHSS would be required to pay 7.65% of these salaries (Social Security benefits only) and has reflected this change for fiscal note purposes. Oversight notes, however, if multiple proposals pass this legislative session which require the DHSS to hire multiple part-time staff in similar positions, the DHSS may consolidate the part-time positions into full-time positions and would therefore, be required to provide the standard fringe benefits package.

ASSUMPTION (continued)

#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 legislation. The following positions will be hired as of September 1, 2019:

One (1) Health and Senior Services Manager with an annual salary of \$58,000 (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 \$45,542 (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 \$10,118 annually for all investigative staff.

One (1) Health Program Representative II with an annual salary of \$35,990 (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 \$29,462 (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.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DHSS, adjusted for fringe benefit costs for part-time FTE, as noted above.

#Officials from the **Office of Administration (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 improvements costs would depend on the specific needs of the agency. DHSS estimates that space will be required for an additional 6.5 FTE as a result of this legislation. For every one (1) FTE of additional staff in the Cole County area, an additional 230 sq. ft. would be needed at an estimated cost of \$17.50 per sq. ft., or \$4,025 annually per FTE. These costs include building lease cost, fuel and utilities, and janitorial services. DHSS has calculated these costs for the required 8.00 FTE and included such costs in their fiscal note response. As a result, FMDC assumes the funding to support these costs would be transferred from the DHSS budget to HB13.

The fund(s) and appropriation(s) numbers are to be determined based upon agency funding sources. BOBCs 180, 420, and 680 would be utilized in HB13 following transfer to HB13.

Officials from the **Department of Corrections (DOC)** state this bill proposes a class E felony for individuals, authorized or unauthorized, who unlawfully access prescribing or dispensing information or discloses said information. In order to provide information on the impact of this legislation on the Department of Corrections (DOC), standard impact for a new nonviolent class E felony is analyzed. In FY 2017, the average class E nonviolent sentence was 3.4 years. Incarcerated offenders serve 2.1 years in prison and 1.3 years on parole. The average term for probation is 3.0 years. An estimate, for each year, is one offender sentenced to prison while two offenders are given probation.

ASSUMPTION (continued)

The initial impact, with the passage of the Narcotic Control Act, begins in FY 2020 with the addition of one more person to prison and two more persons to probation. The full impact to DOC occurs in FY22 with an additional two offenders incarcerated and seven persons on field supervision.

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

	# to pris on	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	1.0	(\$6,287)	(\$5,239)	2	absorbed	\$0	(\$5,239)
Year 2	2.0	(\$6,287)	(\$12,825)	4	absorbed	\$0	(\$12,825)
Year 3	2.0	(\$6,287)	(\$13,082)	7	absorbed	\$0	(\$13,082)
Year 4	2.0	(\$6,287)	(\$13,344)	7	absorbed	\$0	(\$13,344)
Year 5	2.0	(\$6,287)	(\$13,611)	7	absorbed	\$0	(\$13,611)
Year 6	2.0	(\$6,287)	(\$13,883)	7	absorbed	\$0	(\$13,883)
Year 7	2.0	(\$6,287)	(\$14,160)	7	absorbed	\$0	(\$14,160)
Year 8	2.0	(\$6,287)	(\$14,444)	7	absorbed	\$0	(\$14,444)
Year 9	2.0	(\$6,287)	(\$14,732)	7	absorbed	\$0	(\$14,732)
Year 10	2.0	(\$6,287)	(\$15,027)	7	absorbed	\$0	(\$15,027)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DOC for fiscal note purposes.

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 relating to dispensation of pharmaceutical monitoring. 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 \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). 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.

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



ASSUMPTION (continued)

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.

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

§195.465.1 contains an administrative penalty of \$1,000 per violation for dispensers that knowingly fail to submit or submit incorrect information. §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.

**#Oversight** receive subsequent information from **St. Louis County (County)**. County officials state the St. Louis County Department of Public Health (DPH) could accept a contract to operate a statewide Prescription Drug Monitoring Program (PDMP) on behalf of the Department of Health and Senior Services that is in line with their current costs. Given the majority of starting costs have already been spent and the high percentage of currently enrolled providers, DPH would be able to operate the statewide system within its current operational budget of \$500,000 annually (approximately \$300,000 county funds and \$200,000 federal Department of Justice grant funds). This would, however, be contingent on the statewide PDMP system requirements matching the current operation of the St. Louis County PDMP. Any substantive changes that would require a change order with the current vendor would need to be negotiated.

ASSUMPTION (continued)

#Should DPH not receive \$200,000 in federal funding, DPH would request the \$200,000 in additional contract funds to support the operations of the PDMP as these funds cover the costs of all additional counties across the state. The full operational budget includes the PDMP software platform, annual change modifications, staff, and education and awareness efforts to increase utilization.

#Therefore, DPH's contract request to operate a statewide PDMP is: \$300,000 with federal funding support or \$500,000 without federal funding support, annually.

#**Oversight** will range federal grant funds from \$0 up to \$200,000, the amount St. Louis County reports receiving to operate their current PDMP.

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. Oversight assumes the AGO will be able to litigate any additional cases with existing staff.

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.

Officials from the **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 assumes the OA, AHC can absorb any increase in their caseload resulting from this proposal with existing personnel.

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

ASSUMPTION (continued)

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** notes that the **Department of Insurance, Financial Institutions and Professional Registration, the Department of Public Safety, Missouri State Highway Patrol, the Department of Social Services, the Missouri House of Representatives, the Missouri Office of Prosecution Services, the Office of State Courts Administrator, the Missouri Senate, the Boone County Sheriff's Department, the Jackson County Sheriff's Office, the Joplin Police Department, and the St. Louis County Police Department and the St. Louis County Department of Justice Services** 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, Boone County and other local law enforcement agencies were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>#GENERAL REVENUE FUND</b>			
<u>#Transfer-in - DHSS (§§195.453-195.465)</u>			
Federal grant monies	\$0 to \$200,000	\$0 to \$200,000	\$0 to \$200,000
<u>#Costs - DHSS (§§195.453-195.465)</u>			
Personal service	(\$232,047)	(\$281,240)	(\$284,052)
Fringe benefits	(\$120,307)	(\$157,794)	(\$158,615)
Equipment and expense	(\$110,587)	(\$80,465)	(\$82,475)
OA, ITSD assumption of St. Louis PDMP	(\$500,000)	(\$500,000)	(\$500,000)
<b>Total Costs - DHSS</b>	<b>(\$962,941)</b>	<b>(\$1,019,499)</b>	<b>(\$1,025,142)</b>
FTE Change - DHSS	6.5 FTE	6.5 FTE	6.5 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
(continued)			
<u>Costs - DOC (\$195.465)</u>			
Increase in incarceration costs	(\$5,239)	(\$12,825)	(\$13,082)
<u>Costs - SPD (\$195.465)</u>			
Increase in representation costs	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<b>#ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>Less than (\$868,180 to \$1,068,180)</u></b>	<b><u>Less than (\$932,324 to \$1,132,324)</u></b>	<b><u>Less than (\$938,224 to \$1,138,224)</u></b>
#Estimated Net FTE Change on the General Revenue Fund	6.5 FTE	6.5 FTE	6.5 FTE
<b>#FEDERAL FUNDS</b>			
<u>#Income - DHSS (§§195.453-195.465)</u>			
Grant income	\$0 to \$200,000	\$0 to \$200,000	\$0 to \$200,000
<u>#Transfer-out - to General Revenue Fund</u>			
PDMP grant income	<u>(\$0 to \$200,000)</u>	<u>(\$0 to \$200,000)</u>	<u>(\$0 to \$200,000)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>LOCAL GOVERNMENTS - SCHOOLS</b>			
<u>Income - Schools (\$195.465)</u>			
Administrative penalties	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - SCHOOLS</b>	<b><u>Less than \$100,000</u></b>	<b><u>Less than \$100,000</u></b>	<b><u>Less than \$100,000</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>#LOCAL GOVERNMENT - ST. LOUIS COUNTY</b>			
<u>#Savings</u> - St. Louis County			
Reduction in PDMP platform expenditures	\$500,000	\$500,000	\$500,000
<u>#Loss</u> - St. Louis County			
Reduction in federal grant monies	<u>(\$200,000)</u>	<u>(\$200,000)</u>	<u>(\$200,000)</u>
<b>#ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - ST. LOUIS COUNTY</b>			
	<b><u>\$300,000</u></b>	<b><u>\$300,000</u></b>	<b><u>\$300,000</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.

FISCAL DESCRIPTION

This bill establishes the "Narcotics Control Act." The Department of Health and Senior Services will establish a program for monitoring the prescribing and dispensing of all Schedule II, III, and IV controlled substances.

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 2022, the information must be sent in real-time. An extension on the time requirements can be given for temporary unforeseen circumstances.

### FISCAL DESCRIPTION (continued)

If a dispenser cannot send the information electronically, they may apply for a waiver 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 information will be removed from the program after a maximum of three years.

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 legislation is not federally mandated and would not duplicate any other program. The legislation may require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Attorney General  
Department of Health and Senior Services  
Department of Insurance, Financial Institutions and Professional Registration

SOURCES OF INFORMATION (continued)

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  
    Division of Budget & Planning  
    Facilities Management, Design and Construction  
Office of State Courts Administrator  
Missouri Senate  
Office of Secretary of State  
Office of State Public Defender  
St. Louis County  
Boone County Sheriff's Department  
Jackson County Sheriff's Office  
Joplin Police Department  
St. Louis County Police Department  
St. Louis County Department of Justice Services



Kyle Rieman  
Director  
February 13, 2019

Ross Strope  
Assistant Director  
February 13, 2019