

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2177
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 73-21-127, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE AUTOMATIC REPEALER ON THE STATUTE AUTHORIZING THE
3 STATE BOARD OF PHARMACY TO OPERATE A COMPUTERIZED PROGRAM TO TRACK
4 PRESCRIPTIONS; TO CLARIFY THE REPORTING REQUIREMENTS FOR
5 DISPENSERS OF CONTROLLED SUBSTANCES BY VETERINARIANS; TO CLARIFY
6 THE LAWFUL ACCESS TO PRESCRIPTION MONITORING INFORMATION; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 73-21-127, Mississippi Code of 1972, is
10 amended as follows:

11 73-21-127. The Board of Pharmacy shall develop and implement
12 a computerized program to track prescriptions for controlled
13 substances and to report suspected abuse and misuse of controlled
14 substances in compliance with the federal regulations promulgated
15 under authority of the National All Schedules Prescription
16 Electronic Reporting Act of 2005 and in compliance with the
17 federal HIPAA law, under the following conditions:

18 (a) Reporting of dispensing information shall be
19 mandatory and required by the State Board of Pharmacy for any
20 entity dispensing controlled substances in or into the State of



21 Mississippi, except for the dispensing of controlled substance
22 drugs prescribed by a veterinarian residing in the State of
23 Mississippi.

24 (b) The prescriptions tracked shall be prescriptions
25 for controlled substances listed in Drug Enforcement Agency
26 Schedule II, III, IV or V and specified noncontrolled substances
27 authorized by the State Board of Pharmacy that are dispensed to
28 residents in the State of Mississippi by licensed pharmacies,
29 nonresident pharmacies, institutions * * * and dispensing
30 practitioners * * *, regardless of dispenser location.

31 (c) The Board of Pharmacy shall report any activity it
32 reasonably suspects may be fraudulent or illegal to the
33 appropriate law enforcement agency or occupational licensing board
34 and provide them with the relevant information obtained for
35 further investigation.

36 (d) The program shall provide information regarding the
37 potential inappropriate use of controlled substances and the
38 specified noncontrolled substances to practitioners,
39 pharmacists-in-charge and appropriate state agencies in order to
40 prevent the inappropriate or illegal use of these controlled
41 substances. The specific purposes of the program shall be to: be
42 proactive in safeguarding public health and safety; support the
43 legitimate use of controlled substances; facilitate and encourage
44 the identification, intervention with and treatment of individuals
45 addicted to controlled substances and specified noncontrolled



46 drugs; identify and prevent drug diversion; provide assistance to
47 those state and federal law enforcement and regulatory agencies
48 investigating cases of drug diversion or other misuse; and inform
49 the public and health care professionals of the use and abuse
50 trends related to controlled substance and specified noncontrolled
51 drugs.

52 (e) (i) Access to collected data shall be confidential
53 and not subject to the provisions of the federal Freedom of
54 Information Act or the Mississippi Open Records Act. Upon
55 request, the State Board of Pharmacy shall provide collected
56 information to: pharmacists or practitioners who are properly
57 registered with the State Board of Pharmacy and are authorized to
58 prescribe or dispense controlled substances for the purpose of
59 providing medical and pharmaceutical care for their patients;
60 local, state and federal law enforcement officials engaged in the
61 administration, investigation or enforcement of the laws governing
62 illicit drug use; regulatory and licensing boards in this state;
63 Division of Medicaid regarding Medicaid and Medicare Program
64 recipients; judicial authorities under grand jury subpoena * * *;
65 an individual who requests the individual's own prescription
66 monitoring information; and prescription monitoring programs in
67 other states through mutual agreement adhering to State Board of
68 Pharmacy policies.

69 (ii) The Director of the Mississippi Bureau of
70 Narcotics, or his designee, shall have access to the Prescription



71 Monitoring Program (PMP) database for the purpose of investigating
72 the potential illegal acquisition, distribution, dispensing,
73 prescribing or administering of the controlled and noncontrolled
74 substances monitored by the program, subject to all legal
75 restrictions on further dissemination of the information obtained.

76 (iii) The State Board of Pharmacy may also provide
77 generic, nonidentifying statistical data for research or
78 educational purposes.

79 (f) A dispenser pharmacist or practitioner licensed to
80 dispense controlled substances and specified noncontrolled
81 substance drugs who knowingly fails to submit drug monitoring
82 information or knowingly submits incorrect dispensing information
83 shall be subject to actions against the pharmacist's or
84 practitioner's license, registrations or permit and/or an
85 administrative penalty as provided in Sections 73-21-97 and
86 73-21-103.

87 (g) "Practitioner," as used in this section, shall
88 include any person licensed, registered or otherwise permitted to
89 distribute, dispense, prescribe or administer a controlled
90 substance, as defined under Section 41-29-105(y).

91 (h) In addition to any funds appropriated by the
92 Legislature, the State Board of Pharmacy may apply for any
93 available grants and accept any gifts, grants or donations to
94 assist in future development or in maintaining the program.



95 (i) This section shall stand repealed on July 1, * * *
96 2016.

97 **SECTION 2.** This act shall take effect and be in force from
98 and after July 1, 2014.

