

By: Representative Mettetal

To: Public Health and Human
Services

HOUSE BILL NO. 1225

1 AN ACT TO CREATE NEW SECTION 73-21-128, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE STATE BOARD OF PHARMACY TO DEVELOP AND
3 IMPLEMENT A COMPUTERIZED PROGRAM TO TRACK CONTROLLED SUBSTANCES
4 AND OTHER DRUGS THAT ARE SHIPPED INTO THE STATE, TO BE KNOWN AS
5 THE MISSISSIPPI AUTOMATED SUBSTANCE TRACKING SYSTEM (MAST); TO
6 REQUIRE EVERY FACILITY OR BUSINESS THAT ENGAGES IN THE WHOLESALE
7 DISTRIBUTION OF PRESCRIPTION DRUGS TO SUBMIT TO THE BOARD
8 TRANSACTION DATA FOR CONTROLLED SUBSTANCES AND ANY OTHER LEGEND
9 DRUGS AS DETERMINED BY THE BOARD; TO PROVIDE THAT ALL MAST DATA IS
10 CONFIDENTIAL AND SHALL BE EXEMPT FROM THE PROVISIONS OF THE
11 MISSISSIPPI PUBLIC RECORDS ACT; TO ALLOW THE BOARD, UPON PROPER
12 REQUEST, TO PROVIDE COLLECTED TRANSACTION DATA AND/OR DATA
13 ANALYSIS TO LAW ENFORCEMENT OFFICIALS ENGAGED IN THE
14 ADMINISTRATION, INVESTIGATION OR ENFORCEMENT OF THE LAWS GOVERNING
15 WHOLESALE DRUG DISTRIBUTION; TO PROVIDE THAT THE MISSISSIPPI
16 BUREAU OF NARCOTICS WILL HAVE ACCESS TO THE MAST DATA FOR THE
17 PURPOSE OF INVESTIGATING THE POTENTIAL ACQUISITION, DISTRIBUTION
18 AND POSSESSION OF CONTROLLED SUBSTANCES IN THE STATE; TO PROVIDE
19 THAT ENTITIES REQUIRED TO SUBMIT TRANSACTION DATA WHO KNOWINGLY
20 FAIL TO SUBMIT THE REQUIRED DATA OR SUBMIT INCORRECT DATA WILL BE
21 SUBJECT TO ACTIONS AGAINST THE ENTITY'S PERMIT AND/OR AN
22 ADMINISTRATIVE PENALTY; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section
25 73-21-128, Mississippi Code of 1972:

26 73-21-128. (1) The Board of Pharmacy shall develop and
27 implement a computerized program to track controlled substances
28 and other drugs that are shipped into the State of Mississippi.



29 This program shall be known as the Mississippi Automated Substance
30 Tracking System (MAST).

31 (2) Every facility or business that engages in the wholesale
32 distribution of prescription drugs, including, but not limited to,
33 manufacturing in this state, distribution into this state, or
34 selling or offering to sell in this state, or distribution from or
35 within this state, or outsourcers that distribute into or within
36 this state, and every reverse distributor located in or outside of
37 this state, that conducts business with pharmacies in this state,
38 shall submit to the board transaction data for controlled
39 substances listed in Schedules II, III, IV and V and any other
40 legend drug as determined by the board.

41 (a) Transaction data must include, but is not limited
42 to, the following information:

- 43 (i) Purchaser identification;
- 44 (ii) Identification of the drug acquired or
45 distributed;
- 46 (iii) Quantity of the drug acquired or
47 distributed;
- 48 (iv) Date of transaction; and
- 49 (v) Transaction identifier.

50 (b) All MAST data consists of confidential, proprietary
51 or trade secret information and shall be securely maintained by
52 the board in a manner sufficient to protect the confidentiality
53 and privacy of the information reflected in the data and shall not



54 be subject to subpoena except when issued pursuant to a criminal
55 matter. The board retains the specific authority to add or omit
56 data elements, as needed. All MAST data, regardless of the
57 location of the data or format in which it is maintained, shall be
58 privileged and exempt from the provisions of the Mississippi
59 Public Records Act. In addition, any analysis or report developed
60 using MAST data shall be exempt from the provisions of the
61 Mississippi Public Records Act.

62 (c) Upon proper request, the board may provide
63 collected transaction data and/or data analysis to local, state
64 and federal law enforcement officials engaged in the
65 administration, investigation or enforcement of the laws governing
66 wholesale drug distribution and diversion and the provider of any
67 data requesting data previously submitted by that provider. The
68 board may also provide information, subject to the confidentiality
69 provisions outlined in paragraph (b) of this subsection, to other
70 entities approved by the board. The board may enter into
71 agreements governing the sharing and using of such information and
72 reserves the right to require approved entities to enter into an
73 intelligence sharing or restricted use agreement before
74 information is provided to those entities. The board is vested
75 and empowered with full, complete and final discretion to
76 determine whether or not any intelligence sharing or restricted
77 use agreements will be denied or cancelled so far as any entity is
78 concerned, and there shall be no appeal from the board's decision,



79 it being declared that no entity has any vested rights in those
80 agreements or the data.

81 (d) The Director of the Mississippi Bureau of
82 Narcotics, or his designee, shall have access to the MAST data for
83 the purpose of investigating the potential acquisition,
84 distribution and possession of controlled substances in the state,
85 subject to all legal restrictions on further dissemination of the
86 information obtained.

87 (e) The board shall report any activity it reasonably
88 suspects may be fraudulent or illegal to the appropriate law
89 enforcement agency or occupational licensing board and provide
90 them with the relevant information obtained for further
91 investigation.

92 (f) No waiver or any applicable privilege or claim of
93 confidentiality to the transaction data, analyses or any other
94 information associated with MAST shall occur as a result of
95 disclosure to the board under this section or as a result of
96 sharing as authorized in paragraph (c) of this subsection.

97 (2) The board shall establish the manner, format, frequency
98 and delivery method in which the transaction data shall be
99 submitted.

100 (3) Any entity that is required to submit transaction data
101 under this section who knowingly fails to submit the required
102 transaction data or submits incorrect transaction data shall be
103 subject to actions against the entity's permit and/or an



104 administrative penalty as provided in Sections 73-21-97 and
105 73-21-103.

106 (4) The board shall be immune from civil liability arising
107 from inaccuracy of any submitted information.

108 (5) In addition to any funds appropriated by the
109 Legislature, the board may apply for any available grants and
110 accept any gifts, grants or donations to assist in future
111 development or in maintaining the program.

112 (6) The board may adopt, amend and repeal such rules and
113 regulations as may be deemed necessary by the board from time to
114 time for the proper administration of the MAST system and this
115 section, in accordance with the Mississippi Administrative
116 Procedures Law.

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2019.

