

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 708

BY: Representatives Bain, Mims

1 **AMEND** by deleting lines 394 through 401 in their entirety,
2 inserting in lieu thereof the following new subsection (4) and
3 renumbering the succeeding subsections:

4 "(4) (a) Any information required to be submitted to the
5 board pursuant to licensure application that is considered
6 proprietary by a pharmacy benefit manager shall be marked as
7 confidential when submitted to the board. All such information
8 shall not be subject to the provisions of the federal Freedom of
9 Information Act or the Mississippi Public Records Act and shall
10 not be released by the board unless subject to an order from a
11 court of competent jurisdiction. The board shall destroy or
12 delete or cause to be destroyed or deleted all such information



13 thirty (30) days after the board determines that the information
14 is no longer necessary or useful.

15 (b) Any person who knowingly releases, causes to be
16 released or assists in the release of any such information shall
17 be subject to a monetary penalty imposed by the board in an amount
18 not exceeding Fifty Thousand Dollars (\$50,000.00) per violation.
19 When the board is considering the imposition of any penalty under
20 this paragraph (b), it shall follow the same policies and
21 procedures provided for the imposition of other sanctions in the
22 Pharmacy Practice Act. Any penalty collected under this paragraph
23 (b) shall be deposited into the special fund of the board and used
24 to support the operations of the board relating to the regulation
25 of pharmacy benefit managers.

26 (c) All employees of the board who have access to the
27 information described in paragraph (a) of this subsection shall be
28 fingerprinted, and the board shall submit a set of fingerprints
29 for each employee to the Department of Public Safety for the
30 purpose of conducting a criminal history records check. If no
31 disqualifying record is identified at the state level, the
32 Department of Public Safety shall forward the fingerprints to the
33 Federal Bureau of Investigation for a national criminal history
34 records check."

35 **AMEND FURTHER** the title by inserting the following after the
36 semicolon on line 27: "TO REQUIRE THE BOARD TO DESTROY OR DELETE



37 ALL SUCH INFORMATION THIRTY DAYS AFTER THE BOARD DETERMINES THAT
38 THE INFORMATION IS NO LONGER NECESSARY OR USEFUL; TO PROVIDE THAT
39 ANY PERSON WHO KNOWINGLY RELEASES ANY SUCH INFORMATION SHALL BE
40 SUBJECT TO A MONETARY PENALTY IMPOSED BY THE BOARD; TO PROVIDE
41 THAT ALL EMPLOYEES OF THE BOARD WHO HAVE ACCESS TO SUCH
42 INFORMATION SHALL BE FINGERPRINTED AND UNDERGO A CRIMINAL HISTORY
43 RECORDS CHECK;"

