MISSISSIPPI LEGISLATURE
REGULAR SESSION 2017
By: Representatives Willis, Sykes
To: Drug Policy

HOUSE BILL NO. 1032
(As Passed the House)

1 AN ACT TO AMEND SECTION 73-21-127, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ALL LICENSED HEALTH CARE PROVIDERS THAT ARE AUTHORIZED
3 BY LAW TO DIAGNOSE AND PRESCRIBE DRUGS TO REGISTER AS USERS WITH
4 THE PRESCRIPTION MONITORING PROGRAM OF THE STATE BOARD OF
5 PHARMACY; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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8 SECTION 1. Section 73-21-127, Mississippi Code of 1972, is
9 amended as follows:
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73-21-127. The Board of Pharmacy shall develop and implement
11 a computerized program to track prescriptions for controlled
12 substances and to report suspected abuse and misuse of controlled
13 substances in compliance with the federal regulations promulgated
14 under authority of the National All Schedules Prescription
15 Electronic Reporting Act of 2005 and in compliance with the
16 federal HIPAA law, under the following conditions:
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18 (a) Submission or reporting of dispensing information
19 shall be mandatory and required by the State Board of Pharmacy for
20 any entity dispensing controlled substances in or into the State
of Mississippi, except for the dispensing of controlled substance
drugs by a veterinarian residing in the State of Mississippi.

(b) The prescriptions tracked shall be prescriptions
for controlled substances listed in Schedule II, III, IV or V and
specified noncontrolled substances identified by the State Board
of Pharmacy that are dispensed to residents in the State of
Mississippi by licensed pharmacies, nonresident pharmacies,
institutions and dispensing practitioners, regardless of dispenser
location.

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

(d) The program shall provide information regarding the
potential inappropriate use of controlled substances and the
specified noncontrolled substances to practitioners,
pharmacists-in-charge and appropriate state agencies in order to
prevent the inappropriate or illegal use of these controlled
substances. The specific purposes of the program shall be to: be
proactive in safeguarding public health and safety; support the
legitimate use of controlled substances; facilitate and encourage
the identification, intervention with and treatment of individuals
addicted to controlled substances and specified noncontrolled
drugs; identify and prevent drug diversion; provide assistance to
those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

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

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating
the potential illegal acquisition, distribution, dispensing, 

prescribing or administering of the controlled and noncontrolled 

substances monitored by the program, subject to all legal 

restrictions on further dissemination of the information obtained. 

(iii) The State Board of Pharmacy may also provide 

statistical data for research or educational purposes if the board 
determines the use of the data to be of significant benefit to 

public health and safety. The board maintains the right to refuse 

any request for PMP data. 

(iv) A pharmacist licensed by the Mississippi 

Board of Pharmacy must be a registered user of the PMP. Failure 
of a pharmacist licensed by the Mississippi Board of Pharmacy to 
register as a user of the PMP is grounds for disciplinary action 
by the board. 

(v) All licensed practitioners as defined under 

Section 73-21-73(cc) holding an active DEA number shall register 
as users of the PMP. 

(f) The Prescription Monitoring Program through the 

Board of Pharmacy may: 

(i) Establish the cost of administration, 

maintenance, and operation of the program and charge to like 

agencies a fee based on a formula to be determined by the board 

with collaboration and input from participating agencies; and 

(ii) Assess charges for information and/or 

statistical data provided to agencies, institutions and
individuals. The amounts of those fees shall be set by the Executive Director of the Board of Pharmacy based on the recommendation of the Director of the PMP.

All such fees collected shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the PMP.

(g) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103. Any misuse of the PMP is subject to penalties as provided in Sections 73-21-97 and 73-21-103.

(h) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program.

(i) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y), and any person defined as a "practitioner" under Section 73-21-73(cc).
(j) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

SECTION 2. This act shall take effect and be in force from and after July 1, 2017.