

SENATE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1693

AN ACT

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof three new sections relating to the monitoring of certain controlled substances, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 579.065 and 579.068, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as  
3 sections 195.450, 579.065, and 579.068, to read as follows:

4           195.450. 1. As used in this section, the following terms  
5 shall mean:

6           (1) "Controlled substance", the same meaning as given to  
7 such term in section 195.010;

8           (2) "Dispenser", a person who delivers a Schedule II, III,  
9 or IV controlled substance to a patient, but does not include:

10           (a) A hospital, as defined in section 197.020, that  
11 distributes such substances for the purpose of inpatient care or  
12 dispenses prescriptions for controlled substances at the time of  
13 discharge from such facility;

14           (b) A practitioner or other authorized person who  
15 administers such a substance; or

16           (c) A wholesale distributor of a controlled substance;

17           (3) "Health care provider", as such term is defined in  
18 section 376.1350;

1       (4) "Patient", a person who is the ultimate user of a drug  
2 for whom a prescription is issued or for whom a drug is  
3 dispensed, not including a hospice patient enrolled in a  
4 Medicare-certified hospice program who has controlled substances  
5 dispensed to him or her by such hospice program;

6       (5) "Schedule II, III, or IV controlled substance", a  
7 controlled substance that is listed in Schedule II, III, or IV of  
8 the schedules provided under this chapter or the Controlled  
9 Substances Act, 21 U.S.C. Section 812.

10       2. (1) There is hereby established within the office of  
11 administration the "Joint Oversight Task Force for Prescription  
12 Drug Monitoring", which shall be authorized to supervise the  
13 collection and use of patient dispensation information for  
14 prescribed Schedule II, III, or IV controlled substances as  
15 submitted by dispensers in this state under this section. The  
16 joint oversight task force shall consist of the following  
17 members:

18       (a) Two members of the state board of registration for the  
19 healing arts who are licensed physicians or surgeons;

20       (b) Two members of the state board of pharmacy who are  
21 licensed pharmacists;

22       (c) One member of the state board of nursing who is an  
23 advanced practice registered nurse; and

24       (d) One member of the Missouri dental board who is a  
25 licensed dentist.

26       (2) The task force members shall be appointed by their  
27 respective state regulatory boards and shall serve a term not to  
28 exceed their term on such regulatory board, but in no case shall

1 any term on the joint oversight task force exceed four years.  
2 Any member shall serve on the joint oversight task force until  
3 his or her successor is appointed. Any vacancy on the joint  
4 oversight task force shall be filled in the same manner as the  
5 original appointment. A chair of the joint oversight task force  
6 shall be selected by the members of the joint oversight task  
7 force.

8 (3) Members shall serve on the joint oversight task force  
9 without compensation, but may be reimbursed for their actual and  
10 necessary expenses from moneys appropriated to the office of  
11 administration. The office of administration shall provide  
12 technical, legal, and administrative support services as required  
13 by the joint oversight task force; provided, that the office of  
14 administration shall not have access to dispensation information  
15 or any other individually identifiable patient information  
16 submitted and retained under this section. The joint oversight  
17 task force shall be authorized to hire such staff as is  
18 necessary, subject to appropriations, to administer the  
19 provisions of this section.

20 3. (1) The joint oversight task force shall enter into a  
21 contract with a vendor, through a competitive bid process under  
22 chapter 34, for the operation of a program to monitor the  
23 dispensation of prescribed Schedule II, III, and IV controlled  
24 substances. The vendor shall be responsible for the collection  
25 and maintenance of patient dispensation information submitted to  
26 the vendor by dispensers in this state and shall comply with the  
27 provisions of this section and the rules and regulations  
28 promulgated by the joint oversight task force.

1       (2) In addition to appropriations from the general  
2 assembly, the joint oversight task force may apply for available  
3 grants and shall be able to accept other gifts, grants, and  
4 donations to develop and maintain the program.

5       (3) The joint oversight task force shall be authorized to  
6 cooperate with the MO HealthNet division within the department of  
7 social services for the purposes of applying for and accepting  
8 any available federal moneys or other grants to develop and  
9 maintain the program; provided, that the joint oversight task  
10 force shall retain all authority over the program granted to it  
11 under this section and the MO HealthNet division shall not have  
12 access to the program or the information submitted to the program  
13 beyond such access as is granted to the division under this  
14 section.

15       4. Dispensation information submitted to the vendor under  
16 this section shall be as follows for each dispensation of a  
17 Schedule II, III, or IV controlled substance in this state:

18       (1) The pharmacy's Drug Enforcement Administration (DEA)  
19 number;

20       (2) The date of the dispensation;

21       (3) The following, if there is a prescription:

22       (a) The prescription number or other unique identifier;

23       (b) Whether the prescription is new or a refill; and

24       (c) The prescriber's DEA or National Provider Identifier  
25 (NPI) number;

26       (4) The National Drug Code (NDC) for the drug dispensed;

27       (5) The quantity and dosage of the drug dispensed;

28       (6) The patient's identification number including, but not

1 limited to, any one of the following:

2 (a) The patient's driver's license number;

3 (b) The patient's government-issued identification number;

4 or

5 (c) The patient's insurance cardholder identification  
6 number; and

7 (7) The patient's name, address, and date of birth.

8  
9 The addition of any further information to the list of  
10 dispensation information required to be submitted in this  
11 subsection shall be the sole purview of the general assembly.

12 5. Each dispenser shall submit the information to the  
13 vendor electronically within twenty-four hours of dispensation.  
14 Beginning January 1, 2022, the vendor shall begin phasing in a  
15 requirement that dispensers report patient dispensation  
16 information in real time, with all dispensation information to be  
17 submitted in real time by January 1, 2023. The joint oversight  
18 task force may promulgate rules regarding alternative forms of  
19 transmission or waivers of the time frame established under this  
20 subsection due to unforeseen circumstances.

21 6. Beginning August 28, 2022, the vendor shall maintain an  
22 individual's dispensation information obtained under this section  
23 for a maximum of three years from the date of dispensation, after  
24 which such information shall be deleted from the program.

25 7. (1) The vendor shall treat patient dispensation  
26 information and any other individually identifiable patient  
27 information submitted under this section as protected health  
28 information under the federal Health Insurance Portability and

1 Accountability Act of 1996 (HIPAA), P.L. 104-191, and the  
2 regulations promulgated thereunder. Such information shall only  
3 be accessed and utilized in accordance with the privacy and  
4 security provisions of HIPAA and the provisions of this section.

5 (2) Dispensation information and any other individually  
6 identifiable patient information submitted under this section  
7 shall be confidential and not subject to public disclosure under  
8 chapter 610.

9 8. (1) The patient dispensation information submitted  
10 under this section shall only be utilized for the provision of  
11 health care services to the patient. Prescribers, dispensers,  
12 and other health care providers shall be permitted to access a  
13 patient's dispensation information collected by the vendor in  
14 course of providing health care services to the patient. The  
15 vendor shall provide dispensation information to the individual  
16 patient, upon his or her request.

17 (2) The patient dispensation information submitted under  
18 this section shall be shared with any health information exchange  
19 operating in this state, upon the request of the health  
20 information exchange. Charges assessed to the health information  
21 exchange by the vendor shall not exceed the cost of the actual  
22 technology connection or recurring maintenance thereof. Any  
23 health information exchange receiving patient dispensation  
24 information under this subdivision shall comply with the  
25 provisions of subsection 7 of this section and such patient  
26 dispensation information shall only be utilized in accordance  
27 with the provisions of this section. For purposes of this  
28 subdivision, "health information exchange" means the electronic

1 exchange of individually identifiable patient information among  
2 unaffiliated organizations according to nationally-recognized  
3 standards as administered by a health information organization,  
4 which shall not include an organized health care arrangement, as  
5 defined in 45 CFR 160.103, or a research institution that  
6 oversees and governs the electronic exchange of individually  
7 identifiable information among unaffiliated organizations for  
8 research purposes only.

9 9. The dispensation information of MO HealthNet program  
10 recipients submitted under this section may be shared with the MO  
11 HealthNet division for purposes of providing the division and MO  
12 HealthNet providers patient dispensation history and facilitating  
13 MO HealthNet claims processing and information retrieval;  
14 provided, that no patient dispensation information submitted  
15 under this section shall be utilized for any purpose prohibited  
16 under this section.

17 10. The joint oversight task force may provide data to  
18 public and private entities for statistical, research, or  
19 educational purposes only after removing information that could  
20 be used to identify individual patients, prescribers, dispensers,  
21 or persons who received dispensations from dispensers.

22 11. No patient dispensation information shall be provided  
23 to local, state, or federal law enforcement or prosecutorial  
24 officials, both in-state and out-of-state, or any regulatory  
25 board, professional or otherwise, for any purposes other than  
26 those explicitly set forth in HIPAA and any regulations  
27 promulgated thereunder.

28 12. No dispensation information submitted under this

1 section shall be used by any local, state, or federal authority  
2 to prevent an individual from owning or obtaining a firearm.

3 13. No dispensation information submitted under this  
4 section shall be the basis for probable cause to obtain an arrest  
5 or search warrant as part of a criminal investigation.

6 14. (1) A dispenser who knowingly fails to submit  
7 dispensation information to the vendor as required under this  
8 section, or who knowingly submits incorrect dispensation  
9 information, shall be subject to an administrative penalty in the  
10 amount of one thousand dollars for each violation. The penalty  
11 shall be assessed through an order issued by the joint oversight  
12 task force. Any person subject to an administrative penalty may  
13 appeal to the administrative hearing commission under the  
14 provisions of chapter 621.

15 (2) Any person who unlawfully and purposefully accesses or  
16 discloses, or any person authorized to have patient dispensation  
17 information under this section who purposefully discloses, such  
18 information in violation of this section or purposefully uses  
19 such information in a manner and for a purpose in violation of  
20 this section is guilty of a class E felony.

21 15. (1) The provisions of this section shall supercede any  
22 local laws, ordinances, orders, rules, or regulations enacted by  
23 a county, municipality, or other political subdivision of this  
24 state for the purpose of monitoring the prescription or  
25 dispensation of prescribed controlled substances within the  
26 state. Any such prescription drug monitoring program in  
27 operation prior to August 28, 2020, shall cease operation within  
28 this state when the vendor's program under this section is



1 available for utilization by prescribers and dispensers  
2 throughout the state.

3 (2) The joint oversight task force may enter into an  
4 agreement, or authorize the vendor to enter into an agreement,  
5 with any prescription drug monitoring program operated by a  
6 county, municipality, or other political subdivision of this  
7 state prior to August 28, 2020, to transfer patient dispensation  
8 information from the county, municipality, or other program to  
9 the vendor's program created under this section; provided, that  
10 such patient dispensation information shall be subject to the  
11 provisions of this section.

12 16. The provisions of this section shall not apply to  
13 persons licensed under chapter 340.

14 17. The joint oversight task force shall promulgate rules  
15 and regulations to implement the provisions of this section. Any  
16 rule or portion of a rule, as that term is defined in section  
17 536.010, that is created under the authority delegated in this  
18 section shall become effective only if it complies with and is  
19 subject to all of the provisions of chapter 536 and, if  
20 applicable, section 536.028. This section and chapter 536 are  
21 nonseverable and if any of the powers vested with the general  
22 assembly pursuant to chapter 536 to review, to delay the  
23 effective date, or to disapprove and annul a rule are  
24 subsequently held unconstitutional, then the grant of rulemaking  
25 authority and any rule proposed or adopted after August 28, 2020,  
26 shall be invalid and void.

27 579.065. 1. A person commits the offense of trafficking  
28 drugs in the first degree if, except as authorized by this

1 chapter or chapter 195, such person knowingly distributes,  
2 delivers, manufactures, produces or attempts to distribute,  
3 deliver, manufacture or produce:

4 (1) More than thirty grams [but less than ninety grams] of  
5 a mixture or substance containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [but less than four  
7 hundred fifty grams] of a mixture or substance containing a  
8 detectable amount of coca leaves, except coca leaves and extracts  
9 of coca leaves from which cocaine, ecgonine, and derivatives of  
10 ecgonine or their salts have been removed; cocaine salts and  
11 their optical and geometric isomers, and salts of isomers;  
12 ecgonine, its derivatives, their salts, isomers, and salts of  
13 isomers; or any compound, mixture, or preparation which contains  
14 any quantity of any of the foregoing substances;

15 (3) More than eight grams [but less than twenty-four grams]  
16 of a mixture or substance described in subdivision (2) of this  
17 subsection which contains cocaine base;

18 (4) More than five hundred milligrams [but less than one  
19 gram] of a mixture or substance containing a detectable amount of  
20 lysergic acid diethylamide (LSD);

21 (5) More than thirty grams [but less than ninety grams] of  
22 a mixture or substance containing a detectable amount of  
23 phencyclidine (PCP);

24 (6) More than four grams [but less than twelve grams] of  
25 phencyclidine;

26 (7) More than thirty kilograms [but less than one hundred  
27 kilograms] of a mixture or substance containing marijuana;

28 (8) More than thirty grams [but less than ninety grams] of

1 any material, compound, mixture, or preparation containing any  
2 quantity of the following substances having a stimulant effect on  
3 the central nervous system: amphetamine, its salts, optical  
4 isomers and salts of its optical isomers; methamphetamine, its  
5 salts, optical isomers and salts of its optical isomers;  
6 phenmetrazine and its salts; or methylphenidate; [or]

7 (9) More than thirty grams [but less than ninety grams] of  
8 any material, compound, mixture, or preparation which contains  
9 any quantity of 3,4-methylenedioxymethamphetamine;

10 (10) One gram or more of flunitrazepam for the first  
11 offense;

12 (11) Any amount of gamma-hydroxybutyric acid for the first  
13 offense; or

14 (12) More than ten milligrams of fentanyl or carfentanil,  
15 or any derivative thereof, or any combination thereof, or any  
16 compound, mixture, or substance containing a detectable amount of  
17 fentanyl or carfentanil, or their optical isomers or analogues.

18 2. The offense of trafficking drugs in the first degree is  
19 a class B felony.

20 3. The offense of trafficking drugs in the first degree is  
21 a class A felony if the quantity involved is:

22 (1) Ninety grams or more of a mixture or substance  
23 containing a detectable amount of heroin; or

24 (2) Four hundred fifty grams or more of a mixture or  
25 substance containing a detectable amount of coca leaves, except  
26 coca leaves and extracts of coca leaves from which cocaine,  
27 ecgonine, and derivatives of ecgonine or their salts have been  
28 removed; cocaine salts and their optical and geometric isomers,

1 and salts of isomers; ecgonine, its derivatives, their salts,  
2 isomers, and salts of isomers; or any compound, mixture, or  
3 preparation which contains any quantity of any of the foregoing  
4 substances; or

5 (3) Twenty-four grams or more of a mixture or substance  
6 described in subdivision (2) of this subsection which contains  
7 cocaine base; or

8 (4) One gram or more of a mixture or substance containing a  
9 detectable amount of lysergic acid diethylamide (LSD); or

10 (5) Ninety grams or more of a mixture or substance  
11 containing a detectable amount of phencyclidine (PCP); or

12 (6) Twelve grams or more of phencyclidine; or

13 (7) One hundred kilograms or more of a mixture or substance  
14 containing marijuana; or

15 (8) Ninety grams or more of any material, compound,  
16 mixture, or preparation containing any quantity of the following  
17 substances having a stimulant effect on the central nervous  
18 system: amphetamine, its salts, optical isomers and salts of its  
19 optical isomers; methamphetamine, its salts, optical isomers and  
20 salts of its optical isomers; phenmetrazine and its salts; or  
21 methylphenidate; or

22 (9) More than thirty grams of any material, compound,  
23 mixture, or preparation containing any quantity of the following  
24 substances having a stimulant effect on the central nervous  
25 system: amphetamine, its salts, optical isomers, and salts of  
26 its optical isomers; methamphetamine, its salts, optical isomers,  
27 and salts of its optical isomers; phenmetrazine and its salts; or  
28 methylphenidate, and the location of the offense was within two

1 thousand feet of real property comprising a public or private  
2 elementary, vocational, or secondary school, college, community  
3 college, university, or any school bus, in or on the real  
4 property comprising public housing or any other governmental  
5 assisted housing, or within a motor vehicle, or in any structure  
6 or building which contains rooms furnished for the accommodation  
7 or lodging of guests, and kept, used, maintained, advertised, or  
8 held out to the public as a place where sleeping accommodations  
9 are sought for pay or compensation to transient guests or  
10 permanent guests; or

11 (10) Ninety grams or more of any material, compound,  
12 mixture or preparation which contains any quantity of  
13 3,4-methylenedioxymethamphetamine; or

14 (11) More than thirty grams of any material, compound,  
15 mixture, or preparation which contains any quantity of  
16 3,4-methylenedioxymethamphetamine and the location of the offense  
17 was within two thousand feet of real property comprising a public  
18 or private elementary, vocational, or secondary school, college,  
19 community college, university, or any school bus, in or on the  
20 real property comprising public housing or any other governmental  
21 assisted housing, within a motor vehicle, or in any structure or  
22 building which contains rooms furnished for the accommodation or  
23 lodging of guests, and kept, used, maintained, advertised, or  
24 held out to the public as a place where sleeping accommodations  
25 are sought for pay or compensation to transient guests or  
26 permanent guests; or

27 (12) One gram or more of flunitrazepam for a second or  
28 subsequent offense; or

1           (13) Any amount of gamma-hydroxybutyric acid for a second  
2 or subsequent offense; or

3           (14) Twenty milligrams or more of fentanyl or carfentanil,  
4 or any derivative thereof, or any combination thereof, or any  
5 compound, mixture, or substance containing a detectable amount of  
6 fentanyl or carfentanil, or their optical isomers or analogues.

7           579.068. 1. A person commits the offense of trafficking  
8 drugs in the second degree if, except as authorized by this  
9 chapter or chapter 195, such person knowingly possesses or has  
10 under his or her control, purchases or attempts to purchase, or  
11 brings into this state:

12           (1) More than thirty grams [but less than ninety grams] of  
13 a mixture or substance containing a detectable amount of heroin;

14           (2) More than one hundred fifty grams [but less than four  
15 hundred fifty grams] of a mixture or substance containing a  
16 detectable amount of coca leaves, except coca leaves and extracts  
17 of coca leaves from which cocaine, ecgonine, and derivatives of  
18 ecgonine or their salts have been removed; cocaine salts and  
19 their optical and geometric isomers, and salts of isomers;  
20 ecgonine, its derivatives, their salts, isomers, and salts of  
21 isomers; or any compound, mixture, or preparation which contains  
22 any quantity of any of the foregoing substances;

23           (3) More than eight grams [but less than twenty-four grams]  
24 of a mixture or substance described in subdivision (2) of this  
25 subsection which contains cocaine base;

26           (4) More than five hundred milligrams [but less than one  
27 gram] of a mixture or substance containing a detectable amount of  
28 lysergic acid diethylamide (LSD);

1 (5) More than thirty grams [but less than ninety grams] of  
2 a mixture or substance containing a detectable amount of  
3 phencyclidine (PCP);

4 (6) More than four grams [but less than twelve grams] of  
5 phencyclidine;

6 (7) More than thirty kilograms [but less than one hundred  
7 kilograms] of a mixture or substance containing marijuana;

8 (8) More than thirty grams [but less than ninety grams] of  
9 any material, compound, mixture, or preparation containing any  
10 quantity of the following substances having a stimulant effect on  
11 the central nervous system: amphetamine, its salts, optical  
12 isomers and salts of its optical isomers; methamphetamine, its  
13 salts, optical isomers and salts of its optical isomers;  
14 phenmetrazine and its salts; or methylphenidate; [or]

15 (9) More than thirty grams [but less than ninety grams] of  
16 any material, compound, mixture, or preparation which contains  
17 any quantity of 3,4-methylenedioxymethamphetamine; or

18 (10) More than ten milligrams of fentanyl or carfentanil,  
19 or any derivative thereof, or any combination thereof, or any  
20 compound, mixture, or substance containing a detectable amount of  
21 fentanyl or carfentanil, or their optical isomers or analogues.

22 2. The offense of trafficking drugs in the second degree is  
23 a class C felony.

24 3. The offense of trafficking drugs in the second degree is  
25 a class B felony if the quantity involved is:

26 (1) Ninety grams or more of a mixture or substance  
27 containing a detectable amount of heroin; or

28 (2) Four hundred fifty grams or more of a mixture or

1 substance containing a detectable amount of coca leaves, except  
2 coca leaves and extracts of coca leaves from which cocaine,  
3 ecgonine, and derivatives of ecgonine or their salts have been  
4 removed; cocaine salts and their optical and geometric isomers,  
5 and salts of isomers; ecgonine, its derivatives, their salts,  
6 isomers, and salts of isomers; or any compound, mixture, or  
7 preparation which contains any quantity of any of the foregoing  
8 substances; or

9 (3) Twenty-four grams or more of a mixture or substance  
10 described in subdivision (2) of this subsection which contains  
11 cocaine base; or

12 (4) One gram or more of a mixture or substance containing a  
13 detectable amount of lysergic acid diethylamide (LSD); or

14 (5) Ninety grams or more of a mixture or substance  
15 containing a detectable amount of phencyclidine (PCP); or

16 (6) Twelve grams or more of phencyclidine; or

17 (7) One hundred kilograms or more of a mixture or substance  
18 containing marijuana; or

19 (8) More than five hundred marijuana plants; or

20 (9) Ninety grams or more but less than four hundred fifty  
21 grams of any material, compound, mixture, or preparation  
22 containing any quantity of the following substances having a  
23 stimulant effect on the central nervous system: amphetamine, its  
24 salts, optical isomers and salts of its optical isomers;  
25 methamphetamine, its salts, optical isomers and salts of its  
26 optical isomers; phenmetrazine and its salts; or methylphenidate;  
27 or

28 (10) Ninety grams or more but less than four hundred fifty



1 grams of any material, compound, mixture, or preparation which  
2 contains any quantity of 3,4-methylenedioxymethamphetamine; or  
3 (11) Twenty milligrams or more of fentanyl or carfentanil,  
4 or any derivative thereof, or any combination thereof, or any  
5 compound, mixture, or substance containing a detectable amount of  
6 fentanyl or carfentanil, or their optical isomers or analogues.

7 4. The offense of trafficking drugs in the second degree is  
8 a class A felony if the quantity involved is four hundred fifty  
9 grams or more of any material, compound, mixture or preparation  
10 which contains:

11 (1) Any quantity of the following substances having a  
12 stimulant effect on the central nervous system: amphetamine, its  
13 salts, optical isomers and salts of its optical isomers;  
14 methamphetamine, its salts, isomers and salts of its isomers;  
15 phenmetrazine and its salts; or methylphenidate; or

16 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

17 5. The offense of drug trafficking in the second degree is  
18 a class C felony for the first offense and a class B felony for  
19 any second or subsequent offense for the trafficking of less than  
20 one gram of flunitrazepam.