

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 61-17

AN ORDINANCE

amending Chapter 11 of the City Code to add an Article III to establish a prescription drug monitoring program; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 11 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

ARTICLE III. ~~RESERVED~~ PRESCRIPTION DRUG MONITORING PROGRAM

Sec. 11-61. Establishment of a prescription drug monitoring program; authority to establish regulations.

(a) The director shall establish and maintain a prescription drug monitoring program for monitoring the prescribing and dispensing of controlled substances by professionals licensed to prescribe or dispense such controlled substances. The purpose of a prescription drug monitoring program is to assist healthcare providers improve treatment and health outcomes of individuals in the community, and assist in the identification and prevention of prescription drug misuse and abuse.

(b) The director is authorized to establish regulations for the prescription drug monitoring program. A regulation adopted pursuant to this section shall be available in the director's office and on the City of Columbia, Missouri website. The program established and maintained by the director shall operate so as to be consistent with federal and state laws concerning the regulation of narcotics and with privacy of lawful users of narcotics.

Sec. 11-62. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through V as set out in Chapter 195 RSMo. or as set out in the Controlled Substances Act, 21 U.S.C. Section 812.

"Dispenser" means a person who delivers a Schedule II, III, IV Controlled Substance to a patient. However, the term shall not include:

- (1) A hospital as defined in Section 197.020 RSMo. that distributes such substances for the purpose of inpatient care or dispenses prescriptions for controlled substances at the time of discharge from such facility; or
- (2) A practitioner or other authorized person who administers such a substance; or
- (3) A wholesale distributor of a Schedule II, III or IV controlled substance; or
- (4) A hospice as defined in section 197.250(5), RSMo, that distributes such substances for the purpose of physical or psychological care for dying persons.

"Patient" means a person who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed, not including a hospice patient enrolled in a Medicare-certified hospice program who has controlled substances dispensed to him or her by such hospice program.

"Schedule II, III, or IV Controlled Substance" means a controlled substance listed in Schedules II, III, or IV as set out in chapter 195 RSMo., or as set out in the Controlled Substances Act, 21 U.S.C. Section 812.

Sec. 11-63. Responsibilities of dispensers.

(a) Within seven (7) business days of having dispensed a Schedule II, III, or IV Controlled Substance, the dispenser shall submit to the director by electronic means, and in a format acceptable to the director, information regarding such dispensing. The information submitted for each dispensing shall at minimum include:

- (1) The pharmacy's Drug Enforcement (DEA) number;
- (2) The date of dispensation;
- (3) If dispensed via a prescription:
 - (i) The prescription number or other unique identifier;
 - (ii) Whether the prescription is new or a re-fill;
 - (iii) The prescriber's Drug Enforcement (DEA) or National Provider Identifier (NPI) number;
 - (iv) The National Drug Code (NDC) of the drug dispensed;

- (v) The quantity and dosage of the drug dispensed;
- (vi) An identifier for the patient to whom the drug was dispensed, including but not limited to any one of the following: a driver's license number; the patient's government-issued identification number; the patient's insurance cardholder identification number; or the patient's name, address and date of birth.

(b) It shall be unlawful for a dispenser to knowingly fail to comply with the requirements of this section.

(c) It shall be unlawful for a dispenser to knowingly fail to comply with a prescription drug monitoring program regulation established by the director.

(d) It shall be unlawful for a dispenser to knowingly provide false information to the prescription drug monitoring program.

(e) The requirements of this section shall not apply to controlled substances to be administered to an animal which are dispensed pursuant to a prescription issued by a licensed veterinarian.

Sec. 11-64. Access to prescription drug monitoring program records.

Access to patient records, prescriptions, and other protected health information shall be in compliance with federal and state law. It shall be unlawful to provide protected health information to any person not authorized by state or federal law to view, access or receive the protected health information. It shall be unlawful for a person to access, view, or disclose a patient's protected health information without lawful authority.

Secs. ~~11-64~~ 11-65—11-80. Reserved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2017.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor