~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 8, 2018

**H. 4117**

Introduced by Reps. Henderson, Bedingfield and Fry

S. Printed 3/8/18--H.

Read the first time April 6, 2017.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4117) to amend Section 44‑53‑1650, as amended, Code of Laws of South Carolina, 1976, relating to exceptions to confidentiality of data in the prescription monitoring program, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-1650(D)(9) and inserting:

/ (9) the presiding judge of a drug court pertaining to a specific case involving a designated person.” /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on April 6, 2017**

**State Expenditure**

This bill expands the list of persons to whom the Department of Health and Environmental Control may release confidential data from the prescription monitoring program to include a drug court official seeking information related to a specific case involving a designated person.

**Department of Health and Environmental Control**. The department reports that this bill would not have an expenditure impact on the general fund, federal funds, or other funds as the bill merely authorizes the release of prescription monitoring data to one additional user category. Sharing otherwise confidential prescription monitoring program data with entities authorized in statute is an on-going responsibility of the department’s Bureau of Drug Control. There is no cost associated with this new provision.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑53‑1650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑1650(D) of the 1976 Code, as last amended by Act 244 of 2014, is further amended to read:

“(D) Drug control may provide data in the prescription monitoring program to the following persons:

(1) a practitioner or pharmacist or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) an individual who requests the individual’s own prescription monitoring information in accordance with procedures established pursuant to state law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs and who is involved in a bona fide specific drug related investigation involving a designated person;

(5) the South Carolina Department of Health and Human Services regarding Medicaid program recipients;

(6) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(7) personnel of drug control for purposes of administration and enforcement of this article;

(8) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information only may be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection; and

(9) a drug court official pertaining to a specific case involving a designated person.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑