Committee Print

[SHOWING THE TEXT OF H.R. 2355, AS FAVORABLY FORWARDED BY THE
ENERGY AND COMMERCE SUBCOMMITTEE ON HEALTH ON JULY 15, 2021]

117th CONGRESS
1ST SESSION

H. R. 2355

To facilitate responsible, informed dispensing of controlled substances and
other prescribed medications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2021

Mr. RODNEY DAVIS of Illinois (for himself, Mr. BILIRAKIS, and Mrs. WAG-...
SEC. 2. MATERIALS FOR TRAINING PHARMACISTS ON CERTAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST MAY DECLINE TO FILL A PRESCRIPTION.

(a) UPDATES TO MATERIALS.—Section 3212(a) of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended by striking “Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate” and inserting “The Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate not later than 1 year after the date of enactment of this Act, and update periodically thereafter”.

(b) MATERIALS INCLUDED.—Section 3212(b) of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and
(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) pharmacists on how to verify the identity of the patient;”.

(c) MATERIALS FOR TRAINING ON PATIENT VERIFICATION.—Section 3212 of the SUPPORT for Patients and Communities Act (21 U.S.C. 829 note) is amended by adding at the end the following new subsection:

“(d) MATERIALS FOR TRAINING ON VERIFICATION OF IDENTITY.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Health and Human Services, after seeking stakeholder input in accordance with subsection (e), shall—

“(1) update the materials developed under subsection (a) to include information for pharmacists on how to verify the identity the patient; and

“(2) disseminate, as appropriate, the updated materials.”.

SEC. 3. INCENTIVIZING STATES TO FACILITATE RESPONSIBLE, INFORMED DISPENSING OF CONTROLED SUBSTANCES.

(a) IN GENERAL.—Section 392A of the Public Health Service Act (42 U.S.C. 280b–1) is amended—
(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) PREFERENCE.—In determining the amounts of grants awarded to States under subsections (a) and (b), the Director of the Centers for Disease Control and Prevention may give preference to States in accordance with such criteria as the Director may specify and may choose to give preference to States that—

“(1) maintain a prescription drug monitoring program;

“(2) require prescribers of controlled substances in schedule II, III, or IV to issue such prescriptions electronically, and make such requirement subject to exceptions in the cases listed in section 1860D–4(e)(7)(B) of the Social Security Act; and

“(3) require dispensers of such controlled substances to enter certain information about the purchase of such controlled substances into the respective State’s prescription drug monitoring program, including—

“(A) the National Drug Code or, in the case of compounded medications, compound identifier;
“(B) the quantity dispensed;
“(C) the patient identifier; and
“(D) the date filled.”.

(b) DEFINITIONS.—Subsection (d) of section 392A of the Public Health Service Act (42 U.S.C. 280b–1), as redesignated by subsection (a)(1), is amended to read as follows:

“(d) DEFINITIONS.—In this section:

“(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act.

“(2) DISPENSER.—The term ‘dispenser’ means a physician, pharmacist, or other person that dispenses a controlled substance to an ultimate user.

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act.”.