

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-
NER) introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Opioid Prescription
5 Verification Act of 2021”.

1 **SEC. 2. MATERIALS FOR TRAINING PHARMACISTS ON CER-**
2 **TAIN CIRCUMSTANCES UNDER WHICH A**
3 **PHARMACIST MAY DECLINE TO FILL A PRE-**
4 **SCRIPTION.**

5 (a) **UPDATES TO MATERIALS.**—Section 3212(a) of
6 the **SUPPORT** for Patients and Communities Act (21
7 U.S.C. 829 note) is amended by striking “Not later than
8 1 year after the date of enactment of this Act, the Sec-
9 retary of Health and Human Services, in consultation with
10 the Administrator of the Drug Enforcement Administra-
11 tion, Commissioner of Food and Drugs, Director of the
12 Centers for Disease Control and Prevention, and Assistant
13 Secretary for Mental Health and Substance Use, shall de-
14 velop and disseminate” and inserting “The Secretary of
15 Health and Human Services, in consultation with the Ad-
16 ministrator of the Drug Enforcement Administration,
17 Commissioner of Food and Drugs, Director of the Centers
18 for Disease Control and Prevention, and Assistant Sec-
19 retary for Mental Health and Substance Use, shall develop
20 and disseminate not later than 1 year after the date of
21 enactment of this Act, and update periodically thereafter”.

22 (b) **MATERIALS INCLUDED.**—Section 3212(b) of the
23 **SUPPORT** for Patients and Communities Act (21 U.S.C.
24 829 note) is amended—

25 (1) by redesignating paragraphs (1) and (2) as
26 paragraphs (2) and (3), respectively; and

1 (2) by inserting before paragraph (2), as so re-
2 designated, the following new paragraph:

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

5 (c) MATERIALS FOR TRAINING ON PATIENT
6 VERIFICATION.—Section 3212 of the SUPPORT for Pa-
7 tients and Communities Act (21 U.S.C. 829 note) is
8 amended by adding at the end the following new sub-
9 section:

10 “(d) MATERIALS FOR TRAINING ON VERIFICATION
11 OF IDENTITY.—Not later than 1 year after the date of
12 enactment of this subsection, the Secretary of Health and
13 Human Services, after seeking stakeholder input in ac-
14 cordance with subsection (c), shall—

15 “(1) update the materials developed under sub-
16 section (a) to include information for pharmacists on
17 how to verify the identity the patient; and

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

20 **SEC. 3. INCENTIVIZING STATES TO FACILITATE RESPON-**
21 **SIBLE, INFORMED DISPENSING OF CON-**
22 **TROLLED SUBSTANCES.**

23 (a) IN GENERAL.—Section 392A of the Public
24 Health Service Act (42 U.S.C. 280b–1) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection:

5 “(c) PREFERENCE.—In determining the amounts of
6 grants awarded to States under subsections (a) and (b),
7 the Director of the Centers for Disease Control and Pre-
8 vention may give preference to States in accordance with
9 such criteria as the Director may specify and may choose
10 to give preference to States that—

11 “(1) maintain a prescription drug monitoring
12 program;

13 “(2) require prescribers of controlled substances
14 in schedule II, III, or IV to issue such prescriptions
15 electronically, and make such requirement subject to
16 exceptions in the cases listed in section 1860D-
17 4(e)(7)(B) of the Social Security Act; and

18 “(3) require dispensers of such controlled sub-
19 stances to enter certain information about the pur-
20 chase of such controlled substances into the respec-
21 tive State’s prescription drug monitoring program,
22 including—

23 “(A) the National Drug Code or, in the
24 case of compounded medications, compound
25 identifier;

1 “(B) the quantity dispensed;

2 “(C) the patient identifier; and

3 “(D) the date filled.”.

4 (b) DEFINITIONS.—Subsection (d) of section 392A of
5 the Public Health Service Act (42 U.S.C. 280b–1), as re-
6 designated by subsection (a)(1), is amended to read as fol-
7 lows:

8 “(d) DEFINITIONS.—In this section:

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

13 “(2) DISPENSER.—The term ‘dispenser’ means
14 a physician, pharmacist, or other person that dis-
15 penses a controlled substance to an ultimate user.

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