

## Union Calendar No.

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2355

[Report No. 117-]

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

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2021

Mr. RODNEY DAVIS of Illinois (for himself, Mr. BILIRAKIS, and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Energy and Commerce

AUGUST --, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 5, 2021]

# **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”.*

6 **SEC. 2. MATERIALS FOR TRAINING PHARMACISTS ON CER-**  
7 **TAIN CIRCUMSTANCES UNDER WHICH A**  
8 **PHARMACIST MAY DECLINE TO FILL A PRE-**  
9 **SCRIPTION.**

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

1 *than 1 year after the date of enactment of this Act, and*  
2 *update periodically thereafter”.*

3 (b) *MATERIALS INCLUDED.*—Section 3212(b) of the  
4 *SUPPORT for Patients and Communities Act (21 U.S.C.*  
5 *829 note) is amended—*

6 (1) *by redesignating paragraphs (1) and (2) as*  
7 *paragraphs (2) and (3), respectively; and*

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

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

12 (c) *MATERIALS FOR TRAINING ON PATIENT*  
13 *VERIFICATION .*—Section 3212 of the *SUPPORT for Pa-*  
14 *tients and Communities Act (21 U.S.C. 829 note) is amend-*  
15 *ed by adding at the end the following new subsection:*

16 “(d) *MATERIALS FOR TRAINING ON VERIFICATION OF*  
17 *IDENTITY.*—*Not later than 1 year after the date of enact-*  
18 *ment of this subsection, the Secretary of Health and Human*  
19 *Services, after seeking stakeholder input in accordance with*  
20 *subsection (c), shall—*

21 (1) *update the materials developed under sub-*  
22 *section (a) to include information for pharmacists on*  
23 *how to verify the identity the patient; and*

24 (2) *disseminate, as appropriate, the updated*  
25 *materials.”.*

1 **SEC. 3. INCENTIVIZING STATES TO FACILITATE RESPON-**  
2 **SIBLE, INFORMED DISPENSING OF CON-**  
3 **TROLLED SUBSTANCES.**

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

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

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

10 “(c) *PREFERENCE.*—In determining the amounts of  
11 grants awarded to States under subsections (a) and (b), the  
12 Director of the Centers for Disease Control and Prevention  
13 may give preference to States in accordance with such cri-  
14 teria as the Director may specify and may choose to give  
15 preference to States that—

16 “(1) maintain a prescription drug monitoring  
17 program;

18 “(2) require prescribers of controlled substances  
19 in schedule II, III, or IV to issue such prescriptions  
20 electronically, and make such requirement subject to  
21 exceptions in the cases listed in section 1860D–  
22 4(e)(7)(B) of the Social Security Act; and

23 “(3) require dispensers of such controlled sub-  
24 stances to enter certain information about the pur-  
25 chase of such controlled substances into the respective

1        *State’s prescription drug monitoring program, in-*  
2        *cluding—*

3                *“(A) the National Drug Code or, in the case*  
4                *of compounded medications, compound identi-*  
5                *fier;*

6                *“(B) the quantity dispensed;*

7                *“(C) the patient identifier; and*

8                *“(D) the date filled.”.*

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

12        *“(d) DEFINITIONS.—In this section:*

13                *“(1) CONTROLLED SUBSTANCE.—The term ‘con-*  
14                *trolled substance’ has the meaning given that term in*  
15                *section 102 of the Controlled Substances Act.*

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

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