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. 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 italic]

[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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. MATERIALS FOR TRAINING PHARMACISTS ON CER-
TAIN CIRCUMSTANCES UNDER WHICH A
PHARMACIST MAY DECLARE TO FILL A PRE-
SCRIPTION.

(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 Ad-
ministrator of the Drug Enforcement Administration, Com-
missioner 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 re-
designated, 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 Pa-
patients and Communities Act (21 U.S.C. 829 note) is amend-
ed 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 enact-
ment of this subsection, the Secretary of Health and Human
Services, after seeking stakeholder input in accordance with
subsection (c), shall—

“(1) update the materials developed under sub-
section (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 CONTROLLED 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.”.