

117TH CONGRESS
2D SESSION

S. 3476

To provide for mental health and substance use disorder services in response to public health emergencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 11 (legislative day, JANUARY 10), 2022

Mr. LUJÁN (for himself, Ms. COLLINS, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for mental health and substance use disorder services in response to public health emergencies, 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 “Securing Uninter-
5 rupted Pandemic Preparation Of Resources and Therapies
6 Act” or the “SUPPORT Act”.

1 **SEC. 2. SUBSTANCE ABUSE AND MENTAL HEALTH SERV-**
2 **ICES ADMINISTRATION SERVICES IN RE-**
3 **SPONSE TO PUBLIC HEALTH EMERGENCIES.**

4 (a) **AUTHORITIES.**—Section 501(d) of the Public
5 Health Service Act (42 U.S.C. 290aa(d)) is amended—

6 (1) by redesignating paragraphs (24) and (25)
7 as paragraphs (25) and (26), respectively; and

8 (2) by inserting after paragraph (23) the fol-
9 lowing:

10 “(24) support the continued access to, or avail-
11 ability of, mental health and substance use disorder
12 services during, or in response to, a public health
13 emergency declared under section 319, including in
14 consultation with the Assistant Secretary for Pre-
15 paredness and Response, as appropriate, in pre-
16 paring for, and responding to, a public health emer-
17 gency;”.

18 (b) **STRATEGIC PLAN.**—Section 501(l)(4) of the Pub-
19 lic Health Service Act (42 U.S.C. 290aa(l)(4)) is amend-
20 ed—

21 (1) in subparagraph (E), by striking “and” at
22 the end;

23 (2) in subparagraph (F), by striking the period
24 and inserting “; and”; and

25 (3) by adding at the end the following:

“(G) specify a strategy to support the continued access to, or availability of, mental health and substance use disorder services, including to at-risk individuals (as defined in section 2802(b)(4)), during, or in response to, public health emergencies declared pursuant to section 319.”.

(c) BIENNIAL REPORT CONCERNING ACTIVITIES AND PROGRESS.—Section 501(m) of the Public Health Service Act (42 U.S.C. 290aa(m)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

“(4) a description of the Administration’s activities to support the continued provision of mental health and substance use disorder services, as applicable, in response to public health emergencies declared pursuant to section 319;”; and

(3) in paragraph (5), as so redesignated—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

1 “(D) relevant preparedness and response
2 activities;”.

3 (d) ADVISORY COUNCILS.—Not later than one year
4 after the enactment of this Act, the Assistant Secretary
5 for Mental Health and Substance Use shall issue a report
6 to the Committee on Health, Education, Labor, and Pen-
7 sions of the Senate and the Committee on Energy and
8 Commerce of the House of Representatives, reflecting the
9 feedback of the advisory councils for the Center for Sub-
10 stance Abuse Treatment, the Center for Substance Abuse
11 Prevention, and the Center for Mental Health Services,
12 pursuant to section 502 of the Public Health Service Act
13 (42 U.S.C. 290aa–1), and including recommendations to
14 improve the continued provision of mental health and sub-
15 stance use disorder services during a public health emer-
16 gency declared under section 319 of such Act (42 U.S.C.
17 247d), and the provision of such services as part of the
18 public health and medical response to such an emergency,
19 consistent with title XXVIII of such Act (42 U.S.C. 300hh
20 et seq.).

21 (e) GAO REPORT.—Not later than 3 years after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall submit to the Committee on
24 Health, Education, Labor, and Pensions of the Senate and
25 the Committee on Energy and Commerce of the House

1 of Representatives a report on programs and activities of
2 the Substance Abuse and Mental Health Services Admin-
3 istration to support the continued provision of mental
4 health and substance use disorder services and related ac-
5 tivities during the COVID–19 pandemic, including the
6 provision of such services as part of the medical and public
7 health response to such pandemic. Such report shall—

8 (1) examine the role played by the advisory
9 councils described in section 502 of the Public
10 Health Service Act (42 U.S.C. 290aa–1) and the
11 National Mental Health and Substance Use Policy
12 Laboratory established under section 501A of such
13 Act (42 U.S.C. 290aa–0) in providing technical as-
14 sistance and recommendations regarding the activi-
15 ties to support the response of the Substance Abuse
16 and Mental Health Services Administration to the
17 public health emergency declared under section 319
18 of the Public Health Service Act (42 U.S.C. 247d)
19 with respect to COVID–19;

20 (2) describe the manner in which existing
21 awardees of mental health and substance use dis-
22 order programs altered delivery of services during
23 such public health emergency; and

24 (3) describe activities of the Substance Abuse
25 and Mental Health Services Administration to sup-

1 port the response to such public health emergency,
2 including through technical assistance, provision of
3 services, and any flexibilities provided to such exist-
4 ing awardees.

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