

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. WAGNER) 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** (Public
7 Law 115–271) is amended by striking “Not later than 1
8 year after the date of enactment of this Act, the Secretary
9 of Health and Human Services, in consultation with the
10 Administrator of the Drug Enforcement Administration,
11 Commissioner of Food and Drugs, Director of the Centers
12 for Disease Control and Prevention, and Assistant Sec-
13 retary for Mental Health and Substance Use, shall develop
14 and disseminate” and inserting “The Secretary of Health
15 and Human Services, in consultation with the Adminis-
16 trator of the Drug Enforcement Administration, Commis-
17 sioner of Food and Drugs, Director of the Centers for Dis-
18 ease Control and Prevention, and Assistant Secretary for
19 Mental Health and Substance Use, shall develop and dis-
20 seminate not later than 1 year after the date of enactment
21 of this Act, and update periodically thereafter”.

22 (b) **MATERIALS INCLUDED.**—Section 3212(b) of the
23 **SUPPORT for Patients and Communities Act** (Public
24 Law 115–271) 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 individuals picking up prescriptions;”.

5 (c) MATERIALS FOR TRAINING ON VERIFICATION OF
 6 IDENTITY.—Section 3212 of the SUPPORT for Patients
 7 and Communities Act (Public Law 115–271) is amended
 8 by adding at the end the following new subsection:

9 “(d) MATERIALS FOR TRAINING ON VERIFICATION
 10 OF IDENTITY OF INDIVIDUALS PICKING UP PRESCRIBED
 11 MEDICATIONS.—Not later than 6 months after the date
 12 of enactment of this subsection, the Secretary of Health
 13 and Human Services, after seeking stakeholder input in
 14 accordance 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 of individuals picking up
 18 prescribed medications; and

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

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

24 (a) IN GENERAL.—Section 392A of the Public
 25 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 dispensers of controlled substances
14 in schedule II, III, or IV to verify the identity of the
15 person who picks up a prescribed medication by re-
16 quiring such person to present a photo identification
17 card that is valid as determined by the respective
18 State; and

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

1 “(A) the National Drug Code or, in the
2 case of compounded medications, compound
3 identifier;

4 “(B) the quantity dispensed;

5 “(C) the name of the patient;

6 “(D) the name of the ultimate user;

7 “(E) the name of the person who picks up
8 the controlled substance, if different from the
9 patient and ultimate user; and

10 “(F) the date filled.”.

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

15 “(d) DEFINITIONS.—In this section:

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

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

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

1 “(4) STATE.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, and any
3 commonwealth or territory of the United States.

4 “(5) ULTIMATE USER.—The term ‘ultimate
5 user’ means a person who has obtained from a dis-
6 penser, and who possesses, a controlled substance
7 for the person’s own use, for the use of a member
8 of the person’s household, or for the use of an ani-
9 mal.”.

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