

POISON CENTER NETWORK ACT

JANUARY 7, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 3527]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3527) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3527, the “Poison Center Network Act of 2013,” was introduced on November 18, 2013, by Rep. Lee Terry (R-NE) and referred to the Committee on Energy and Commerce.

The legislation would amend the Public Health Service Act (PHSA) to reauthorize the poison center national toll-free number,

a national media campaign to inform the public, and grant programs to support the operation of poison control centers.

#### BACKGROUND AND NEED FOR LEGISLATION

Mortality due to poisoning has increased in the United States since the 1970s. The most significant increase was reported in unintentional poisoning mortality rates, which more than tripled from 1990 to 2002. Unintentional poisoning deaths were most often a consequence of illicit drugs in prior decades. However, since the latter half of the 1990s, medications began to account for a greater number of fatal poisonings. More recent data show that the national trend of increased rates of overdose is continuing, and the rate has accelerated in recent years.<sup>1</sup>

Poison Control Centers (PCC) were first established to provide immediate information on an exposure to poisonous or hazardous substances to healthcare providers. The American Association of PCC was then founded to promote cooperation between existing centers, to establish standardization, and to offer services to the general public.<sup>2</sup> Legislation establishing a Federal Poison Control Program (PCP) was enacted in 2000, and later reauthorized in 2003 and 2008, and provided a toll-free number to access regional poison control centers, a media campaign to promote use of poison control centers, and for grants to assist PCCs to set standards and improve surveillance.

In 2004, the Institute of Medicine considered the future of poison prevention and found that the PPC played a key role in injury prevention, public health, and safety. The report, *Forging a Poison Prevention and Control System*, concluded that “poison control centers must be more stable financially and better integrated and coordinated for performance of their public health roles.”<sup>3</sup>

A network of 57 PCCs currently operate across the 50 States, the District of Columbia, and the territories. Studies show that these PCCs reduce the severity of illness and death caused by poison exposure and save money by reducing the number of unnecessary visits to the emergency room.<sup>4</sup>

H.R. 3527, the “Poison Center Network Act of 2013,” would reauthorize the Poison Center Support, Enhancement, and Awareness Act of 2008 and continue funding for the PCP. The bill would continue to provide grants to States to establish and operate poison centers and maintain a single, national toll-free number that ensures access to poison center services by connecting callers to the poison center serving their area. In addition, the bill would provide for a national media campaign to educate the public and health care providers about poison prevention, poison center services, and the 800 number.

#### HEARINGS

The Subcommittee on Health held a hearing on Wednesday, November 20, 2013, entitled “Examining Public Health Legislation to Help Local Communities.” The Subcommittee received testimony from: Dr. Marsha Ford of the American Association of Poison Con-

<sup>1</sup> <http://www.publichealthreports.org/issueopen.cfm?articleID=2463>.

<sup>2</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2663870/>.

<sup>3</sup> <http://www.iom.edu/Reports/2004/Forging-a-Poison-Prevention-and-Control-System.aspx>.

<sup>4</sup> [www.hrsa.gov/about/budget/budgetjustification2014.pdf](http://www.hrsa.gov/about/budget/budgetjustification2014.pdf).

trol Centers, Dr. Edward R.B. McCabe of the March of Dimes Foundation, Ms. Laura Crandall of CJ Foundation for SIDS, Mr. Robert Mt. Joy of Cornerstone Care Inc., Dr. Drew Nagele from the Brain Injury Association of America, Ms. Pat Smith, President of the Lyme Disease Association Inc., and Dr. Steven Stack of the American Medical Association. H.R. 3527, the “Poison Center Network Act of 2013,” was one of the bills discussed at the hearing.

#### COMMITTEE CONSIDERATION

On December 10, 2013, the Subcommittee on Health met in open markup session and approved H.R. 3527 for full Committee consideration by a voice vote. On December 10 and 11, 2013, the Energy and Commerce Committee met in open markup session and approved H.R. 3527 by a voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering approved H.R. 3527. A motion by Mr. Upton to order H.R. 3527 reported to the House, without amendment, was agreed to by a voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held a hearing on November 20, 2013, and made findings that are reflected in this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(1) of rule XIII of the House of Representatives, the goal of the legislation is the continuation of the poison center national toll-free number, the national media campaign, and the grant program for poison centers.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3527 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3527 contains no earmarks, limited tax benefits, or limited tariff benefits.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by

the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, January 7, 2014.*

Hon. FRED UPTON,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3527, the Poison Center Network Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Ramirez-Branum.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 3527—Poison Center Network Act*

Summary: H.R. 3527 would reauthorize the poison control program, currently scheduled to expire in 2014, for the 2015–2019 period. The program, which is administered by the Health Resources and Services Administration (HRSA), provides grants to poison centers and other organizations that focus on poison control, funds a national media campaign, and maintains a national toll-free number.

The bill would authorize the appropriation of about \$30 million a year for each of fiscal years 2015 through 2019 for the poison control program. CBO estimates that implementing the bill would cost about \$125 million over the 2015–2019 period, assuming appropriation of the authorized amounts. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3527 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level .....	30	30	30	30	30	151
Estimated Outlays .....	12	25	29	29	29	125

Note: Numbers may not sum to totals because of rounding.

Basis of estimate: H.R. 3527 would authorize annual appropriations of about \$30 million for each of the fiscal years 2015 through 2019 for HRSA to administer the poison control program. The Congress appropriated about \$19 million for the program for fiscal year 2013. Sequestration under the Budget Control Act of 2011 reduced the 2013 funding to about \$18 million. That reduced funding level has been continued in fiscal year 2014 through January 15, 2014. For this estimate, CBO assumes that the bill will be enacted by the

end of fiscal year 2014 and that the authorized amounts will be appropriated for each year.

H.R. 3527 would authorize the appropriation of \$28.6 million a year for 2015 through 2019 for grant assistance to poison control centers that offer the public and health care providers treatment advice on poisonings. The bill also would authorize the appropriation of \$1.5 million a year for 2015 through 2019 to maintain a national toll-free number that assists poison control centers and to fund a national media campaign to educate the public and health care providers about poison prevention.

Based on historical patterns of spending for the program, CBO estimates that implementing the bill would cost about \$125 million over the 2015–2019 period, assuming appropriation of the specified amounts.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 3527 contains no intergovernmental or private-sector mandates as defined in U.M.R.A. State, local, and tribal governments that operate poison control centers could benefit from grant funds authorized by the bill.

Estimate prepared by: Federal Costs: Lisa Ramirez-Branum; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Alexia Diorio.

Estimate approved by: Holly Harvey, Deputy Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 3527 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 3527 would not specifically direct a rulemaking within the meaning of 5 U.S.C. 551.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short Title.* Section 1 states the legislation may be cited as the “Poison Center Network Act of 2013.”

*Section 2. Reauthorization of the Poison Control Centers National Toll-Free Number.* Section 2 would amend the authorization of appropriations for section 1271 of the Public Health Service Act.

*Section 3. Reauthorization of Nationwide Media Campaign to Promote Poison Control Center Utilization.* Section 3 would extend the authorization of appropriations for section 1272 of the Public Health Service Act.

*Section 4. Reauthorization of the Poison Control Center Grant Program.* Section 4 would extend authorization of appropriations for section 1273 and modify certification of a poison control center to ensure that accreditation be consistent with standards and by extending the waiver period for a nonaccredited PCC.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**PUBLIC HEALTH SERVICE ACT**

\* \* \* \* \*

## TITLE XII—TRAUMA CARE

\* \* \* \* \*

## PART G—POISON CONTROL

**SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.**

(a) \* \* \*

[(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$2,000,000 for fiscal year 2009 to carry out this section, and \$700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).]

(b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section, \$700,000 for each of fiscal years 2015 through 2019 for the maintenance of the nationwide toll free phone number under subsection (a).*

**SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.**

(a) \* \* \*

\* \* \* \* \*

[(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and \$800,000 for each of fiscal years 2010 through 2014.]

(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section, \$800,000 for each of fiscal years 2015 through 2019.*

**SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.**

(a) **AUTHORIZATION OF PROGRAM.**—The Secretary shall award grants to poison control centers **[certified]** *accredited* under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the **[certification]** *accreditation* of the center under subsection (c).

(b) **ADDITIONAL USES OF FUNDS.**—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

(1) to **[establish]** *research, establish, implement* and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

\* \* \* \* \*

(4) *to research, improve, and enhance the communications and response capability and capacity of the nation's network of poison control centers to facilitate increased access to the Centers through the integration and modernization of the current poison control centers communications and data system, including enhancing the network's telephony, Internet, data and social networking technologies;*

**[(4)]** (5) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

**[(5)]** (6) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in **[paragraph (4)]** *paragraph (5)*;

**[(6)]** (7) to support and expand the toxicologic expertise within poison control centers; and

**[(7)]** (8) to improve the capacity of poison control centers to answer high volumes of calls **[and respond]** *and Internet communications, and to sustain and enhance the poison control center's network capability to respond* during times of national crisis or other public health emergencies.

(c) **[CERTIFICATION] ACCREDITATION.**—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

(1) the center has been **[certified]** *accredited* by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for **[certification]** *accreditation* that reasonably provide for the protection of the public health with respect to poisoning; or

(2) the center has been **[certified]** *accredited* by a State government, and the Secretary has approved the State government as having in effect standards for **[certification]** *accreditation* that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF **[CERTIFICATION]** ACCREDITATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of **[the certification]** *the accreditation* requirements of subsection (c) with respect to **[a noncertified]** *a nonaccredited* poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such **[a certification]** *an accreditation* within a reasonable period of time as determined appropriate by the Secretary.

\* \* \* \* \*

(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) **[exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.]** *exceed—*

*(A) 5 years; or*

*(B) in the case of a nonaccredited poison control center operating pursuant to a waiver under this subsection as of October 1, 2014, 6 years.*

\* \* \* \* \*

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center **[for activities of the center]** *for its activities* at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

**[(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$27,500,000 for fiscal year 2009, and \$28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.]**

*(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$28,600,000 for each of fiscal years 2015 through 2019. The Secretary may utilize an amount not to exceed 6 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions, which are determined by the Secretary to be appropriate for carrying out the program under this section.*

\* \* \* \* \*