

117TH CONGRESS
1ST SESSION

H. R. 2355

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2021

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

4 (1) by redesignating paragraphs (1) and (2) as
5 paragraphs (2) and (3), respectively; and

6 (2) by inserting before paragraph (2), as so re-
7 designated, the following new paragraph:

8 “(1) pharmacists on how to verify the identity
9 of the patient;”.

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

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

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

23 “(2) disseminate, as appropriate, the updated
24 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
5 Health 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 fol-
9 lowing new subsection:

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

1 tive State’s prescription drug monitoring program,
2 including—

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

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 re-
11 designated by subsection (a)(1), is amended to read as fol-
12 lows:

13 “(d) DEFINITIONS.—In this section:

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

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

21 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
22 has the meaning given that term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act.”.

Passed the House of Representatives December 8,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.