

116TH CONGRESS  
1ST SESSION

# S. 2074

To amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V, such as buprenorphine, for maintenance or detoxification treatment, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 10, 2019

Ms. HASSAN (for herself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V, such as buprenorphine, for maintenance or detoxification treatment, 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 “Mainstreaming Addic-  
5 tion Treatment Act of 2019”.

1 **SEC. 2. ELIMINATING SEPARATE REGISTRATION REQUIRE-**  
2 **MENT FOR DISPENSING NARCOTIC DRUGS IN**  
3 **SCHEDULES III, IV, AND V FOR MAINTENANCE**  
4 **OR DETOXIFICATION TREATMENT.**

5 (a) IN GENERAL.—Section 303(g) of the Controlled  
6 Substances Act (21 U.S.C. 823(g)) is amended—

7 (1) by striking paragraph (2);

8 (2) by striking “(g)(1) Except as provided in  
9 paragraph (2), practitioners who dispense narcotic  
10 drugs to individuals for maintenance treatment or  
11 detoxification treatment” and inserting “(g) Practi-  
12 tioners who dispense narcotic drugs (other than nar-  
13 cotic drugs in schedule III, IV, or V) to individuals  
14 for maintenance treatment or detoxification treat-  
15 ment”;

16 (3) by redesignating subparagraphs (A), (B),  
17 and (C) as paragraphs (1), (2), and (3), respectively;  
18 and

19 (4) in paragraph (2), as redesignated, by redesi-  
20 gnating clauses (i) and (ii) as subparagraphs (A)  
21 and (B), respectively.

22 (b) TECHNICAL AND CONFORMING EDITS.—

23 (1) Section 304 of the Controlled Substances  
24 Act (21 U.S.C. 824) is amended—

1 (A) in subsection (a), by striking  
2 “303(g)(1)” each place it appears and inserting  
3 “303(g)”; and

4 (B) in subsection (d)(1), by striking  
5 “303(g)(1)” and inserting “303(g)”.

6 (2) Section 309A(a) of the Controlled Sub-  
7 stances Act (21 U.S.C. 829a(a)) is amended by  
8 striking paragraph (2) and inserting the following:

9 “(2) the controlled substance—

10 “(A) is a narcotic drug in schedule III, IV,  
11 or V to be administered for the purpose of  
12 maintenance or detoxification treatment; and

13 “(B) is to be administered by injection or  
14 implantation;”.

15 (3) Section 520E–4(c) of the Public Health  
16 Service Act (42 U.S.C. 290bb–36d(c)) is amended,  
17 in the matter preceding paragraph (1), by striking  
18 “information on any qualified practitioner that is  
19 certified to prescribe medication for opioid depend-  
20 ency under section 303(g)(2)(B) of the Controlled  
21 Substances Act” and inserting “information on any  
22 practitioner who prescribes narcotic drugs in sched-  
23 ule III, IV, or V of section 202 of the Controlled  
24 Substances Act for the purpose of maintenance or  
25 detoxification treatment”.

1           (4) Section 544(a)(3) of the Public Health  
2           Service Act (42 U.S.C. 290dd-3) is amended by  
3           striking “any practitioner dispensing narcotic drugs  
4           pursuant to section 303(g) of the Controlled Sub-  
5           stances Act” and inserting “any practitioner dis-  
6           pensing narcotic drugs for the purpose of mainte-  
7           nance or detoxification treatment”.

8           (5) Section 1833(bb)(3)(B) of the Social Secu-  
9           rity Act (42 U.S.C. 1395l(bb)(3)(B)) is amended by  
10          striking “first receives a waiver under section 303(g)  
11          of the Controlled Substances Act on or after Janu-  
12          ary 1, 2019” and inserting “first begins prescribing  
13          narcotic drugs in schedule III, IV, or V of section  
14          202 of the Controlled Substances Act for the pur-  
15          pose of maintenance or detoxification treatment on  
16          or after January 1, 2019”.

17          (6) Section 1834(o)(3)(C)(ii) of the Social Se-  
18          curity Act (42 U.S.C. 1395m(o)(3)(C)(ii)) is amend-  
19          ed by striking “first receives a waiver under section  
20          303(g) of the Controlled Substances Act on or after  
21          January 1, 2019” and inserting “first begins pre-  
22          scribing narcotic drugs in schedule III, IV, or V of  
23          section 202 of the Controlled Substances Act for the  
24          purpose of maintenance or detoxification treatment  
25          on or after January 1, 2019”.

1           (7) Section 1866F(c)(3) of the Social Security  
2 Act (42 U.S.C. 1395cc-6(c)(3)) is amended—

3           (A) in subparagraph (A), by inserting  
4 “and” at the end;

5           (B) in subparagraph (B), by striking “;  
6 and” and inserting a period; and

7           (C) by striking subparagraph (C).

8           (8) Section 1903(aa)(2)(C) of the Social Secu-  
9 rity Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—

10           (A) in clause (i), by inserting “and” at the  
11 end;

12           (B) by striking clause (ii); and

13           (C) by redesignating clause (iii) as clause  
14 (ii).

15 **SEC. 3. NATIONAL EDUCATION CAMPAIGN.**

16           (a) IN GENERAL.—The Secretary of Health and  
17 Human Services, acting through the Assistant Secretary  
18 for Mental Health and Substance Use, shall conduct a na-  
19 tional campaign to educate practitioners with respect to  
20 the elimination of the separate registration requirement  
21 under section 303(g) of the Controlled Substances Act (21  
22 U.S.C. 823(g)), as in effect on the day before the date  
23 of enactment of this Act, for dispensing narcotic drugs in  
24 schedule III, IV, and V for maintenance or detoxification  
25 treatment.

1 (b) REQUIRED COMPONENTS.—The national edu-  
 2 cation campaign under subsection (a) shall—

3 (1) encourage practitioners to integrate sub-  
 4 stance use treatment into their practices; and

5 (2) include education on publicly available edu-  
 6 cational resources and training modules that can as-  
 7 sist practitioners in treating patients with a sub-  
 8 stance use disorder.

9 **SEC. 4. COMMUNITY HEALTH AIDES AND COMMUNITY**  
 10 **HEALTH PRACTITIONERS.**

11 (a) PRACTICE OF TELEMEDICINE.—Section 102 of  
 12 the Controlled Substances Act (21 U.S.C. 802) is amend-  
 13 ed—

14 (1) in paragraph (54)(A), by striking clause (i)  
 15 and inserting the following:

16 “(i) while the patient is—

17 “(I) being treated by, and physically  
 18 located in, a hospital or clinic registered  
 19 under section 303(f); or

20 “(II) for purposes of section 302(h),  
 21 being treated by a community health aide  
 22 or community health practitioner; and”;

23 (2) by redesignating paragraph (58) as para-  
 24 graph (59);

1 (3) by redesignating the second paragraph des-  
2 ignated as paragraph (57) as paragraph (58);

3 (4) by moving paragraphs (57), (58) (as so re-  
4 designated), and (59) (as so redesignated) 2 ems to  
5 the left; and

6 (5) by adding at the end the following:

7 “(60) The terms ‘community health aide’ and ‘com-  
8 munity health practitioner’ have the meanings within the  
9 meaning of section 119 of the Indian Health Care Im-  
10 provement Act (25 U.S.C. 1616l).”.

11 (b) DISPENSATION OF NARCOTIC DRUGS IN SCHED-  
12 ULE III, IV, OR V.—Section 302 of the Controlled Sub-  
13 stances Act (21 U.S.C. 822) is amended by adding at the  
14 end the following:

15 “(h) DISPENSATION OF NARCOTIC DRUGS IN SCHED-  
16 ULE III, IV, OR V BY CERTAIN PRACTITIONERS.—

17 “(1) IN GENERAL.—Notwithstanding subsection  
18 (a)(2), a community health aide or community  
19 health practitioner may dispense a narcotic drug in  
20 schedule III, IV, or V, such as buprenorphine, or a  
21 combination of such drugs, to an individual for  
22 maintenance treatment or detoxification treatment  
23 (or both) without being registered under this title if  
24 the drug is prescribed by a practitioner through the  
25 practice of telemedicine.

1           “(2) PREEMPTION.—Notwithstanding section  
2           708, a State may not require a community health  
3           aide or community health practitioner to be licensed  
4           by the State in order to dispense narcotic drugs in  
5           accordance with paragraph (1) of this subsection.”.

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