

115TH CONGRESS
1ST SESSION

H. R. 4236

To ensure that the prescription drug monitoring program of each State receiving funds through the Account for the State Response to the Opioid Abuse Crisis meets certain minimum requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Mr. FITZPATRICK (for himself, Ms. KUSTER of New Hampshire, Mr. MACARTHUR, and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure that the prescription drug monitoring program of each State receiving funds through the Account for the State Response to the Opioid Abuse Crisis meets certain minimum requirements, 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 “Monitoring and Ob-
5 taining Needed Information to Track Opioids Responsibly
6 Act of 2017” or the “MONITOR Act of 2017”.

1 **SEC. 2. MINIMUM REQUIREMENTS FOR STATE PRESCRIP-**
2 **TION DRUG MONITORING PROGRAMS.**

3 Section 1003 of the 21st Century Cures Act (42
4 U.S.C. 290ee–3 note; relating to the Account for the State
5 Response to the Opioid Abuse Crisis) is amended—

6 (1) by redesignating subsection (f) as sub-
7 section (g); and

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) MINIMUM REQUIREMENTS FOR STATE PRE-
11 SCRIPTION DRUG MONITORING PROGRAMS.—

12 “(1) IN GENERAL.—As a condition on receipt of
13 a grant under this section, a State shall—

14 “(A) certify that the State has in effect a
15 prescription drug monitoring program meeting
16 the requirements of paragraph (2); or

17 “(B) agree to use a portion of the funds
18 received through the grant to meet (or make
19 progress in meeting) the requirements of para-
20 graph (2).

21 “(2) REQUIREMENTS.—To meet the require-
22 ments of this paragraph, a State’s prescription drug
23 monitoring program must meet each of the fol-
24 lowing:

25 “(A) The program complies with the uni-
26 form electronic format specified by the Sec-

1 retary under paragraph (3) for the reporting,
2 sharing, and disclosure of information.

3 “(B) The program meets the standards of
4 interoperability specified by the Secretary under
5 paragraph (3).

6 “(C) The State requires dispensers to re-
7 port to the program each dispensing in the
8 State of a controlled substance listed in sched-
9 ule II, III, or IV of section 202(c) of the Con-
10 trolled Substances Act (21 U.S.C. 812(c)) no
11 later than 1 business day after the controlled
12 substance is dispensed to the patient.

13 “(D) The program makes reported infor-
14 mation available to practitioners on a timely
15 basis.

16 “(3) UNIFORM ELECTRONIC FORMAT; INTER-
17 OPERABILITY.—

18 “(A) ESTABLISHMENT.—Not later than
19 one year after the date of enactment of this
20 Act, the Secretary shall specify for prescription
21 drug monitoring programs—

22 “(i) a uniform electronic format for
23 the reporting, sharing, and disclosure of
24 information; and

25 “(ii) standards of interoperability.

1 “(B) ADVISORY GROUP.—In carrying out
2 subparagraph (A), the Secretary shall—

3 “(i) convene an advisory group of li-
4 censed and practicing community phar-
5 macists and other health practitioners who
6 prescribe and dispense; and

7 “(ii) take the recommendations of
8 such advisory group into consideration.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) The term ‘controlled substance’ has
11 the meaning given to that term in section 102
12 of the Controlled Substances Act (21 U.S.C.
13 802).

14 “(B) The term ‘dispenser’ means a person
15 licensed or otherwise authorized by a State to
16 deliver a prescription drug product to a patient
17 or an agent of the patient.

18 “(C) The term ‘practitioner’ means a prac-
19 titioner registered under section 303(f) of the
20 Controlled Substances Act (21 U.S.C. 823(f))
21 to prescribe, administer, or dispense controlled
22 substances.

23 “(D) The term ‘State’ means each of the
24 several States and the District of Columbia.”.

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