

118TH CONGRESS  
1ST SESSION

# S. 3519

To direct the Secretary of Health and Human Services to issue guidance on whether hospital emergency departments should implement fentanyl testing as a routine procedure for patients experiencing an overdose, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2023

Mr. MANCHIN (for himself and Mr. BRAUN) 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 direct the Secretary of Health and Human Services to issue guidance on whether hospital emergency departments should implement fentanyl testing as a routine procedure for patients experiencing an overdose, 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 “Tyler’s Law”.

1 **SEC. 2. TESTING FOR FENTANYL IN HOSPITAL EMERGENCY**  
2 **DEPARTMENTS.**

3 (a) STUDY.—Not later than 1 year after the date of  
4 enactment of this Act, the Secretary of Health and  
5 Human Services shall complete a study to determine—

6 (1) how frequently hospital emergency depart-  
7 ments test for fentanyl (in addition to testing for  
8 other substances such as amphetamines,  
9 phencyclidine, cocaine, opiates, and marijuana) when  
10 a patient is experiencing an overdose;

11 (2) the costs associated with such testing for  
12 fentanyl;

13 (3) the potential benefits and risks for patients  
14 receiving such testing for fentanyl; and

15 (4) how fentanyl testing in hospital emergency  
16 departments may impact the experience of the pa-  
17 tient, including—

18 (A) protections for the confidentiality and  
19 privacy of the patient’s personal health informa-  
20 tion; and

21 (B) the patient-physician relationship.

22 (b) GUIDANCE.—Not later than 6 months after com-  
23 pletion of the study under subsection (a), based on the  
24 results of such study, the Secretary of Health and Human  
25 Services shall issue guidance on the following:

1           (1) Whether hospital emergency departments  
2           should implement fentanyl testing as a routine pro-  
3           cedure for patients experiencing an overdose.

4           (2) How hospitals can ensure that clinicians in  
5           their hospital emergency departments are aware of  
6           which substances are being tested for in their rou-  
7           tinely-administered drug tests, regardless of whether  
8           those tests screen for fentanyl.

9           (3) How the administration of fentanyl testing  
10          in hospital emergency departments may affect the  
11          future risk of overdose and general health outcomes.

12          (c) DEFINITION.—In this section, the term “hospital  
13          emergency department” means a hospital emergency de-  
14          partment as such term is used in section 1867(a) of the  
15          Social Security Act (42 U.S.C. 1395dd(a)).

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