

115TH CONGRESS  
2D SESSION

# H. R. 4275

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2018

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

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## AN ACT

To provide for the development and dissemination of programs and materials for training pharmacists, health care providers, and patients on indicators that a prescription is fraudulent, forged, or otherwise indicative of abuse or diversion, 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 “Empowering Phar-  
3 macists in the Fight Against Opioid Abuse Act”.

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

8 (a) IN GENERAL.—Not later than 1 year after the  
9 date of enactment of this Act, the Secretary of Health and  
10 Human Services, in consultation with the Administrator  
11 of the Drug Enforcement Administration, the Commis-  
12 sioner of Food and Drugs, the Director of the Centers for  
13 Disease Control and Prevention, and the Assistant Sec-  
14 retary for Mental Health and Substance Use, shall develop  
15 and disseminate programs and materials for training  
16 pharmacists, health care providers, and patients on—

17 (1) circumstances under which a pharmacist  
18 may, consistent with section 201 of the Controlled  
19 Substances Act (21 U.S.C. 811) and regulations  
20 thereunder, including section 1306.04 of title 21,  
21 Code of Federal Regulations, decline to fill a pre-  
22 scription for a controlled substance because the  
23 pharmacist suspects the prescription is fraudulent,  
24 forged, or otherwise indicative of abuse or diversion;  
25 and

1           (2) any Federal requirements pertaining to de-  
2           clining to fill a prescription under such circum-  
3           stances.

4           (b) MATERIALS INCLUDED.—In developing materials  
5           under subsection (a), the Secretary of Health and Human  
6           Services shall include information educating—

7           (1) pharmacists on how to decline to fill a pre-  
8           scription and actions to take after declining to fill a  
9           prescription; and

10          (2) other health care practitioners and the pub-  
11          lic on a pharmacist’s responsibility to decline to fill  
12          prescriptions in certain circumstances.

13          (c) STAKEHOLDER INPUT.—In developing the pro-  
14          grams and materials required under subsection (a), the  
15          Secretary of Health and Human Services shall seek input  
16          from relevant national, State, and local associations,  
17          boards of pharmacy, medical societies, licensing boards,  
18          health care practitioners, and patients.

Passed the House of Representatives June 12, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*