

115TH CONGRESS
2D SESSION

H. R. 5591

To amend title 10, United States Code, to direct the Secretary of Defense to establish a prescription drug monitoring program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2018

Mr. TURNER (for himself and Mr. MOULTON) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to establish a prescription drug monitoring program.

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 “Sharing Health Infor-
5 mation to Ensure Lifesaving Drug Safety Act” or the
6 “SHIELDS Act”.

7 **SEC. 2. SHARING INFORMATION WITH STATE PRESCRIP-**
8 **TION DRUG MONITORING PROGRAMS.**

9 (a) ESTABLISHMENT.—Section 1074g of title 10,
10 United States Code, is amended—

1 (1) by redesignating subsections (g) and (h) as
2 subsections (h) and (i), respectively; and

3 (2) by inserting after subsection (f) the fol-
4 lowing new subsection:

5 “(g) SHARING INFORMATION WITH STATE PRE-
6 SCRIPTION DRUG MONITORING PROGRAMS.—(1) The Sec-
7 retary shall establish and operate a prescription drug mon-
8 itoring program (to be known as the Military Health Sys-
9 tem Prescription Drug Monitoring Program) for prescrip-
10 tion drugs provided through facilities of the uniformed
11 services.

12 “(2) The Secretary shall ensure that the program es-
13 tablished under paragraph (1)—

14 “(A) is comparable to prescription drug moni-
15 toring programs operated by States, including such
16 programs approved by the Secretary of Health and
17 Human Services under section 3990 of the Public
18 Health Service Act (42 U.S.C. 280g-3); and

19 “(B) covers prescription drugs provided under
20 the pharmacy benefits program that are controlled
21 substances.

22 “(3)(A) In carrying out the program established
23 under paragraph (1), the Secretary shall establish appro-
24 priate procedures for sharing between the program and
25 State prescription drug monitoring programs patient-spe-

1 cific information regarding prescription drugs that are
2 controlled substances to prevent the misuse and diversion
3 of opioid medications and other controlled substances.

4 “(B) For purposes of the regulations promulgated
5 under section 264(c) of the Health Insurance Portability
6 and Accountability Act of 1996 (Public Law 104–191; 42
7 U.S.C. 1320d–2 note), any disclosure of patient-specific
8 information by the Secretary under subparagraph (A)
9 shall be treated as a permitted disclosure.

10 “(C) The Secretary shall include in the procedures
11 established under subparagraph (A) appropriate safe-
12 guards, as determined by the Secretary, concerning the
13 cybersecurity of information systems of the Department
14 of Defense systems and the operational security of per-
15 sonnel of the Department.

16 “(4) In this subsection, the term ‘controlled sub-
17 stance’ has the meaning given that term in section 102
18 of the Controlled Substances Act (21 U.S.C. 802).”.

19 (b) BRIEFING.—Not later than one year after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall provide to the Committees on Armed Services of the
22 House of Representatives and the Senate a briefing on the
23 implementation of the program established under section
24 1074g(g) of title 10, United States Code, as added by sub-
25 section (a).

1 (c) CONFORMING AMENDMENTS.—

2 (1) TITLE 10, UNITED STATES CODE.—Section
3 1079(q) of title 10, United States Code, is amended
4 by striking “section 1074g(g)” and inserting “sec-
5 tion 1074g(h)”.

6 (2) FY16 NDAA.—Section 715(e)(2) of the Na-
7 tional Defense Authorization Act for Fiscal Year
8 2016 (Public Law 114–92; 10 U.S.C. 1074g note)
9 is amended by striking “section 1074g(g)” and in-
10 sserting “section 1074g(h)”.

11 (3) FY17 NDAA.—Section 745(b) of the Na-
12 tional Defense Authorization Act for Fiscal Year
13 2017 (Public Law 114–328; 10 U.S.C. 1074 note)
14 is amended by striking “section 1074g(g)” and in-
15 sserting “section 1074g(h)”.

○