

Calendar No. 138

116TH CONGRESS
1ST SESSION**S. 1199**

To amend the Public Health Service Act to revise and extend the poison center network program.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mrs. MURRAY (for herself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 9, 2019

Reported by Mr. ALEXANDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Public Health Service Act to revise and extend the poison center network 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 “Poison Center Network
5 Enhancement Act of 2019”.

1 **SEC. 2. NATIONAL TOLL-FREE NUMBER.**

2 Section 1271 of the Public Health Service Act (42
3 U.S.C. 300d-71) is amended—

4 (1) in the section heading, by inserting before
5 the period the following: “**AND OTHER COMMU-**
6 **UNICATION CAPABILITIES**”;

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) **IN GENERAL.**—The Secretary—

10 “(1) shall provide coordination and assistance
11 to poison control centers for the establishment and
12 maintenance of a nationwide toll-free phone number;
13 to be used to access such centers; and

14 “(2) may provide coordination and assistance to
15 poison control centers and consult with professional
16 organizations for the establishment, implementation,
17 and maintenance of other communication tech-
18 nologies to be used to access such centers.”;

19 (3) by redesignating subsection (b) as sub-
20 section (c);

21 (4) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) **ROUTING CONTACTS WITH POISON CONTROL**
24 **CENTERS.**—Not later than 18 months after the date of
25 enactment of the Poison Center Network Enhancement
26 Act of 2019, the Secretary shall coordinate with the Chair-

1 man of the Federal Communications Commission, to the
 2 extent technically and economically feasible, to ensure that
 3 communications with the national toll-free number are
 4 routed to the appropriate poison control center based on
 5 the physical location of the contact rather than the area
 6 code of the contact device.”; and

7 (5) in subsection (c), as so redesignated—

8 (A) by striking “2015 through 2019” and
 9 inserting “2020 through 2024”; and

10 (B) by striking “maintenance of the na-
 11 tionwide toll free phone number under sub-
 12 section (a)” and inserting “establishment, im-
 13 plementation, and maintenance activities car-
 14 ried out under subsections (a) and (b)”.

15 **SEC. 3. NATIONWIDE MEDIA CAMPAIGN.**

16 Section 1272 of the Public Health Service Act (42
 17 U.S.C. 300d-72) is amended—

18 (1) in the section heading, by striking “**NA-**
 19 **TIONWIDE MEDIA CAMPAIGN TO PROMOTE**”
 20 and inserting “**PROMOTING**”;

21 (2) in subsection (a)—

22 (A) by inserting “and support outreach to”
 23 after “educate”;

1 (B) by striking “poison prevention” and
 2 inserting “poisoning and toxic exposure preven-
 3 tion”; and

4 (C) by striking “established under” and in-
 5 serting “and other available communication
 6 technologies established, implemented, or main-
 7 tained under”;

8 (3) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
 10 by striking “nationwide poison prevention” and
 11 inserting “nationwide poisoning and toxic expo-
 12 sure prevention”; and

13 (B) in paragraph (1), by striking “poison
 14 prevention and poison control center” and in-
 15 serting “poisoning and toxic exposure preven-
 16 tion awareness materials, applicable public
 17 health emergency preparedness and response in-
 18 formation, and poison control center” after
 19 “distribution of”;

20 (4) by striking subsection (e);

21 (5) by redesignating subsection (d) as sub-
 22 section (e); and

23 (6) in subsection (e) (as so redesignated), by
 24 striking “2015 through 2019” and inserting “2020
 25 through 2024”.

1 **SEC. 4. MAINTENANCE OF PROGRAM.**

2 Section ~~1273~~ of the Public Health Service Act (~~42~~
3 U.S.C. ~~300d-73~~) is amended—

4 (1) in subsection (a), by inserting “and toxic
5 exposures” after “poisonings”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “for poison” and in-
9 serting “for poisoning and toxic exposure”;
10 and

11 (ii) by striking “and preparedness”
12 and inserting “preparedness and re-
13 sponse”;

14 (B) in paragraph (3)—

15 (i) by striking “United States and”
16 and inserting “United States,”; and

17 (ii) by inserting before the semicolon
18 the following: “, and other government
19 agencies as determined to be appropriate
20 and nonduplicative by the Secretary”; and

21 (C) in paragraph (8), by striking “calls”
22 and inserting “contacts”;

23 (3) in subsection (d), by striking paragraph (3)
24 and inserting the following:

25 “(3) LIMITATION.—In no case may the sum of
26 the number of years for a waiver under this sub-

1 section exceed 5 years. Notwithstanding any pre-
 2 vious waivers, in the case of a poison control center
 3 whose accreditation is affected by a public health
 4 emergency declared pursuant to section 319, the
 5 Secretary may, as the circumstances of the emer-
 6 gency reasonably require, provide a waiver under
 7 paragraph (1) or a renewal under paragraph (2) for
 8 up to 2 years.”;

9 (4) by striking subsection (f) and inserting the
 10 following:

11 “(f) MAINTENANCE OF EFFORT.—With respect to
 12 activities for which a grant is awarded under this section,
 13 the Secretary may require that poison control centers
 14 agree to maintain the expenditures of the center for such
 15 activities at a level that is not less than the level of expend-
 16 itures maintained by the center for the fiscal year pre-
 17 ceeding the fiscal year for which the grant is received.”;

18 (5) In subsection (g), by striking “2015
 19 through 2019” and inserting “2020 through 2024”;
 20 and

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

22 “(h) BIENNIAL REPORT TO CONGRESS.—Not later
 23 than 2 years after the date of enactment of the Poison
 24 Center Network Enhancement Act of 2019, and every 2
 25 years thereafter, the Secretary shall submit to the Com-

1 mittee on Health, Education, Labor, and Pensions of the
 2 Senate and Committee on Energy and Commerce of the
 3 House of Representatives a report concerning the oper-
 4 ations of, and trends identified by, the Poison Control
 5 Network. Such report shall include—

6 “(1) descriptions of the activities carried out
 7 pursuant to sections ~~1271~~, ~~1272~~, and ~~1273~~, and the
 8 alignment of such activities with the purposes pro-
 9 vided under subsection (a);

10 “(2) a description of trends in volume of con-
 11 tacts to poison control centers;

12 “(3) a description of trends in poisonings and
 13 toxic exposures reported to poison control centers, as
 14 applicable and appropriate;

15 “(4) an assessment of the impact of the public
 16 awareness campaign, including any geographic vari-
 17 ations;

18 “(5) a description of barriers, if any, preventing
 19 poison control centers from achieving the purposes
 20 and programs under this section and sections ~~1271~~
 21 and ~~1272~~;

22 “(6) a description of the standards for accredi-
 23 tation described in subsection (c), including any
 24 variations in those standards, and any efforts to ere-

1 ate and maintain consistent standards across organi-
 2 zations that accredit poison control centers; and
 3 ~~“(7) the number of and reason for any waivers~~
 4 ~~provided under subsection (d).”.~~

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Poison Center Network*
 7 *Enhancement Act of 2019”.*

8 **SEC. 2. NATIONAL TOLL-FREE NUMBER.**

9 *Section 1271 of the Public Health Service Act (42*
 10 *U.S.C. 300d-71) is amended—*

11 *(1) in the section heading, by inserting before the*
 12 *period the following: “**AND OTHER COMMUNICA-***
 13 ***TION CAPABILITIES**”; and*

14 *(2) by striking subsection (a) and inserting the*
 15 *following:*

16 *“(a) IN GENERAL.—The Secretary—*

17 *“(1) shall provide coordination and assistance to*
 18 *poison control centers for the establishment and main-*
 19 *tenance of a nationwide toll-free phone number, to be*
 20 *used to access such centers; and*

21 *“(2) may provide coordination and assistance to*
 22 *poison control centers and consult with professional*
 23 *organizations for the establishment, implementation,*
 24 *and maintenance of other communication technologies*
 25 *to be used to access such centers.”;*

1 (3) by redesignating subsection (b) as subsection
2 (c);

3 (4) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) *ROUTING CONTACTS WITH POISON CONTROL*
6 *CENTERS.*—Not later than 18 months after the date of en-
7 actment of the Poison Center Network Enhancement Act of
8 2019, the Secretary shall coordinate with the Chairman of
9 the Federal Communications Commission, to the extent
10 technically and economically feasible, to ensure that com-
11 munications with the national toll-free number are routed
12 to the appropriate poison control center based on the phys-
13 ical location of the contact rather than the area code of the
14 contact device.”; and

15 (5) in subsection (c), as so redesignated—

16 (A) by striking “2015 through 2019” and
17 inserting “2020 through 2024”; and

18 (B) by striking “maintenance of the nation-
19 wide toll free phone number under subsection
20 (a)” and inserting “establishment, implementa-
21 tion, and maintenance activities carried out
22 under subsections (a) and (b)”.

23 **SEC. 3. NATIONWIDE MEDIA CAMPAIGN.**

24 Section 1272 of the Public Health Service Act (42
25 U.S.C. 300d-72) is amended—

(1) in the section heading, by striking “**NA-
TIONWIDE MEDIA CAMPAIGN TO PROMOTE**” and
inserting “**PROMOTING**”;

(2) in subsection (a)—

(A) by inserting “and support outreach to”
after “educate”;

(B) by striking “poison prevention” and in-
serting “poisoning and toxic exposure preven-
tion”; and

(C) by striking “established under” and in-
serting “and other available communication
technologies established, implemented, or main-
tained under”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1),
by striking “nationwide poison prevention” and
inserting “nationwide poisoning and toxic expo-
sure prevention”; and

(B) in paragraph (1), by striking “poison
prevention and poison control center” and in-
serting “poisoning and toxic exposure prevention
awareness materials, applicable public health
emergency preparedness and response informa-
tion, and poison control center” after “distribu-
tion of”; and

- 1 (4) *by striking subsection (c);*
 2 (5) *by redesignating subsection (d) as subsection*
 3 *(c); and*
 4 (6) *in subsection (c) (as so redesignated), by*
 5 *striking “2015 through 2019” and inserting “2020*
 6 *through 2024”.*

7 ***SEC. 4. MAINTENANCE OF PROGRAM.***

8 *Section 1273 of the Public Health Service Act (42*
 9 *U.S.C. 300d-73) is amended—*

10 (1) *in subsection (a), by inserting “and toxic ex-*
 11 *posures” after “poisonings”; and*

12 (2) *in subsection (b)—*

13 (A) *in paragraph (1)—*

14 (i) *by striking “for poison” and insert-*
 15 *ing “for poisoning and toxic exposure”; and*

16 (ii) *by striking “and preparedness”*
 17 *and inserting “preparedness and response”;*

18 (B) *in paragraph (3)—*

19 (i) *by striking “United States and”*
 20 *and inserting “United States,”; and*

21 (ii) *by inserting before the semicolon*
 22 *the following: “, and other government*
 23 *agencies as determined to be appropriate*
 24 *and nonduplicative by the Secretary”; and*

1 (C) in paragraph (8), by striking “calls”
 2 and inserting “contacts”;

3 (3) in subsection (d) , by striking paragraph (3)
 4 and inserting the following:

5 “(3) *LIMITATION.*—

6 “(A) *IN GENERAL.*—The sum of the number
 7 of years for a waiver under paragraph (1) and
 8 a renewal under paragraph (2) may not exceed
 9 5 years.

10 “(B) *PUBLIC HEALTH EMERGENCY.*—Not-
 11 withstanding any previous waivers, in the case
 12 of a poison control center whose accreditation is
 13 affected by a public health emergency declared
 14 pursuant to section 319, the Secretary may, as
 15 the circumstances of the emergency reasonably
 16 require, provide a waiver under paragraph (1)
 17 or a renewal under paragraph (2), not to exceed
 18 2 years. The Secretary may require quarterly re-
 19 ports and other information related to such a
 20 waiver or renewal under this paragraph.”;

21 (4) by striking subsection (f) and inserting the
 22 following:

23 “(f) *MAINTENANCE OF EFFORT.*—With respect to ac-
 24 tivities for which a grant is awarded under this section,
 25 the Secretary may require that poison control centers agree

1 *to maintain the expenditures of the center for such activities*
 2 *at a level that is not less than the level of expenditures*
 3 *maintained by the center for the fiscal year preceding the*
 4 *fiscal year for which the grant is received.”;*

5 (5) *In subsection (g), by striking “2015 through*
 6 *2019” and inserting “2020 through 2024”; and*

7 (6) *by adding at the end the following:*

8 “(h) *BIENNIAL REPORT TO CONGRESS.—Not later*
 9 *than 2 years after the date of enactment of the Poison Cen-*
 10 *ter Network Enhancement Act of 2019, and every 2 years*
 11 *thereafter, the Secretary shall submit to the Committee on*
 12 *Health, Education, Labor, and Pensions of the Senate and*
 13 *Committee on Energy and Commerce of the House of Rep-*
 14 *resentatives a report concerning the operations of, and*
 15 *trends identified by, the Poison Control Network. Such re-*
 16 *port shall include—*

17 “(1) *descriptions of the activities carried out*
 18 *pursuant to sections 1271, 1272, and 1273, and the*
 19 *alignment of such activities with the purposes pro-*
 20 *vided under subsection (a);*

21 “(2) *a description of trends in volume of contacts*
 22 *to poison control centers;*

23 “(3) *a description of trends in poisonings and*
 24 *toxic exposures reported to poison control centers, as*
 25 *applicable and appropriate;*

1 “(4) an assessment of the impact of the public
2 awareness campaign, including any geographic vari-
3 ations;

4 “(5) a description of barriers, if any, preventing
5 poison control centers from achieving the purposes
6 and programs under this section and sections 1271
7 and 1272;

8 “(6) a description of the standards for accredita-
9 tion described in subsection (c), including any vari-
10 ations in those standards, and any efforts to create
11 and maintain consistent standards across organiza-
12 tions that accredit poison control centers; and

13 “(7) the number of and reason for any waivers
14 provided under subsection (d).”.

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