

117TH CONGRESS
1ST SESSION

H. R. 1384

To amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V (such as buprenorphine) for maintenance or detoxification treatment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. TONKO (for himself, Mr. TURNER, Mr. DELGADO, Mr. GONZALEZ of Ohio, Ms. BARRAGÁN, Ms. BASS, Ms. BLUNT ROCHESTER, Ms. BROWNLEY, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CASE, Ms. CLARKE of New York, Mr. RODNEY DAVIS of Illinois, Ms. DEAN, Mr. GALLEGO, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. FITZPATRICK, Ms. JAYAPAL, Mr. JONES, Mr. KATKO, Mr. KIM of New Jersey, Ms. KUSTER, Mr. LAWSON of Florida, Mr. LEVIN of California, Ms. MATSUI, Mr. MEEKS, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. O'HALLERAN, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE, Mr. RASKIN, Miss RICE of New York, Ms. SCANLON, Mr. SCHRADER, Mr. SMITH of Washington, Ms. STRICKLAND, Mr. SUOZZI, Mr. TAYLOR, Mr. TRONE, Ms. UNDERWOOD, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, and Ms. ADAMS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V (such as buprenorphine) for maintenance or detoxification treatment, 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 “Mainstreaming Addic-
5 tion Treatment Act of 2021”.

6 **SEC. 2. ELIMINATING SEPARATE REGISTRATION REQUIRE-**
7 **MENT FOR DISPENSING NARCOTIC DRUGS IN**
8 **SCHEDULE III, IV, AND V FOR MAINTENANCE**
9 **OR DETOXIFICATION TREATMENT.**

10 (a) IN GENERAL.—Section 303 of the Controlled
11 Substances Act (21 U.S.C. 823) is amended—

12 (1) by striking paragraph (2) of subsection (g);

13 and

14 (2) in subsection (g), as amended—

15 (A) by striking “(g)(1) Except as provided
16 in paragraph (2), practitioners who dispense
17 narcotic drugs to individuals for maintenance
18 treatment or detoxification treatment” and in-
19 serting “(g) Practitioners who dispense narcotic
20 drugs (other than narcotic drugs in schedule
21 III, IV, or V) to individuals for maintenance
22 treatment or detoxification treatment”;

23 (B) by redesignating subparagraphs (A),
24 (B), and (C) as paragraphs (1), (2), and (3),
25 respectively; and

1 (C) in paragraph (2), as redesignated, by
2 redesignating clauses (i) and (ii) as subpara-
3 graphs (A) and (B), respectively.

4 (b) CONFORMING CHANGES.—

5 (1) Subsections (a) and (d)(1) of section 304 of
6 the Controlled Substances Act (21 U.S.C. 824) are
7 amended by striking “303(g)(1)” each place it ap-
8 pears and inserting “303(g)”.

9 (2) Section 309A(a)(2) of the Controlled Sub-
10 stances Act (21 U.S.C. 829a) is amended—

11 (A) in the matter preceding subparagraph
12 (A), by striking “the controlled substance is to
13 be administered for the purpose of maintenance
14 or detoxification treatment under section
15 303(g)(2)” and inserting “the controlled sub-
16 stance is a narcotic drug in schedule III, IV, or
17 V to be administered for the purpose of mainte-
18 nance or detoxification treatment”; and

19 (B) by striking “and—” and all that fol-
20 lows through “is to be administered by injection
21 or implantation;” and inserting “and is to be
22 administered by injection or implantation;”.

23 (3) Section 520E–4(c) of the Public Health
24 Service Act (42 U.S.C. 290bb–36d(c)) is amended
25 by striking “information on any qualified practi-

1 tioner that is certified to prescribe medication for
2 opioid dependency under section 303(g)(2)(B) of the
3 Controlled Substances Act” and inserting “informa-
4 tion on any practitioner who prescribes narcotic
5 drugs in schedule III, IV, or V of section 202 of the
6 Controlled Substances Act for the purpose of main-
7 tenance or detoxification treatment”.

8 (4) Section 544(a)(3) of the Public Health
9 Service Act (42 U.S.C. 290dd-3) is amended by
10 striking “any practitioner dispensing narcotic drugs
11 pursuant to section 303(g) of the Controlled Sub-
12 stances Act” and inserting “any practitioner dis-
13 pensing narcotic drugs for the purpose of mainte-
14 nance or detoxification treatment”.

15 (5) Section 1833(bb)(3)(B) of the Social Secu-
16 rity Act (42 U.S.C. 1395l(bb)(3)(B)) is amended by
17 striking “first receives a waiver under section 303(g)
18 of the Controlled Substances Act on or after Janu-
19 ary 1, 2019” and inserting “first begins prescribing
20 narcotic drugs in schedule III, IV, or V of section
21 202 of the Controlled Substances Act for the pur-
22 pose of maintenance or detoxification treatment on
23 or after January 1, 2021”.

24 (6) Section 1834(o)(3)(C)(ii) of the Social Se-
25 curity Act (42 U.S.C. 1395m(o)(3)(C)(ii)) is amend-

1 ed by striking “first receives a waiver under section
2 303(g) of the Controlled Substances Act on or after
3 January 1, 2019” and inserting “first begins pre-
4 scribing narcotic drugs in schedule III, IV, or V of
5 section 202 of the Controlled Substances Act for the
6 purpose of maintenance or detoxification treatment
7 on or after January 1, 2021”.

8 (7) Section 1866F(c)(3) of the Social Security
9 Act (42 U.S.C. 1395cc-6(c)(3)) is amended—

10 (A) in subparagraph (A), by inserting

11 “and” at the end;

12 (B) in subparagraph (B), by striking “;

13 and” and inserting a period; and

14 (C) by striking subparagraph (C).

15 (8) Section 1903(aa)(2)(C) of the Social Secu-
16 rity Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—

17 (A) in clause (i), by inserting “and” at the

18 end; and

19 (B) by striking clause (ii).

20 **SEC. 3. NATIONAL EDUCATION CAMPAIGN.**

21 (a) IN GENERAL.—The Secretary of Health and
22 Human Services, acting through the Assistant Secretary
23 for Mental Health and Substance Use, shall conduct a na-
24 tional campaign to educate practitioners with respect to
25 the elimination of the separate registration requirement

1 under section 303(g) of the Controlled Substances Act (21
2 U.S.C. 823(g)), as in effect on the day before the date
3 of enactment of this Act, for dispensing narcotic drugs in
4 schedule III, IV, and V for maintenance or detoxification
5 treatment.

6 (b) **REQUIRED COMPONENTS.**—The national edu-
7 cation campaign under subsection (a) shall—

8 (1) encourage practitioners to integrate sub-
9 stance use treatment into their practices; and

10 (2) include education on publicly available edu-
11 cational resources and training modules that can as-
12 sist practitioners in treating patients with a sub-
13 stance use disorder.

14 **SEC. 4. COMMUNITY HEALTH AIDES AND COMMUNITY**
15 **HEALTH PRACTITIONERS.**

16 (a) **PRACTICE OF TELEMEDICINE.**—Section 102 of
17 the Controlled Substances Act (21 U.S.C. 802) is amend-
18 ed—

19 (1) in paragraph (54)(A), by striking clause (i)
20 and inserting the following:

21 “(i) while the patient is—

22 “(I) being treated by, and physically
23 located in, a hospital or clinic registered
24 under section 303(f); or

1 “(II) for purposes of section 302(h),
2 being treated by a community health aide
3 or community health practitioner; and”;

4 (2) by redesignating paragraph (58) as para-
5 graph (59);

6 (3) by redesignating the second paragraph des-
7 ignated as paragraph (57) as paragraph (58);

8 (4) by moving paragraphs (57), (58) (as so re-
9 designated), and (59) (as so redesignated) 2 ems to
10 the left; and

11 (5) by adding at the end the following:

12 “(60) The terms ‘community health aide’ and ‘com-
13 munity health practitioner’ have the meanings given to
14 such terms for purposes of section 119 of the Indian
15 Health Care Improvement Act (25 U.S.C. 1616l).”.

16 (b) DISPENSATION OF NARCOTIC DRUGS IN SCHED-
17 ULE III, IV, OR V.—Section 302 of the Controlled Sub-
18 stances Act (21 U.S.C. 822) is amended by adding at the
19 end the following:

20 “(h) DISPENSATION OF NARCOTIC DRUGS IN SCHED-
21 ULE III, IV, OR V BY CERTAIN PRACTITIONERS.—

22 “(1) IN GENERAL.—Notwithstanding subsection

23 (a)(2), a community health aide or community
24 health practitioner may dispense a narcotic drug in
25 schedule III, IV, or V, such as buprenorphine, or a

1 combination of such drugs, to an individual for
2 maintenance treatment or detoxification treatment
3 (or both) without being registered under this title if
4 the drug is prescribed by a practitioner through the
5 practice of telemedicine.

6 “(2) PREEMPTION.—Notwithstanding section
7 708, a State may not require a community health
8 aide or community health practitioner to be licensed
9 by the State in order to dispense narcotic drugs in
10 accordance with paragraph (1) of this subsection.”.

○