

118TH CONGRESS
2D SESSION

S. 5271

To require the Administrator of the Drug Enforcement Administration to temporarily exempt buprenorphine from the Suspicious Orders Report System for the remainder of the opioid public health emergency.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Administrator of the Drug Enforcement Administration to temporarily exempt buprenorphine from the Suspicious Orders Report System for the remainder of the opioid public health emergency.

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 “Broadening Utilization
5 of Proven and Effective Treatment for Recovery Act” or
6 the “BUPE for Recovery Act”.

1 **SEC. 2. REMOVAL OF BUPRENORPHINE PRODUCTS FROM**
2 **SORS DURING OPIOID PUBLIC HEALTH**
3 **EMERGENCY.**

4 (a) TEMPORARY EXEMPTION.—The Administrator of
5 the Drug Enforcement Administration shall temporarily
6 exempt any buprenorphine product approved for the treat-
7 ment of opioid use disorder from the Suspicious Orders
8 Report System established under 312 of the Controlled
9 Substances Act (21 U.S.C. 832), including subsection
10 (a)(3) of that section, until that date that is 270 days
11 after the date on which the public health emergency with
12 respect to opioids declared by the Secretary of Health and
13 Human Services pursuant to section 319 of the Public
14 Health Service Act (42 U.S.C. 247d) on October 26, 2017,
15 expires.

16 (b) REPORT.—Not later than 90 days after the date
17 of the expiration of the public health emergency described
18 in subsection (a), the Department of Justice and the De-
19 partment of Health and Human Services shall—

20 (1) conduct a comprehensive report that indi-
21 cates if the temporary exemption under subsection
22 (a) resulted in increased access to buprenorphine
23 treatment for patients experiencing opioid use dis-
24 order; and

25 (2) make a recommendation to the White
26 House and Congress about whether buprenorphine

1 should remain in the Suspicious Orders Report Sys-
2 tem and be subject to related reporting requirements
3 after the expiration of the public health emergency
4 described in subsection (a).

5 (c) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that Congress is concerned by reports of patients
7 not being able to fill buprenorphine prescriptions for the
8 treatment of opioid use disorder at pharmacies. Reports
9 indicate that pharmacies are unable or unwilling to stock
10 sufficient buprenorphine products, in part because of the
11 Suspicious Orders Report System and related reporting
12 requirements. A temporary exemption of buprenorphine
13 products approved for the treatment of opioid use disorder
14 from Suspicious Order Report System requirements would
15 allow the Federal Government to collect relevant data and
16 assess whether a permanent exemption should be estab-
17 lished.

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