

115TH CONGRESS
2D SESSION

S. 916

AN ACT

To amend the Controlled Substances Act to provide for the delivery of a controlled substance by a pharmacy to an administering practitioner.

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 “Ensuring Patient Ac-
3 cess to Substance Use Disorder Treatments Act of 2018”.

4 **SEC. 2. DELIVERY OF A CONTROLLED SUBSTANCE BY A**
5 **PHARMACY TO BE ADMINISTERED BY INJEC-**
6 **TION OR IMPLANTATION.**

7 (a) IN GENERAL.—The Controlled Substances Act is
8 amended by inserting after section 309 (21 U.S.C. 829)
9 the following:

10 “DELIVERY OF A CONTROLLED SUBSTANCE BY A
11 PHARMACY TO AN ADMINISTERING PRACTITIONER

12 “SEC. 309A. (a) IN GENERAL.—Notwithstanding
13 section 102(10), a pharmacy may deliver a controlled sub-
14 stance to a practitioner in accordance with a prescription
15 that meets the requirements of this title and the regula-
16 tions issued by the Attorney General under this title, for
17 the purpose of administering of the controlled substance
18 by the practitioner if—

19 “(1) the controlled substance is delivered by the
20 pharmacy to the prescribing practitioner or the prac-
21 titioner administering the controlled substance, as
22 applicable, at the location listed on the practitioner’s
23 certificate of registration issued under this title;

24 “(2) in the case of administering of the con-
25 trolled substance for the purpose of maintenance or
26 detoxification treatment under section 303(g)(2)—

1 “(A) the practitioner who issued the pre-
2 scription is a qualifying practitioner authorized
3 under, and acting within the scope of that sec-
4 tion; and

5 “(B) the controlled substance is to be ad-
6 ministered by injection or implantation;

7 “(3) the pharmacy and the practitioner are au-
8 thorized to conduct the activities specified in this
9 section under the law of the State in which such ac-
10 tivities take place;

11 “(4) the prescription is not issued to supply any
12 practitioner with a stock of controlled substances for
13 the purpose of general dispensing to patients;

14 “(5) except as provided in subsection (b), the
15 controlled substance is to be administered only to
16 the patient named on the prescription not later than
17 14 days after the date of receipt of the controlled
18 substance by the practitioner; and

19 “(6) notwithstanding any exceptions under sec-
20 tion 307, the prescribing practitioner, and the prac-
21 titioner administering the controlled substance, as
22 applicable, maintain complete and accurate records
23 of all controlled substances delivered, received, ad-
24 ministered, or otherwise disposed of under this sec-
25 tion, including the persons to whom controlled sub-

1 stances were delivered and such other information as
2 may be required by regulations of the Attorney Gen-
3 eral.

4 “(b) MODIFICATION OF NUMBER OF DAYS BEFORE
5 WHICH CONTROLLED SUBSTANCE SHALL BE ADMINIS-
6 TERED.—

7 “(1) INITIAL 2-YEAR PERIOD.—During the 2-
8 year period beginning on the date of enactment of
9 this section, the Attorney General, in coordination
10 with the Secretary, may reduce the number of days
11 described in subsection (a)(5) if the Attorney Gen-
12 eral determines that such reduction will—

13 “(A) reduce the risk of diversion; or

14 “(B) protect the public health.

15 “(2) MODIFICATIONS AFTER SUBMISSION OF
16 REPORT.—After the date on which the report de-
17 scribed in subsection (c) is submitted, the Attorney
18 General, in coordination with the Secretary, may
19 modify the number of days described in subsection
20 (a)(5).

21 “(3) MINIMUM NUMBER OF DAYS.—Any modi-
22 fication under this subsection shall be for a period
23 of not less than 7 days.”.

24 (b) STUDY AND REPORT.—Not later than 2 years
25 after the date of enactment of this section, the Comp-

1 troller General of the United States shall conduct a study
2 and submit to Congress a report on access to and potential
3 diversion of controlled substances administered by injec-
4 tion or implantation.

5 (c) TECHNICAL AND CONFORMING AMENDMENT.—

6 The table of contents for the Comprehensive Drug Abuse
7 Prevention and Control Act of 1970 is amended by insert-
8 ing after the item relating to section 309 the following:

“Sec. 309A. Delivery of a controlled substance by a pharmacy to an admin-
istering practitioner.”.

Passed the Senate May 23, 2018.

Attest:

Secretary.

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