

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.

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## 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. GALLEGRO, 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

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## 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.”.

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