

110TH CONGRESS
2D SESSION

S. 2932

AN ACT

To amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

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 Sup-
5 port, Enhancement, and Awareness Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Poison control centers are the primary de-
9 fense of the United States against injury and deaths
10 from poisoning. Twenty-four hours a day, the gen-
11 eral public as well as health care practitioners con-
12 tact their local poison control centers for help in di-
13 agnosing and treating victims of poisoning. In 2007,
14 more than 4,000,000 calls were managed by poison
15 control centers providing ready and direct access for
16 all people of the United States, including many un-
17 derserved populations in the United States, with
18 vital emergency public health information and re-
19 sponse.

20 (2) Poisoning is the second most common form
21 of unintentional death in the United States. In any
22 given year, there will be between 3,000,000 and
23 5,000,000 poison exposures. Sixty percent of these
24 exposures will involve children under the age of 6
25 who are exposed to toxins in their home. Poisoning

1 accounts for 285,000 hospitalizations, 1,200,000
2 days of acute hospital care, and more than 26,000
3 fatalities in 2005.

4 (3) In 2008, the Harvard Injury Control Re-
5 search Center reported that poisonings from acci-
6 dents and unknown circumstances more than tripled
7 in rate since 1990. In 2005, the last year for which
8 data are available, 26,858 people died from acci-
9 dental or unknown poisonings. This represents an
10 increase of 20,000 since 1990 and an increase of
11 2,400 between 2004 and 2005. Fatalities from poi-
12 soning are increasing in the United States in near
13 epidemic proportions. The funding of programs to
14 reverse this trend is needed now more than ever.

15 (4) In 2004, The Institute of Medicine of the
16 National Academy of Sciences recommended that
17 “Congress should amend the current Poison Control
18 Center Enhancement and Awareness Act Amend-
19 ments of 2003 to provide sufficient funding to sup-
20 port the proposed Poison Prevention and Control
21 System with its national network of poison centers.
22 Support for the core activities at the current level of
23 service is estimated to require more than \$100 mil-
24 lion annually.”.

1 (5) Sustaining the funding structure and in-
2 creasing accessibility to poison control centers will
3 promote the utilization of poison control centers and
4 reduce the inappropriate use of emergency medical
5 services and other more costly health care services.
6 The 2004 Institute of Medicine Report to Congress
7 determined that for every \$1 invested in the Na-
8 tion's poison control centers \$7 of health care costs
9 are saved. In 2005, direct Federal health care pro-
10 gram savings totaled in excess of \$525,000,000 as
11 the result of poison control center public health serv-
12 ices.

13 (6) More than 30 percent of the cost savings
14 and financial benefits of the Nation's network of poi-
15 son control centers are realized annually by Federal
16 health care programs (estimated to be more than
17 \$1,000,000,000), yet Federal funding support (as
18 demonstrated by the annual authorization of
19 \$30,100,000 in Public Law 108–194) comprises less
20 than 11 percent of the annual network expenditures
21 of poison centers.

22 (7) Real-time data collected from the Nation's
23 certified poison control centers can be an important
24 source of information for the detection, monitoring,

1 and response for contamination of the air, water,
2 pharmaceutical, or food supply.

3 (8) In the event of a terrorist event, poison con-
4 trol centers will be relied upon as a critical source
5 for accurate medical information and public health
6 emergency response concerning the treatment of pa-
7 tients who have had an exposure to a chemical, radi-
8 ological, or biological agent.

9 **SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS**

10 **NATIONAL TOLL-FREE NUMBER.**

11 Section 1271 of the Public Health Service Act (42
12 U.S.C. 300d–71) is amended to read as follows:

13 **“SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE**
14 **NUMBER.**

15 “(a) IN GENERAL.—The Secretary shall provide co-
16 ordination and assistance to poison control centers for the
17 establishment of a nationwide toll-free phone number, and
18 the maintenance of such number, to be used to access such
19 centers.

20 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated \$2,000,000 for fiscal year
22 2009 to carry out this section, and \$700,000 for each of
23 fiscal years 2010 through 2014 for the maintenance of
24 the nationwide toll free phone number under subsection
25 (a).”.

1 **SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAM-**
2 **PAIGN TO PROMOTE POISON CONTROL CEN-**
3 **TER UTILIZATION.**

4 (a) IN GENERAL.—Section 1272 of the Public Health
5 Service Act (42 U.S.C. 300d–72) is amended to read as
6 follows:

7 **“SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE**
8 **POISON CONTROL CENTER UTILIZATION.**

9 “(a) IN GENERAL.—The Secretary shall carry out,
10 and expand upon, a national media campaign to educate
11 the public and health care providers about poison preven-
12 tion and the availability of poison control center resources
13 in local communities and to conduct advertising cam-
14 paigns concerning the nationwide toll-free number estab-
15 lished under section 1271(a).

16 “(b) CONTRACT WITH ENTITY.—The Secretary may
17 carry out subsection (a) by entering into contracts with
18 one or more public or private entities, including nationally
19 recognized organizations in the field of poison control and
20 national media firms, for the development and implemen-
21 tation of a nationwide poison prevention and poison con-
22 trol center awareness campaign, which may include—

23 “(1) the development and distribution of poison
24 prevention and poison control center awareness ma-
25 terials;

1 “(2) television, radio, Internet, and newspaper
2 public service announcements; and

3 “(3) other activities to provide for public and
4 professional awareness and education.

5 “(c) EVALUATION.—The Secretary shall—

6 “(1) establish baseline measures and bench-
7 marks to quantitatively evaluate the impact of the
8 nationwide media campaign carried out under this
9 section; and

10 “(2) on an annual basis, prepare and submit to
11 the appropriate committees of Congress, an evalua-
12 tion of the nationwide media campaign.

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section,
15 such sums as may be necessary for fiscal year 2009, and
16 \$800,000 for each of fiscal years 2010 through 2014.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall be effective on the date of the enactment
19 of this Act and shall apply to contracts entered into on
20 or after January 1, 2009.

21 **SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CEN-**
22 **TER GRANT PROGRAM.**

23 (a) IN GENERAL.—Section 1273 of the Public Health
24 Service Act (42 U.S.C. 300d–73) is amended to read as
25 follows:

1 **“SEC. 1273. MAINTENANCE OF THE POISON CONTROL CEN-**
2 **TER GRANT PROGRAM.**

3 “(a) AUTHORIZATION OF PROGRAM.—The Secretary
4 shall award grants to poison control centers certified
5 under subsection (c) (or granted a waiver under subsection
6 (d)) and professional organizations in the field of poison
7 control for the purposes of preventing, and providing
8 treatment recommendations for, poisonings and complying
9 with the operational requirements needed to sustain the
10 certification of the center under subsection (c).

11 “(b) ADDITIONAL USES OF FUNDS.—In addition to
12 the purposes described in subsection (a), a poison center
13 or professional organization awarded a grant, contract, or
14 cooperative agreement under such subsection may also use
15 amounts received under such grant, contract, or coopera-
16 tive agreement—

17 “(1) to establish and evaluate best practices in
18 the United States for poison prevention, poison con-
19 trol center outreach, and emergency and prepared-
20 ness programs;

21 “(2) to research, develop, implement, revise,
22 and communicate standard patient management
23 guidelines for commonly encountered toxic expo-
24 sures;

25 “(3) to improve national toxic exposure surveil-
26 lance by enhancing cooperative activities between

1 poison control centers in the United States and the
2 Centers for Disease Control and Prevention;

3 “(4) to develop, support, and enhance tech-
4 nology and capabilities of professional organizations
5 in the field of poison control to collect national poi-
6 soning, toxic occurrence, and related public health
7 data;

8 “(5) to develop initiatives to foster the en-
9 hanced public health utilization of national poison
10 data collected by organizations described in para-
11 graph (4);

12 “(6) to support and expand the toxicologic ex-
13 pertise within poison control centers; and

14 “(7) to improve the capacity of poison control
15 centers to answer high volumes of calls and respond
16 during times of national crisis or other public health
17 emergencies.

18 “(c) CERTIFICATION.—Except as provided in sub-
19 section (d), the Secretary may award a grant to a poison
20 control center under subsection (a) only if—

21 “(1) the center has been certified by a profes-
22 sional organization in the field of poison control, and
23 the Secretary has approved the organization as hav-
24 ing in effect standards for certification that reason-

1 ably provide for the protection of the public health
2 with respect to poisoning; or

3 “(2) the center has been certified by a State
4 government, and the Secretary has approved the
5 State government as having in effect standards for
6 certification that reasonably provide for the protec-
7 tion of the public health with respect to poisoning.

8 “(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary may grant a
10 waiver of the certification requirements of subsection
11 (c) with respect to a noncertified poison control cen-
12 ter that applies for a grant under this section if such
13 center can reasonably demonstrate that the center
14 will obtain such a certification within a reasonable
15 period of time as determined appropriate by the Sec-
16 retary.

17 “(2) RENEWAL.—The Secretary may renew a
18 waiver under paragraph (1).

19 “(3) LIMITATION.—In no case may the sum of
20 the number of years for a waiver under paragraph
21 (1) and a renewal under paragraph (2) exceed 5
22 years. The preceding sentence shall take effect as of
23 the date of the enactment of the Poison Center Sup-
24 port, Enhancement, and Awareness Act of 2008.

1 “(e) SUPPLEMENT NOT SUPPLANT.—Amounts made
2 available to a poison control center under this section shall
3 be used to supplement and not supplant other Federal,
4 State or local funds provided for such center.

5 “(f) MAINTENANCE OF EFFORT.—A poison control
6 center, in utilizing the proceeds of a grant under this sec-
7 tion, shall maintain the expenditures of the center for ac-
8 tivities of the center at a level that is not less than the
9 level of expenditures maintained by the center for the fis-
10 cal year preceding the fiscal year for which the grant is
11 received.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section,
14 \$27,500,000 for fiscal year 2009, and \$28,600,000 for
15 each of fiscal years 2010 through 2014. The Secretary
16 may utilize not to exceed 8 percent of the amount appro-
17 priated under this preceding sentence in each fiscal year
18 for coordination, dissemination, technical assistance, pro-
19 gram evaluation, data activities, and other program ad-
20 ministration functions that do not include grants, con-
21 tracts, or cooperative agreements under subsections (a)
22 and (b), which are determined by the Secretary to be ap-
23 propriate for carrying out the program under this sec-
24 tion.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall be effective as of the date of the enact-
3 ment of this Act and shall apply to grants made on or
4 after January 1, 2009.

Passed the Senate September 23 (legislative day,
September 17), 2008.

Attest:

Secretary.

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