

# Calendar No. 138

116TH CONGRESS  
1ST SESSION

# S. 1199

To amend the Public Health Service Act to revise and extend the poison center network program.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mrs. MURRAY (for herself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 9, 2019

Reported by Mr. ALEXANDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend the Public Health Service Act to revise and extend the poison center network program.

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 Network  
5 Enhancement Act of 2019”.

1 **SEC. 2. NATIONAL TOLL-FREE NUMBER.**

2 Section 1271 of the Public Health Service Act (42  
3 U.S.C. 300d-71) is amended—

4 (1) in the section heading, by inserting before  
5 the period the following: “**AND OTHER COMMU-**  
6 **UNICATION CAPABILITIES**”;

7 (2) by striking subsection (a) and inserting the  
8 following:

9 “(a) **IN GENERAL.**—The Secretary—

10 “(1) shall provide coordination and assistance  
11 to poison control centers for the establishment and  
12 maintenance of a nationwide toll-free phone number;  
13 to be used to access such centers; and

14 “(2) may provide coordination and assistance to  
15 poison control centers and consult with professional  
16 organizations for the establishment, implementation,  
17 and maintenance of other communication tech-  
18 nologies to be used to access such centers.”;

19 (3) by redesignating subsection (b) as sub-  
20 section (c);

21 (4) by inserting after subsection (a) the fol-  
22 lowing:

23 “(b) **ROUTING CONTACTS WITH POISON CONTROL**  
24 **CENTERS.**—Not later than 18 months after the date of  
25 enactment of the Poison Center Network Enhancement  
26 Act of 2019, the Secretary shall coordinate with the Chair-

1 man of the Federal Communications Commission, to the  
 2 extent technically and economically feasible, to ensure that  
 3 communications with the national toll-free number are  
 4 routed to the appropriate poison control center based on  
 5 the physical location of the contact rather than the area  
 6 code of the contact device.”; and

7 (5) in subsection (c), as so redesignated—

8 (A) by striking “2015 through 2019” and  
 9 inserting “2020 through 2024”; and

10 (B) by striking “maintenance of the na-  
 11 tionwide toll free phone number under sub-  
 12 section (a)” and inserting “establishment, im-  
 13 plementation, and maintenance activities ear-  
 14 ried out under subsections (a) and (b)”.

15 **SEC. 3. NATIONWIDE MEDIA CAMPAIGN.**

16 Section 1272 of the Public Health Service Act (42  
 17 U.S.C. 300d-72) is amended—

18 (1) in the section heading, by striking “**NA-**  
 19 **TIONWIDE MEDIA CAMPAIGN TO PROMOTE**”  
 20 and inserting “**PROMOTING**”;

21 (2) in subsection (a)—

22 (A) by inserting “and support outreach to”  
 23 after “educate”;

1           (B) by striking “poison prevention” and  
2           inserting “poisoning and toxic exposure preven-  
3           tion”; and

4           (C) by striking “established under” and in-  
5           serting “and other available communication  
6           technologies established, implemented, or main-  
7           tained under”;

8           (3) in subsection (b)—

9           (A) in the matter preceding paragraph (1),  
10          by striking “nationwide poison prevention” and  
11          inserting “nationwide poisoning and toxic expo-  
12          sure prevention”; and

13          (B) in paragraph (1), by striking “poison  
14          prevention and poison control center” and in-  
15          serting “poisoning and toxic exposure preven-  
16          tion awareness materials, applicable public  
17          health emergency preparedness and response in-  
18          formation, and poison control center” after  
19          “distribution of”;

20          (4) by striking subsection (e);

21          (5) by redesignating subsection (d) as sub-  
22          section (e); and

23          (6) in subsection (e) (as so redesignated), by  
24          striking “2015 through 2019” and inserting “2020  
25          through 2024”.

1 **SEC. 4. MAINTENANCE OF PROGRAM.**

2 Section 1273 of the Public Health Service Act (42  
3 U.S.C. 300d-73) is amended—

4 (1) in subsection (a), by inserting “and toxic  
5 exposures” after “poisonings”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “for poison” and in-  
9 serting “for poisoning and toxic exposure”;

10 and

11 (ii) by striking “and preparedness”  
12 and inserting “preparedness and re-  
13 sponse”;

14 (B) in paragraph (3)—

15 (i) by striking “United States and”  
16 and inserting “United States,”; and

17 (ii) by inserting before the semicolon  
18 the following: “, and other government  
19 agencies as determined to be appropriate  
20 and nonduplicative by the Secretary”; and

21 (C) in paragraph (8), by striking “calls”  
22 and inserting “contacts”;

23 (3) in subsection (d), by striking paragraph (3)  
24 and inserting the following:

25 “(3) LIMITATION.—In no case may the sum of  
26 the number of years for a waiver under this sub-

1 section exceed 5 years. Notwithstanding any pre-  
 2 vious waivers, in the case of a poison control center  
 3 whose accreditation is affected by a public health  
 4 emergency declared pursuant to section 319, the  
 5 Secretary may, as the circumstances of the emer-  
 6 gency reasonably require, provide a waiver under  
 7 paragraph (1) or a renewal under paragraph (2) for  
 8 up to 2 years.”;

9 (4) by striking subsection (f) and inserting the  
 10 following:

11 “(f) MAINTENANCE OF EFFORT.—With respect to  
 12 activities for which a grant is awarded under this section,  
 13 the Secretary may require that poison control centers  
 14 agree to maintain the expenditures of the center for such  
 15 activities at a level that is not less than the level of expend-  
 16 itures maintained by the center for the fiscal year pre-  
 17 ceeding the fiscal year for which the grant is received.”;

18 (5) In subsection (g), by striking “2015  
 19 through 2019” and inserting “2020 through 2024”;  
 20 and

21 (6) by adding at the end the following:

22 “(h) BIENNIAL REPORT TO CONGRESS.—Not later  
 23 than 2 years after the date of enactment of the Poison  
 24 Center Network Enhancement Act of 2019, and every 2  
 25 years thereafter, the Secretary shall submit to the Com-

1 mittee on Health, Education, Labor, and Pensions of the  
2 Senate and Committee on Energy and Commerce of the  
3 House of Representatives a report concerning the oper-  
4 ations of, and trends identified by, the Poison Control  
5 Network. Such report shall include—

6           “(1) descriptions of the activities carried out  
7           pursuant to sections 1271, 1272, and 1273, and the  
8           alignment of such activities with the purposes pro-  
9           vided under subsection (a);

10           “(2) a description of trends in volume of con-  
11           tacts to poison control centers;

12           “(3) a description of trends in poisonings and  
13           toxic exposures reported to poison control centers, as  
14           applicable and appropriate;

15           “(4) an assessment of the impact of the public  
16           awareness campaign, including any geographic vari-  
17           ations;

18           “(5) a description of barriers, if any, preventing  
19           poison control centers from achieving the purposes  
20           and programs under this section and sections 1271  
21           and 1272;

22           “(6) a description of the standards for accredi-  
23           tation described in subsection (e), including any  
24           variations in those standards, and any efforts to ere-

1       ate and maintain consistent standards across organi-  
2       zations that accredit poison control centers; and

3               ~~“(7) the number of and reason for any waivers~~  
4       ~~provided under subsection (d).”.~~

5       **SECTION 1. SHORT TITLE.**

6               *This Act may be cited as the “Poison Center Network*  
7       *Enhancement Act of 2019”.*

8       **SEC. 2. NATIONAL TOLL-FREE NUMBER.**

9               *Section 1271 of the Public Health Service Act (42*  
10       *U.S.C. 300d-71) is amended—*

11               *(1) in the section heading, by inserting before the*  
12       *period the following: “**AND OTHER COMMUNICA-***  
13       ***TION CAPABILITIES”;*** and

14               *(2) by striking subsection (a) and inserting the*  
15       *following:*

16               ~~“(a) IN GENERAL.—The Secretary—~~

17               ~~“(1) shall provide coordination and assistance to~~  
18       ~~poison control centers for the establishment and main-~~  
19       ~~tenance of a nationwide toll-free phone number, to be~~  
20       ~~used to access such centers; and~~

21               ~~“(2) may provide coordination and assistance to~~  
22       ~~poison control centers and consult with professional~~  
23       ~~organizations for the establishment, implementation,~~  
24       ~~and maintenance of other communication technologies~~  
25       ~~to be used to access such centers.”;~~



1           (3) *by redesignating subsection (b) as subsection*  
 2           *(c);*

3           (4) *by inserting after subsection (a) the fol-*  
 4           *lowing:*

5           “(b) *ROUTING CONTACTS WITH POISON CONTROL*  
 6 *CENTERS.—Not later than 18 months after the date of en-*  
 7 *actment of the Poison Center Network Enhancement Act of*  
 8 *2019, the Secretary shall coordinate with the Chairman of*  
 9 *the Federal Communications Commission, to the extent*  
 10 *technically and economically feasible, to ensure that com-*  
 11 *munications with the national toll-free number are routed*  
 12 *to the appropriate poison control center based on the phys-*  
 13 *ical location of the contact rather than the area code of the*  
 14 *contact device.”; and*

15           (5) *in subsection (c), as so redesignated—*

16                   (A) *by striking “2015 through 2019” and*  
 17                   *inserting “2020 through 2024”; and*

18                   (B) *by striking “maintenance of the nation-*  
 19                   *wide toll free phone number under subsection*  
 20                   *(a)” and inserting “establishment, implementa-*  
 21                   *tion, and maintenance activities carried out*  
 22                   *under subsections (a) and (b)”.*

23 **SEC. 3. NATIONWIDE MEDIA CAMPAIGN.**

24           Section 1272 of the Public Health Service Act (42  
 25 U.S.C. 300d-72) is amended—

1           (1) *in the section heading, by striking “**NA-***  
2           ***TIONWIDE MEDIA CAMPAIGN TO PROMOTE” and***  
3           *inserting “**PROMOTING**”;*

4           (2) *in subsection (a)—*

5                 (A) *by inserting “and support outreach to”*  
6                 *after “educate”;*

7                 (B) *by striking “poison prevention” and in-*  
8                 *serting “poisoning and toxic exposure preven-*  
9                 *tion”;* and

10                (C) *by striking “established under” and in-*  
11                *serting “and other available communication*  
12                *technologies established, implemented, or main-*  
13                *tained under”;*

14           (3) *in subsection (b)—*

15                 (A) *in the matter preceding paragraph (1),*  
16                 *by striking “nationwide poison prevention” and*  
17                 *inserting “nationwide poisoning and toxic expo-*  
18                 *sure prevention”;* and

19                 (B) *in paragraph (1), by striking “poison*  
20                 *prevention and poison control center” and in-*  
21                 *serting “poisoning and toxic exposure prevention*  
22                 *awareness materials, applicable public health*  
23                 *emergency preparedness and response informa-*  
24                 *tion, and poison control center” after “distribu-*  
25                 *tion of”;* and

1           (4) *by striking subsection (c);*

2           (5) *by redesignating subsection (d) as subsection*  
3 *(c); and*

4           (6) *in subsection (c) (as so redesignated), by*  
5 *striking “2015 through 2019” and inserting “2020*  
6 *through 2024”.*

7 **SEC. 4. MAINTENANCE OF PROGRAM.**

8           *Section 1273 of the Public Health Service Act (42*  
9 *U.S.C. 300d-73) is amended—*

10           (1) *in subsection (a), by inserting “and toxic ex-*  
11 *posures” after “poisonings”; and*

12           (2) *in subsection (b)—*

13           (A) *in paragraph (1)—*

14                   (i) *by striking “for poison” and insert-*  
15 *ing “for poisoning and toxic exposure”; and*

16                   (ii) *by striking “and preparedness”*  
17 *and inserting “preparedness and response”;*

18           (B) *in paragraph (3)—*

19                   (i) *by striking “United States and”*  
20 *and inserting “United States,”; and*

21                   (ii) *by inserting before the semicolon*  
22 *the following: “, and other government*  
23 *agencies as determined to be appropriate*  
24 *and nonduplicative by the Secretary”; and*

1           (C) in paragraph (8), by striking “calls”  
2           and inserting “contacts”;

3           (3) in subsection (d) , by striking paragraph (3)  
4           and inserting the following:

5           “(3) *LIMITATION.*—

6           “(A) *IN GENERAL.*—The sum of the number  
7           of years for a waiver under paragraph (1) and  
8           a renewal under paragraph (2) may not exceed  
9           5 years.

10           “(B) *PUBLIC HEALTH EMERGENCY.*—Not-  
11           withstanding any previous waivers, in the case  
12           of a poison control center whose accreditation is  
13           affected by a public health emergency declared  
14           pursuant to section 319, the Secretary may, as  
15           the circumstances of the emergency reasonably  
16           require, provide a waiver under paragraph (1)  
17           or a renewal under paragraph (2), not to exceed  
18           2 years. The Secretary may require quarterly re-  
19           ports and other information related to such a  
20           waiver or renewal under this paragraph.”;

21           (4) by striking subsection (f) and inserting the  
22           following:

23           “(f) *MAINTENANCE OF EFFORT.*—With respect to ac-  
24           tivities for which a grant is awarded under this section,  
25           the Secretary may require that poison control centers agree

1 *to maintain the expenditures of the center for such activities*  
2 *at a level that is not less than the level of expenditures*  
3 *maintained by the center for the fiscal year preceding the*  
4 *fiscal year for which the grant is received.”;*

5           (5) *In subsection (g), by striking “2015 through*  
6 *2019” and inserting “2020 through 2024”; and*

7           (6) *by adding at the end the following:*

8           “(h) *BIENNIAL REPORT TO CONGRESS.—Not later*  
9 *than 2 years after the date of enactment of the Poison Cen-*  
10 *ter Network Enhancement Act of 2019, and every 2 years*  
11 *thereafter, the Secretary shall submit to the Committee on*  
12 *Health, Education, Labor, and Pensions of the Senate and*  
13 *Committee on Energy and Commerce of the House of Rep-*  
14 *resentatives a report concerning the operations of, and*  
15 *trends identified by, the Poison Control Network. Such re-*  
16 *port shall include—*

17           “(1) *descriptions of the activities carried out*  
18 *pursuant to sections 1271, 1272, and 1273, and the*  
19 *alignment of such activities with the purposes pro-*  
20 *vided under subsection (a);*

21           “(2) *a description of trends in volume of contacts*  
22 *to poison control centers;*

23           “(3) *a description of trends in poisonings and*  
24 *toxic exposures reported to poison control centers, as*  
25 *applicable and appropriate;*

1           “(4) an assessment of the impact of the public  
2 awareness campaign, including any geographic vari-  
3 ations;

4           “(5) a description of barriers, if any, preventing  
5 poison control centers from achieving the purposes  
6 and programs under this section and sections 1271  
7 and 1272;

8           “(6) a description of the standards for accredita-  
9 tion described in subsection (c), including any vari-  
10 ations in those standards, and any efforts to create  
11 and maintain consistent standards across organiza-  
12 tions that accredit poison control centers; and

13           “(7) the number of and reason for any waivers  
14 provided under subsection (d).”.



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**A BILL**

To amend the Public Health Service Act to revise and extend the poison center network program.

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JULY 9, 2019

Reported with an amendment