

119TH CONGRESS
2D SESSION

H. R. 6994

To amend the Controlled Substances Act to modify requirements relating to the prescription of controlled substances by means of the internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2026

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on 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

A BILL

To amend the Controlled Substances Act to modify requirements relating to the prescription of controlled substances by means of the internet, 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 “Mental Health TALK
5 SAFE Act of 2026”.

1 **SEC. 2. TELEHEALTH PRESCRIBING OF CONTROLLED SUB-**
2 **STANCES.**

3 (a) DEFINITION OF VALID PRESCRIPTION.—Section
4 309(e)(2)(A) of the Controlled Substances Act (21 U.S.C.
5 829(e)(2)(A)) is amended—

6 (1) in clause (i), by striking “or” at the end;

7 (2) in clause (ii), by striking the period at the
8 end and inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(iii) a telehealth practitioner who, for
11 purposes of prescribing an approved men-
12 tal health controlled substance, has con-
13 ducted at least 1 telehealth evaluation of
14 the patient; or

15 “(iv) a practitioner who, for purposes
16 of prescribing a controlled substance in
17 schedule II, III, IV, or V for the treatment
18 of an opioid use disorder, has conducted at
19 least 1 telehealth evaluation of the pa-
20 tient.”.

21 (b) DEFINITION OF COVERING PRACTITIONER.—Sec-
22 tion 309(e)(2)(C)(i) of such Act (21 U.S.C. 829(e)(2)(C))
23 (i) is amended to read as follows:

24 “(i) has conducted at least 1 in-per-
25 son medical evaluation of the patient, an
26 evaluation of the patient through the prac-

1 tice of telemedicine, or a telehealth evalua-
2 tion of the patient, within the previous 90
3 days; and”.

4 (c) ADDITIONAL DEFINITIONS.—Section 309(e)(2) of
5 such Act (21 U.S.C. 829(e)(2)) is amended by adding at
6 the end the following:

7 “(D) The term ‘approved mental health
8 controlled substance’ means a controlled sub-
9 stance in schedule II non-narcotics, III, IV, or
10 V that is being prescribed—

11 “(i) for the treatment of a mental
12 health disorder; and

13 “(ii) only for the conditions, and only
14 in the manner of administration and over-
15 sight, approved by the Food and Drug Ad-
16 ministration.

17 “(E) The term ‘exempt entity’ means—

18 “(i) a federally qualified health center;

19 “(ii) a hospital;

20 “(iii) a non-profit organization;

21 “(iv) a Federal, State, or local govern-
22 ment agency; or

23 “(v) an exempt health care organiza-
24 tion.

1 “(F) The term ‘exempt health care organi-
2 zation’ means a legal entity that, directly or in-
3 directly, acquires all, or substantially all, of the
4 stock, equity interests, or assets of, or merges
5 with or into, a telehealth entity where such tele-
6 health entity, as of the effective date of such ac-
7 quisition or merger—

8 “(i) has met the criteria to be a tele-
9 health entity for each of the previous 24
10 months;

11 “(ii) employs at least 250 psychia-
12 trists who each work at least 30 hours per
13 week for the telehealth entity; and

14 “(iii) has at least 75 percent of the
15 telehealth entity’s total patient volume at-
16 tributed to individuals who are direct pa-
17 tients of the telehealth entity.

18 “(G) The term ‘federally qualified health
19 center’ means an organization described in sec-
20 tion 1861(aa)(4) of the Social Security Act (42
21 U.S.C. 1395x(aa)(4)).

22 “(H) The term ‘health care provider’
23 means any individual who—

24 “(i) is engaged in the delivery of
25 health care services in a State; and

1 “(ii) is required by State law (includ-
2 ing regulations) to be licensed or certified
3 by the State to engage in the delivery of
4 such services in the State.

5 “(I) The term ‘hospital’ means an institu-
6 tion in any State in which State or applicable
7 local law provides for the licensing of hospitals,
8 that is—

9 “(i) licensed as a hospital pursuant to
10 such law; or

11 “(ii) approved, by the agency of such
12 State or locality responsible for licensing
13 hospitals, as meeting the standards estab-
14 lished for such licensing.

15 “(J) The term ‘interactive telecommuni-
16 cations system’ means the multimedia commu-
17 nications equipment that includes, at a min-
18 imum, audio-only or audio-video equipment per-
19 mitting two-way, real-time interactive commu-
20 nication between the patient and the health
21 care provider.

22 “(K) The term ‘nonprofit organization’
23 means an organization described in section
24 501(c)(3) of the Internal Revenue Code of 1986

1 that is exempt from taxation under section
2 501(a) of such Act.

3 “(L) The term ‘physician’ means a doctor
4 of medicine or osteopathy legally authorized to
5 practice medicine by the State in which such in-
6 dividual performs such function or action.

7 “(M)(i) The term ‘psychiatric-mental
8 health advanced practice nurse’ means a reg-
9 istered professional nurse who meets the re-
10 quirements specified in clause (ii) or (iii).

11 “(ii) If the State specifies qualifications for
12 psychiatric-mental health advanced practices
13 nurses, the individual must—

14 “(I) be currently licensed to practice
15 in the State as a registered professional
16 nurse; and

17 “(II) meet the State requirements for
18 qualification as a psychiatric-mental health
19 advanced practice nurse in the State in
20 which the individual furnishes the services.

21 “(iii) If the State does not specify quali-
22 fications for psychiatric-mental health advance
23 practice nurses, the individual must—

1 “(I) meet the qualifications for nurses
2 in advanced practice or general nurse prac-
3 titioners as defined by the State; and

4 “(II) maintain an active psychiatric-
5 mental health nursing certification from
6 the American Nurses Credentialing Center
7 or the American Academy of Nurse Practi-
8 tioners Certification Board.

9 “(N) The term ‘psychiatrist’ means a phy-
10 sician who has completed a psychiatry residency
11 program accredited by the Accreditation Coun-
12 cil for Graduate Medical Education and whose
13 practice focuses predominantly on the diagnosis,
14 treatment, prevention, or study of mental
15 health disorders.

16 “(O)(i) The term ‘telehealth affiliate’
17 means as to any telehealth entity, any other
18 legal entity that—

19 “(I) directly or indirectly, is in
20 control of, is controlled by, or is under
21 common control with, such telehealth
22 entity; or

23 “(II) provides the majority of the
24 administrative or business services
25 that do not constitute the practice of

1 medicine or any other licensed profes-
2 sion, to, or on behalf of, such tele-
3 health entity.

4 “(ii) For purposes of this definition,
5 control of an entity means the power, di-
6 rectly or indirectly, to direct or cause the
7 direction of the management and policies
8 of such entity whether by contract or oth-
9 erwise.

10 “(P) The term ‘telehealth entity’ means an
11 entity organized and operating within the
12 United States that employs or engages with
13 practitioners who prescribe controlled sub-
14 stances via a telehealth evaluation and, except
15 in the case of an exempt entity, meets each of
16 the following requirements:

17 “(i) The telehealth entity does not, di-
18 rectly or indirectly, through a telehealth af-
19 filiate or otherwise, maintain an ownership
20 interest, investment interest, or manage-
21 ment relationship with any pharmacy
22 that—

23 “(I) does not dispense medica-
24 tions from physical locations that are
25 accessible to the public; and

1 “(II) fills and delivers the major-
2 ity of its pharmaceutical products via
3 the mail service.

4 “(ii) The telehealth entity does not,
5 directly or indirectly, through a telehealth
6 entity or otherwise, charge patients pursu-
7 ant to a financial arrangement where pa-
8 tients agree to make recurring payments at
9 regular intervals in exchange for medica-
10 tions or patient care services provided by a
11 health care provider employed or engaged
12 with the telehealth entity (or a telehealth
13 affiliate).

14 “(iii) For the duration of any 12-
15 month period, no more than 50 percent of
16 all charges for patient care services pro-
17 vided by a health care provider employed
18 or engaged with the telehealth entity (or a
19 telehealth affiliate) are paid by patients di-
20 rectly on an out-of-pocket basis.

21 “(iv) At least 25 percent of the total
22 actual time spent performing patient care
23 services by all health care providers en-
24 gaged or employed by the telehealth entity
25 (or a telehealth affiliate) relates to the di-

1 agnosis, treatment, prevention, or study of
2 mental health disorders.

3 “(v) At least 10 percent of all health
4 care providers employed or engaged by the
5 telehealth entity (or a telehealth affiliate),
6 excluding any covering practitioners, are
7 practitioners who are bona fide employees
8 who work at least 30 hours per week for
9 the telehealth entity.

10 “(vi) At least 25 percent of all health
11 care providers employed or engaged by the
12 telehealth entity (or a telehealth affiliate),
13 excluding any covering practitioners, are
14 bona fide employees of the telehealth entity
15 who work at least 30 hours per week for
16 the entity.

17 “(vii) The total number of advanced
18 practice nurses employed or engaged with
19 the telehealth entity (or a telehealth affil-
20 iate), excluding any covering practitioners,
21 does not exceed two-thirds of the total
22 number of practitioners employed or en-
23 gaged with the telehealth entity (or a tele-
24 health affiliate).

1 “(viii) Neither the telehealth entity
2 nor any telehealth affiliate compensates
3 any practitioner in a manner where more
4 than 75 percent of the total annual com-
5 pensation of such practitioner varies, di-
6 rectly or indirectly, with the volume or
7 value of telehealth evaluations provided by
8 such practitioner.

9 “(ix) The telehealth entity (or a tele-
10 health affiliate) at all times employs a full-
11 time Chief Compliance Officer who—

12 “(I) dedicates the majority of
13 such individual’s time working for the
14 telehealth entity on compliance mat-
15 ters; and

16 “(II) does not also serve as the
17 Chief Clinical Quality Practitioner or
18 Chief Medical Officer.

19 “(x) The telehealth entity (or a tele-
20 health affiliate) at all times employs a full-
21 time Chief Clinical Quality Practitioner
22 who—

23 “(I) is a board-certified psychia-
24 trist;

1 “(II) dedicates the majority of
2 such individual’s time working for the
3 telehealth entity on clinical quality
4 matters; and

5 “(III) does not also serve as the
6 Chief Compliance Officer or Chief
7 Medical Officer for the telehealth enti-
8 ty.

9 “(xi) The telehealth entity (or a tele-
10 health affiliate) at all times employs a full-
11 time Chief Medical Officer who—

12 “(I) is a board-certified psychia-
13 trist;

14 “(II) dedicates the majority of
15 such individual’s time working for the
16 telehealth entity on clinical quality
17 matters; and

18 “(III) does not also serve as the
19 Chief Compliance Officer or Chief
20 Clinical Quality Practitioner of the
21 telehealth entity.

22 “(xii) The telehealth entity conducts
23 routine monitoring to ensure all approved
24 mental health controlled substances pre-
25 scribed by telehealth practitioners em-

1 ployed or engaged by the telehealth entity
2 are prescribed only for the conditions, and
3 only in the manner of administration and
4 oversight, approved by the Food and Drug
5 Administration.

6 “(xiii) The telehealth entity at all
7 times maintains active accreditation from
8 the Accreditation Counsel for Continuing
9 Medical Education.

10 “(Q) The term ‘telehealth evaluation’
11 means a medical evaluation that is conducted in
12 accordance with applicable Federal and State
13 laws by a health care provider who is—

14 “(i) at a location remote from the pa-
15 tient; and

16 “(ii) communicating with the patient
17 using an interactive telecommunications
18 system.

19 “(R) The term ‘telehealth practitioner’
20 means a psychiatrist or a psychiatric-mental
21 health advanced practice nurse who meets the
22 following requirements:

23 “(i) The individual is an employee or
24 independent contractor of a telehealth enti-
25 ty.

1 “(ii) Except in the case of an exempt
2 entity, the individual works at least 10
3 hours per week for the telehealth entity.

4 “(iii) Except in the case of an exempt
5 entity, no more than 75 percent of the
6 total annual compensation received by the
7 individual from the telehealth entity (or a
8 telehealth affiliate) varies with the volume
9 or value of the telehealth evaluations pro-
10 vided by such practitioner.

11 “(iv) The individual only prescribes
12 controlled substances under subparagraph
13 (A)(ii) for one telehealth entity in any
14 given calendar month.”.

15 (d) MINIMUM STANDARDS BEFORE REFUSING TO
16 FILL A PRESCRIPTION.—Section 309(e) of such Act (21
17 U.S.C. 829(e)) is amended by adding at the end the fol-
18 lowing:

19 “(4) MINIMUM STANDARDS BEFORE REFUSING
20 TO FILL A PRESCRIPTION.—

21 “(A) PROHIBITION.—A pharmacist shall
22 not refuse to fill a prescription for a controlled
23 substance issued in compliance with this sub-
24 section based solely upon a concern the pre-
25 scription was issued via a telehealth evaluation.

1 “(B) VALIDATION OF PRESCRIPTION.—Be-
2 fore a pharmacist can refuse to fill a prescrip-
3 tion based solely upon a concern with the valid-
4 ity of the prescription, the pharmacist shall at-
5 tempt to resolve those concerns and shall at-
6 tempt to validate the prescription by performing
7 the following:

8 “(i) Initiate communication with the
9 patient (or the patient’s representative) to
10 acquire information relevant to the concern
11 with the validity of the prescription.

12 “(ii) Initiate communication with the
13 prescriber or the prescriber’s agent to—

14 “(I) describe the pharmacist’s
15 concern with the validity of the pre-
16 scription; and

17 “(II) acquire information rel-
18 evant to the pharmacist’s concern
19 with the validity of the prescription.

20 “(C) CIVIL PENALTY.—Any person who
21 violates this paragraph shall, with respect to
22 any such violation, be subject to a civil penalty
23 of up to \$25,000 per violation.”.

24 (e) REPEALS.—

1 (1) PRACTICE OF TELEMEDICINE DEFINED.—
 2 Section 102(54)(E) of such Act (21 U.S.C.
 3 802(54)(E)) is repealed.

4 (2) SPECIAL REGISTRATION FOR TELEMEDI-
 5 CINE.—Section 311(h) of such Act (21 U.S.C.
 6 831(h)) is repealed.

7 (f) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect on the date of enactment of
 9 this Act.

10 **SEC. 3. CONTROLLED SUBSTANCES REGISTRATIONS.**

11 (a) IN GENERAL.—Section 302(e) of such Act (21
 12 U.S.C. 822(e)) is amended by adding at the end the fol-
 13 lowing:

14 “(5)(A) Notwithstanding paragraph (1), a registrant
 15 shall not be required to obtain additional registrations
 16 with the Drug Enforcement Administration in any addi-
 17 tional State where the dispensing (including prescribing
 18 and administering) occurs if the dispensing is conducted
 19 via the practice of telemedicine or following a telehealth
 20 evaluation.

21 “(B) A registrant who is employed or contracted with
 22 a telehealth entity may use the address of such telehealth
 23 entity as the principal place of business or professional
 24 practice of the registrant so long as the registrant—

25 “(i) is a telehealth practitioner; and

1 “(ii) only dispenses (including prescribing and
2 administering) controlled substances via the practice
3 of telemedicine or a telehealth evaluation.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on the date of enactment
6 of this Act.

7 **SEC. 4. PSYCHIATRIST LICENSURE.**

8 (a) IN GENERAL.—In the case of a covered psychia-
9 trist who has in effect medical professional liability insur-
10 ance coverage and provides in a secondary State covered
11 psychiatry services that are within the scope of practice
12 of such covered psychiatrist in the primary State to a pa-
13 tient—

14 (1) such medical professional liability insurance
15 coverage shall cover (subject to any related premium
16 adjustments) such covered psychiatrist with respect
17 to such covered psychiatry services provided by the
18 psychiatrist in the secondary State to such patient
19 as if such services were provided by such psychiatrist
20 in the primary State to such patient; and

21 (2) to the extent such covered psychiatrist is li-
22 censed under the requirements of the primary State
23 to provide such services to such patient, the psychia-
24 trist shall be treated as satisfying any licensure re-
25 quirements of the secondary State to provide such

1 services to such patient to the extent the licensure
2 requirements of the secondary State are substan-
3 tially similar to the licensure requirements of the
4 primary State.

5 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed—

7 (1) to allow a covered psychiatrist to provide
8 psychiatry services in the secondary State that ex-
9 ceed the scope of that psychiatrist’s license in the
10 primary State; or

11 (2) to allow a covered psychiatrist to provide
12 psychiatry services in the secondary State that ex-
13 ceed the scope of a substantially similar psychiatrist
14 license in the secondary State.

15 (c) DEFINITIONS.—In this Act:

16 (1) COVERED PSYCHIATRIST.—The term “cov-
17 ered psychiatrist” means a physician—

18 (A) who has completed a psychiatry resi-
19 dency program accredited by the Accreditation
20 Council for Graduate Medical Education;

21 (B) whose practice focuses predominantly
22 on the diagnosis, treatment, prevention, or
23 study of mental health disorders; and

24 (C) who is licensed to practice in the pri-
25 mary State.

1 (2) COVERED PSYCHIATRY SERVICES.—The
2 term “covered psychiatry services” means medical
3 care relating to the diagnosis, treatment, or preven-
4 tion of mental health or behavioral health disorders
5 conducted by a covered psychiatrist who is at a loca-
6 tion remote from the patient and is communicating
7 with the patient through the use of telehealth tech-
8 nologies.

9 (3) LICENSE.—The term “license” or “licen-
10 sure”, as applied with respect to a covered psychia-
11 trist, means a psychiatrist that has met the require-
12 ments and is approved to provide covered psychiatry
13 services in accordance with State laws and regula-
14 tions in the primary State.

15 (4) PRIMARY STATE.—The term “primary
16 State” means, with respect to a covered psychiatrist,
17 the State in which—

18 (A) the covered psychiatrist is licensed to
19 practice; and

20 (B) the majority of the covered psychia-
21 trist’s practice is underwritten for medical pro-
22 fessional liability insurance coverage.

23 (5) SECONDARY STATE.—The term “secondary
24 State” means, with respect to a covered psychiatrist,
25 any State that is not the primary State.

1 (6) STATE.—The term “State” means each of
2 the several States, the District of Columbia, and
3 each commonwealth, territory, or possession of the
4 United States.

5 (7) SUBSTANTIALLY SIMILAR.—The term “sub-
6 stantially similar”, with respect to the licensure by
7 primary and secondary States of a psychiatrist,
8 means that both the primary and secondary States
9 have in place a form of licensure for such profes-
10 sionals that permits such professionals to provide
11 covered psychiatry services.

12 (8) TELEHEALTH TECHNOLOGIES.—The term
13 “telehealth technologies” means technologies relating
14 to the use of electronic information and tele-
15 communication technologies, to support and pro-
16 mote, at a distance, health care, patient and profes-
17 sional health-related education, health administra-
18 tion, and public health.

19 (d) EFFECTIVE DATE.—This section shall take effect
20 on the date of enactment of this Act.

21 **SEC. 5. STATE LAWS AFFECTED.**

22 The provisions of this Act (including the amendments
23 made by this Act) supersede and preempt any State stat-
24 ute, regulation, order, or interpretation to the extent such
25 statute, regulation, order, or interpretation would directly

- 1 or indirectly prohibit or restrict the activities permitted
- 2 by this Act (or the amendments made by this Act).

