

VETERINARY MEDICINE MOBILITY ACT OF 2014

MAY 20, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 1528]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1528) to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterinary Medicine Mobility Act of 2014”.

SEC. 2. TRANSPORT AND DISPENSING OF CONTROLLED SUBSTANCES IN THE USUAL COURSE OF VETERINARY PRACTICE.

Section 302(e) of the Controlled Substances Act (21 U.S.C. 822(e)) is amended—

(1) by striking “(e)” and inserting “(e)(1)”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), a registrant who is a veterinarian shall not be required to have a separate registration in order to transport and dispense controlled substances in the usual course of veterinary practice at a site other than the registrant’s registered principal place of business or professional practice, so long as the site of transporting and dispensing is located in a State where the veterinarian is licensed to practice veterinary medicine and is not a principal place of business or professional practice.”.

PURPOSE AND SUMMARY

The bill would amend the Controlled Substances Act (CSA) to clarify that, in States where a veterinarian who has registered with the Drug Enforcement Administration (DEA) is licensed to practice, the veterinarian may transport and dispense controlled substances at a site other than the principal place of business or professional practice, in the regular course of veterinary practice, without having to obtain separate registrations for each activity.

BACKGROUND AND NEED FOR LEGISLATION

The Drug Enforcement Administration’s (DEA) interpretation of the Controlled Substances Act and subsequent Federal regulations have raised questions about whether it is legal for registrants to transport and distribute controlled substances for use outside of their registered location.

Mobility is essential for veterinary practice. Not being able to transport and dispense controlled substances would be particularly problematic for rural food animal veterinarians, some of whom do not have offices for seeing animals and some of whose clients cannot transport their animals to clinics or animal hospitals.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On February 27, 2014, the Subcommittee on Health met in open markup session and approved H.R. 1528, Veterinary Medicine Mobility Act of 2014 for full Committee consideration, as amended, by a voice vote. On April 3, 2014, the Energy and Commerce Committee met in open markup session and approved H.R. 1528, as amended, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no

record votes taken in connection with ordering H.R. 1528 reported. A motion by Mr. Upton to order H.R. 1528 reported to the House, without amendment, was agreed to by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The objective of this legislation is to allow veterinarians to dispense controlled substances in the field when treating animals away from their registered place of business.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1528 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 1528 contains no earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 2014.

Hon. FRED UPTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1528, the Veterinary Medicine Mobility Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1528—Veterinary Medicine Mobility Act of 2014

Current law requires persons who distribute controlled substances to register with the Department of Justice; a separate registration is required for each principal place of business or professional practice. H.R. 1528 would clarify that veterinarians are not required to have separate registrations to dispense controlled substances outside of their principal place of business—when treating animals on a farm, for example—if the use of these substances is required in the usual course of veterinary practice in a state where the veterinarian is licensed to practice.

CBO expects that implementing H.R. 1528 would not change the number of registrations by veterinarians or significantly affect spending by the Department of Justice. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1528 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 1528 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 1528 directs to be completed zero rule makings within the meaning of 5 U.S.C. 551.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1: Short title

Section 1 provides the short title of “Veterinary Medicine Mobility Act of 2014.”

Section 2: Transport and dispensing of controlled substances in the usual course of veterinary practice

This provision allows veterinarians to transport and dispense controlled substances at sites other than the veterinarian’s registered principal place of business as long as the sites are in a State where the veterinarian is licensed to practice veterinary medicine.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

CONTROLLED SUBSTANCES ACT

TITLE II—CONTROL AND ENFORCEMENT

* * * * *

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES; PIPERIDINE REPORTING

* * * * *

PERSONS REQUIRED TO REGISTER

SEC. 302. (a) * * *

* * * * *

(e)(1) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances or list I chemicals.

(2) *Notwithstanding paragraph (1), a registrant who is a veterinarian shall not be required to have a separate registration in order to transport and dispense controlled substances in the usual course of veterinary practice at a site other than the registrant’s registered principal place of business or professional practice, so long as the site of transporting and dispensing is located in a State where the veterinarian is licensed to practice veterinary medicine and is not a principal place of business or professional practice.*

* * * * *

EXCHANGE OF LETTERS WITH ADDITIONAL COMMITTEES OF REFERRAL

BOB GOODLATTE, Virginia
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RON DESANTIS, Florida
JASON SMITH, Missouri
VANDNEY

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
<http://www.house.gov/judiciary>

April 28, 2014

JOHN CONYERS, JR., Michigan
RANKING MEMBER

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DAVID CIRCLE, Rhode Island

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton,

On April 3, 2014, the Committee on Energy and Commerce ordered reported H.R. 1528, the "Veterinary Medicine Mobility Act of 2013." As you know, the Committee on the Judiciary was given an additional referral on this measure upon introduction. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, I to agree to discharge the Committee on the Judiciary from further consideration of H.R. 1528.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 1528 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 1528, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during consideration of the legislation on the House floor.

Sincerely,



Bob Goodlatte
Chairman

cc: The Honorable John Boehner
The Honorable John Conyers, Jr.
The Honorable Henry Waxman
Mr. Tom Wickham, Jr.

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (201) 225-2927
Minority (202) 225-3641

April 29, 2014

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte,

Thank you for your letter regarding H.R. 1528, the "Veterinary Medicine Mobility Act of 2013." As you noted, the Committee on the Judiciary was given an additional referral on this measure upon introduction.

I appreciate your willingness to forgo action on H.R. 1528, and I agree that your decision is not a waiver of any of the Committee on the Judiciary's jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. In addition, I understand the Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and you will have my support for any such request.

I will include a copy of your letter and this response in the *Congressional Record* during consideration of H.R. 1528 on the House floor.

Sincerely,



Fred Upton
Chairman