

114TH CONGRESS
2D SESSION

H. R. 5314

To provide for the development and dissemination of programs and materials for training pharmacists, health care providers, and patients on the circumstances under which a pharmacist may decline to fill a prescription for a controlled substance because the pharmacist suspects the prescription is fraudulent, forged, or otherwise indicative of abuse or diversion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2016

Mr. DESAULNIER (for himself and Mr. CARTER of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the development and dissemination of programs and materials for training pharmacists, health care providers, and patients on the circumstances under which a pharmacist may decline to fill a prescription for a controlled substance because the pharmacist suspects the prescription is fraudulent, forged, or otherwise indicative of abuse or diversion, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Empowering Phar-
3 macists in the Fight Against Opioid Abuse Act”.

4 **SEC. 2. PROGRAMS AND MATERIALS FOR TRAINING ON**
5 **CERTAIN CIRCUMSTANCES UNDER WHICH A**
6 **PHARMACIST MAY DECLINE TO FILL A PRE-**
7 **SCRIPTION.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Administrator of the
10 Drug Enforcement Administration, in consultation with
11 the Secretary of Health and Human Services and the
12 Commissioner of Food and Drugs, shall develop and dis-
13 seminate programs and materials for training phar-
14 macists, health care providers, and patients on—

15 (1) circumstances under which a pharmacist
16 may, consistent with section 201 of the Controlled
17 Substances Act (21 U.S.C. 801 et seq.) and regula-
18 tions thereunder, including section 1306.04 of title
19 21, Code of Federal Regulations, decline to fill a
20 prescription for a controlled substance because the
21 pharmacist suspects the prescription is fraudulent,
22 forged, or otherwise indicative of abuse or diversion;
23 and

24 (2) any Federal requirements pertaining to de-
25 clining to fill a prescription under such cir-
26 cumstances.

1 (b) STAKEHOLDER INPUT.—In developing the pro-
2 grams and materials required by paragraph (1), the Ad-
3 ministrator of the Drug Enforcement Administration shall
4 seek input from relevant national, State, and local associa-
5 tions, boards of pharmacy, medical societies, and licensing
6 boards.

