

115TH CONGRESS
2D SESSION

S. 3711

To establish an annual fee applicable to opioid manufacturers.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2018

Mr. MERKLEY introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an annual fee applicable to opioid
manufacturers.

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 “Opioid Treatment
5 Surge Act”.

6 **SEC. 2. ANNUAL FEE.**

7 (a) IN GENERAL.—For each of the 10 calendar years
8 immediately proceeding the date of enactment of this Act,
9 the Secretary of Health and Human Services shall assess
10 a fee against each prescription drug manufacturer that,
11 at any time during the period beginning on January 1,

1 1999, and ending on the calendar year immediately pre-
2 ceding the year in which the fee is assessed, manufactured
3 any opioid drug (other than a drug described in subsection
4 (b)). Such fee, with respect to such a manufacturer, shall
5 be in an amount, as determined by such Secretary, that
6 bears the same relationship to \$2,000,000,000 as the mar-
7 ket share of any such opioid drugs manufactured by such
8 manufacturer during the period for which the fee is being
9 assessed bears to the total market for opioid drugs (ex-
10 cluding such drugs described in subsection (b)) during
11 such period.

12 (b) EXCEPTIONS.—The fee described in subsection
13 (a) shall not apply with respect to any opioid drug used
14 exclusively for the treatment of—

15 (1) opioid addiction, as part of a medically as-
16 sisted treatment effort; or

17 (2) cancer or hospice patients.

18 (c) TRANSFERS TO BLOCK GRANT PROGRAMS.—For
19 each year that the Secretary of Health and Human Serv-
20 ices assesses fees under subsection (a), the Secretary of
21 the Treasury shall transfer from the general fund of the
22 Treasury to the Secretary of Health and Human Services
23 an amount equal to the amount of such fees, for purposes
24 of carrying out the substance abuse prevention and treat-
25 ment block grant under subpart II of part B of title XIX

1 of the Public Health Service Act (42 U.S.C. 300x-21 et
2 seq.).

