

providing amounts from the grant to any entity for treatment services for persons who inject drugs, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.

(July 1, 1944, ch. 373, title XIX, §1923, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 390; amended Pub. L. 114-255, div. B, title VIII, §8002(b), Dec. 13, 2016, 130 Stat. 1229; Pub. L. 117-328, div. FF, title I, §1241(a)(4), Dec. 29, 2022, 136 Stat. 5677.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1923 of act July 1, 1944, was classified to section 300x-9b of this title prior to repeal by Pub. L. 102-321.

Another prior section 1923 of act July 1, 1944, was classified to section 300y-2 of this title prior to repeal by Pub. L. 100-690.

##### AMENDMENTS

2022—Pub. L. 117-328, §1241(a)(4)(A), substituted “substance use” for “substance abuse” in section catchline.

Subsec. (a). Pub. L. 117-328, §1241(a)(4)(B), which directed amendment of subsec. (a) by substituting “substance use disorders” for “drug abuse”, was executed by making the substitution both places “drug abuse” appeared, to reflect the probable intent of Congress.

2016—Subsec. (b). Pub. L. 114-255 substituted “to persons who inject drugs” for “regarding intravenous substance abuse” in heading and “for persons who inject drugs” for “for intravenous drug abuse” in text.

### § 300x-24. Requirements regarding tuberculosis and human immunodeficiency virus

#### (a) Tuberculosis

##### (1) In general

A funding agreement for a grant under section 300x-21 of this title is that the State involved will require that any entity receiving amounts from the grant for operating a program of treatment for substance use disorders—

(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such disorders; and

(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

##### (2) Tuberculosis services

For purposes of paragraph (1), the term “tuberculosis services”, with respect to an individual, means—

(A) counseling the individual with respect to tuberculosis;

(B) testing to determine whether the individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the individual; and

(C) providing such treatment to the individual.

#### (b) Human immunodeficiency virus

##### (1) Requirement for certain States

In the case of a State described in paragraph (2), a funding agreement for a grant under section 300x-21 of this title is that—

(A) with respect to individuals undergoing treatment for substance use disorders, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

##### (2) Designated States

For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the most recent calendar year for which such data are available).

##### (3) Use of existing programs regarding substance use disorders

With respect to programs that provide treatment services for substance use disorders, a funding agreement for a grant under section 300x-21 of this title for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

##### (4) Applicable percentage regarding expenditures for services

(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 300x-21 of this title for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 300x-1a<sup>1</sup> of this title for fiscal year 1991 in compliance with section 300x-4(c)(6)(A)(ii)<sup>1</sup> of this title (as such sections were in effect for such fiscal year).

(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a

<sup>1</sup> See References in Text note below.

negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

**(5) Requirement regarding rural areas**

(A) A funding agreement for a grant under section 300x-21 of this title for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

(B) The Secretary shall waive the requirement established in subparagraph (A) if the State involved certifies to the Secretary that—

- (i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or
- (ii) there are no rural areas in the State.

**(6) Manner of providing services**

With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 300x-21 of this title for a designated State is that—

(A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

(B) undergoing such services will not be required as a condition of receiving treatment services for substance use disorders or any other services.

**(7) Definitions**

For purposes of this subsection:

(A) The term “designated State” means a State described in paragraph (2).

(B) The term “early intervention services”, with respect to HIV disease, means—

- (i) appropriate pretest counseling;
- (ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;
- (iii) appropriate post-test counseling; and
- (iv) providing the therapeutic measures described in clause (ii).

(C) The term “HIV disease” means infection with the etiologic agent for acquired immune deficiency syndrome.

**(c) Expenditure of grant for compliance with agreements**

**(1) In general**

A grant under section 300x-21 of this title may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

**(2) Limitation**

A funding agreement for a grant under section 300x-21 of this title for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] and the program established in title XIX of such Act [42 U.S.C. 1396 et seq.]); or

(B) by an entity that provides health services on a prepaid basis.

**(d) Applicability of certain provision**

Section 300x-31 of this title applies to this section (and to each other provision of this subpart).

(July 1, 1944, ch. 373, title XIX, §1924, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 391; amended Pub. L. 114-255, div. B, title VIII, §8002(c), Dec. 13, 2016, 130 Stat. 1229.)

**Editorial Notes**

REFERENCES IN TEXT

Section 300x-1a of this title, referred to in subsec. (b)(4)(A)(ii), was repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

Section 300x-4 of this title, referred to in subsec. (b)(4)(A)(ii), was in the original a reference to section 1916 of act July 1, 1944, which was repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378. Section 201(2) of Pub. L. 102-321 enacted new sections 1915 and 1916 of act July 1, 1944, which are classified to sections 300x-4 and 300x-5, respectively, of this title.

The Social Security Act, referred to in subsec. (c)(2)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

A prior section 1924 of act July 1, 1944, was classified to section 300x-10 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1924 of act July 1, 1944, was classified to section 300y-3 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-255, §8002(c)(1)(A), substituted “substance use disorders” for “substance abuse” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 114-255, §8002(c)(1)(B), substituted “such disorders” for “such abuse”.

Subsec. (b)(1)(A). Pub. L. 114-255, §8002(c)(2)(A), substituted “substance use disorders” for “substance abuse”.

Subsec. (b)(2). Pub. L. 114-255, §8002(c)(2)(B), inserted “and Prevention” after “Disease Control”.

Subsec. (b)(3). Pub. L. 114-255, §8002(c)(2)(C), substituted “use disorders” for “abuse” in heading and “substance use disorders” for “substance abuse” in text.

Subsec. (b)(6)(B). Pub. L. 114-255, §8002(c)(2)(D), substituted “substance use disorders” for “substance abuse”.

Subsecs. (d), (e). Pub. L. 114-255, § 8002(c)(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 300x-21 of this title is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.”

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102-531, title III, § 312, Oct. 27, 1992, 106 Stat. 3504.

#### § 300x-25. Group homes for persons in recovery from substance use disorders

##### (a) State revolving funds for establishment of homes

A State, using funds available under section 300x-21 of this title, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for persons in recovery from substance use disorders as follows:

(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or other substance use disorders may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

(2) The programs are carried out in accordance with guidelines issued under subsection (b).

(3) Not less than \$100,000 is available for the fund.

(4) Loans made from the revolving fund do not exceed \$4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.

(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

(B) any resident of the housing who violates such prohibition will be expelled from the housing;

(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

##### (b) Issuance by Secretary of guidelines

The Secretary shall ensure that there are in effect guidelines under this subpart for the operation of programs described in subsection (a).

##### (c) Applicability to territories

The requirements established in subsection (a) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.

(July 1, 1944, ch. 373, title XIX, § 1925, as added Pub. L. 102-321, title II, § 202, July 10, 1992, 106 Stat. 393; amended Pub. L. 106-310, div. B, title XXXIII, § 3303(b), Oct. 17, 2000, 114 Stat. 1210; Pub. L. 114-255, div. B, title VIII, § 8002(d), Dec. 13, 2016, 130 Stat. 1230; Pub. L. 117-328, div. FF, title I, § 1241(a)(5), Dec. 29, 2022, 136 Stat. 5677.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1925 of act July 1, 1944, was classified to section 300x-11 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1925 of act July 1, 1944, was classified to section 300y-4 of this title prior to repeal by Pub. L. 99-280.

##### AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117-328 substituted “alcohol or other substance use disorders” for “alcohol or drug abuse”.

2016—Pub. L. 114-255, § 8002(d)(1), substituted “persons in recovery from substance use disorders” for “recovering substance abusers” in section catchline.

Subsec. (a). Pub. L. 114-255, § 8002(d)(2), substituted “persons in recovery from substance use disorders” for “recovering substance abusers” in introductory provisions.

2000—Subsec. (a). Pub. L. 106-310, in introductory provisions, substituted “A State, using funds available under section 300x-21 of this title, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for recovering substance abusers as follows:” for “For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 300x-21 of this title only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:”.

#### § 300x-26. Sale of tobacco products to individuals under age of 21

##### (a) In general

A funding agreement for a grant under section 300x-21 of this title is that the State involved will—

(1) annually conduct random, unannounced inspections to ensure that retailers do not sell tobacco products to individuals under the age of 21; and

(2) annually submit to the Secretary a report describing—

(A) the activities carried out by the State to ensure that retailers do not sell tobacco products to individuals under the age of 21;

(B) the extent of success the State has achieved in ensuring that retailers do not sell tobacco products to individuals under the age of 21; and

(C) the strategies to be utilized by the State to ensure that retailers do not sell tobacco products to individuals under the age