

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

of 21 during the fiscal year for which the grant is sought.

(b) Noncompliance of State

(1) In general

Before making a grant under section 300x-21 of this title to a State, the Secretary shall make a determination of whether the State has maintained compliance with subsection (a). If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount up to 10 percent of the amount determined under section 300x-33 of this title for the State for the applicable fiscal year.

(2) Limitation

(A) In general

A State shall not have funds withheld pursuant to paragraph (1) if such State for which the Secretary has made a determination of noncompliance under such paragraph—

(i) certifies to the Secretary by May 1 of the fiscal year for which the funds are appropriated, consistent with subparagraph (B), that the State will commit additional State funds, in accordance with paragraph (1), to ensure that retailers do not sell tobacco products to individuals under 21 years of age;

(ii) agrees to comply with a negotiated agreement for a corrective action plan that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary; or

(iii) is a territory that receives less than \$1,000,000 for a fiscal year under section 300x-21 of this title.

(B) Certification

(i) In general

The amount of funds to be committed by a State pursuant to subparagraph (A)(i) shall be equal to 1 percent of such State's allocation determined under section 300x-33 of this title for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary.

(ii) State expenditures

For a fiscal year in which a State commits funds as described in clause (i), such State shall maintain State expenditures for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, plus the additional funds for tobacco compliance activities required under clause (i). The State shall submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

(iii) Discretion

The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subparagraph (A)(i) as late as July 31 of such fiscal year.

(C) Failure to certify

If a State described in subparagraph (A) fails to certify to the Secretary pursuant to subparagraph (A)(i) or enter into, or comply with, a negotiated agreement under subparagraph (A)(ii), the Secretary may take action pursuant to paragraph (1).

(c) Implementation of reporting requirements

(1) Transition period

The Secretary shall—

(A) not withhold amounts under subsection (b) for the 3-year period immediately following December 20, 2019; and

(B) use discretion in exercising its authority under subsection (b) during the 2-year period immediately following the 3-year period described in subparagraph (A), to allow for a transition period for implementation of the reporting requirements under subsection (a)(2).

(2) Regulations or guidance

Not later than 180 days after December 20, 2019, the Secretary shall update regulations under part 96 of title 45, Code of Federal Regulations¹ or guidance on the retailer compliance rate goal under subsection (b), the use of funds provided under section 300x-21 of this title for purposes of meeting the requirements of this section, and reporting requirements under subsection (a)(2).

(3) Coordination

The Secretary shall ensure the Assistant Secretary for Mental Health and Substance Use coordinates, as appropriate, with the Commissioner of Food and Drugs to ensure that the technical assistance provided to States under subsection (e) is consistent with applicable regulations for retailers issued under part 1140 of title 21, Code of Federal Regulations.

(d) Transitional grants

(1) In general

The Secretary shall award grants under this subsection to each State that receives funding under section 300x-21 of this title to ensure compliance of each such State with this section.

(2) Use of funds

A State receiving a grant under this subsection—

(A) shall use amounts received under such grant for activities to plan for or ensure compliance in the State with subsection (a); and

(B) in the case of a State for which the Secretary has made a determination under subsection (b) that the State is prepared to meet, or has met, the requirements of sub-

¹ So in original. Probably should be followed by a comma.

section (a), may use such funds for tobacco cessation activities, strategies to prevent the use of tobacco products by individuals under the age of 21, or allowable uses under section 300x-21 of this title.

(3) Supplement not supplant

Grants under this subsection shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under paragraph (2).

(4) Authorization of appropriations

To carry out this subsection, there are authorized to be appropriated \$18,580,790 for each of fiscal years 2020 through 2024.

(5) Sunset

This subsection shall have no force or effect after September 30, 2024.

(e) Technical assistance

The Secretary shall provide technical assistance to States related to the activities required under this section.

(July 1, 1944, ch. 373, title XIX, §1926, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 394; amended Pub. L. 116-94, div. N, title I, §604(a), Dec. 20, 2019, 133 Stat. 3124; Pub. L. 117-328, div. FF, title I, §1241(a)(6), Dec. 29, 2022, 136 Stat. 5677.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1926 of act July 1, 1944, was classified to section 300x-12 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1926 of act July 1, 1944, was classified to section 300y-5 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2022—Subsec. (b)(2)(B)(i). Pub. L. 117-328 struck out “substance abuse” before “allocation”.

2019—Pub. L. 116-94, §604(a)(1), struck out “State law regarding” before “sale” and substituted “21” for “18” in section catchline.

Subsec. (a). Pub. L. 116-94, §604(a)(3), (4), redesignated subsec. (b) as (a) and amended subsec. (a) generally. Prior to amendment, subsec. (a) related to the requirement of State enforcement of law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18 in order to qualify for funding agreements for grants under section 300x-21 of this title, and activities and reports regarding such enforcement.

Pub. L. 116-94, §604(a)(2), struck out subsec. (a), which required grants under section 300x-21 of this title for fiscal year 1994 and subsequent fiscal years to be based on the existence of State law forbidding sale or distribution of tobacco products to any individual under the age of 18, and providing delayed applicability of requirement for certain States.

Subsec. (b). Pub. L. 116-94, §604(a)(5), designated introductory provisions as par. (1), inserted par. heading, struck out “for the first applicable fiscal year or any subsequent fiscal year” after “a State”, substituted “subsection (a)” for “subsections (a) and (b)” and “up to 10 percent of the amount determined under section 300x-33 of this title for the State for the applicable fiscal year.” for “equal to—”, added par. (2), and struck out former pars. (1) to (4), which related to allotment reductions for first applicable fiscal years and three following fiscal years.

Pub. L. 116-94, §604(a)(3), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 116-94, §604(a)(6), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 116-94, §604(a)(2), (6), added subsec. (d) and struck out former subsec. (d) which defined “first applicable fiscal year”.

Subsec. (e). Pub. L. 116-94, §604(a)(6), added subsec. (e).

§ 300x-26a. Repealed. Pub. L. 116-94, div. N, title I, § 604(c), Dec. 20, 2019, 133 Stat. 3127

Section, Pub. L. 111-117, div. D, title II, §212, Dec. 16, 2009, 123 Stat. 3257, related to withholding of substance abuse funding under section 300x-26 of this title.

§ 300x-27. Treatment services for pregnant women

(a) In general

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

(1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and

(2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

(b) Referrals regarding States

A funding agreement for a grant under section 300x-21 of this title is that, in carrying out subsection (a)(1)—

(1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and

(2) the State, in the case of each woman for whom a referral under paragraph (1) is made to the State—

(A) will refer the woman to a treatment facility that has the capacity to provide treatment services to the woman; or

(B) will, if no treatment facility has the capacity to admit the woman, make interim services available to the woman not later than 48 hours after the woman¹ seeks the treatment services.

(July 1, 1944, ch. 373, title XIX, §1927, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 395; amended Pub. L. 102-352, §2(a)(10), Aug. 26, 1992, 106 Stat. 938.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1927 of act July 1, 1944, was classified to section 300x-12 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1927 of act July 1, 1944, was classified to section 300y-6 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

1992—Subsec. (b)(2)(B). Pub. L. 102-352 struck out “available” before “interim services available”.

¹ So in original. Probably should be “woman”.