

(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 subsection (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 So in original. Probably should be followed by a comma.

(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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

§ 300x-28. Additional agreements

(a) Improvement of process for appropriate referrals for treatment

With respect to individuals seeking treatment services, a funding agreement for a grant under section 300x-21 of this title is that the State involved will improve the process in the State for referring the individuals to treatment facilities that can provide to the individuals the treatment modality that is most appropriate for the individuals.

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

(b) Professional development

A funding agreement for a grant under section 300x-21 of this title is that the State involved will ensure that prevention, treatment, and recovery personnel operating in the State's substance use disorder prevention, treatment, and recovery systems have an opportunity to receive training, on an ongoing basis, concerning—

(1) recent trends in substance use disorders in the State;

(2) improved methods and evidence-based practices for providing substance use disorder prevention and treatment services;

(3) performance-based accountability;

(4) data collection and reporting requirements; and

(5) any other matters that would serve to further improve the delivery of substance use disorder prevention and treatment services within the State.

(c) Coordination of various activities and services

A funding agreement for a grant under section 300x-21 of this title is that the State involved will coordinate prevention and treatment activities with the provision of other appropriate services (including health, social, correctional and criminal justice, educational, vocational rehabilitation, and employment services).

(d) Waiver of requirement

(1) In general

Upon the request of a State, the Secretary may provide to a State a waiver of any or all of the requirements established in this section if the Secretary determines that, with respect to services for the prevention and treatment of substance use disorders, the requirement involved is unnecessary for maintaining quality in the provision of such services in the State.

(2) Date certain for acting upon request

The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

(3) Applicability of waiver

Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

(July 1, 1944, ch. 373, title XIX, §1928, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 396; amended Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2)(B), Oct. 17, 2000, 114 Stat. 1211; Pub. L. 114-255, div. B, title VIII, §8002(e), Dec. 13, 2016, 130 Stat. 1230.)

REPEAL OF SUBSECTION (d)

Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2), Oct. 17, 2000, 114 Stat. 1211, provided that, effective upon publication of regulations developed in accordance with section 300x-32(e)(1) of this title, subsection (d) of this section is repealed.

Editorial Notes

PRIOR PROVISIONS

A prior section 1928 of act July 1, 1944, was classified to section 300y-7 of this title prior to repeal by Pub. L. 99-280.