

**House Energy and Commerce Committee Markup on
Opioids Legislation and H.R. 4606, H.R. 5174, H.R. 5175, H.R. 5239, and H.R. 5240
May 9, 2018**

On May 9, the House Energy and Commerce Committee held a markup of 26 bills to address the opioid misuse and overdose epidemic. The markup lacked the partisan divisions that occurred at the Health Subcommittee markup and all of the bills were reported by voice vote.

A full list of bills that were considered is available [here](#).

The Committee will meet on May 17 to consider additional bills, which are still being worked on. In his [opening statement](#), Chairman Walden (R-OR) said, “upon completion of our markups this week and next, we will have fulfilled our commitment to report a package of bills to combat the opioid crisis to the House Floor by Memorial Day. I look forward to working with leadership to schedule floor action soon.”

Democrats expressed concerns that the bills being considered today did not go far enough. In his [opening statement](#), Ranking Member Pallone (D-NJ) said he supported the bills being considered today, but was concerned about some of the bills that were excluded from the markup process and cited a bill sponsored by Rep. DeGette (D-CO) on prior authorization for Medication Assisted Treatment (MAT) and a bill he cosponsored with Rep. Neal (D-MA) to expand access to coverage for Methadone under the Medicare program. Additionally, both Reps. DeGette and Castor (D-FL) said a full response to the epidemic is needed, similar to the Ryan White Act for the AIDs crisis.

Bills that were considered at today’s markup include (with key debate and amendments noted):

1. **HR 449, Synthetic Drug Awareness Act of 2017, reported by voice**
2. **HR 4284, INFO Act of 2017 as [amended](#), reported by voice vote**
3. **HR 5002, ACE Research Act, reported by voice vote**
4. **HR 5102, Substance Use Disorder Workforce Loan Repayment Act of 2018, reported by voice vote**
5. **HR 5009, Jessie’s Law as [amended](#), reported by voice vote**
 - a. The amendment requires the Department of Health and Human Services (HHS) to annually develop and disseminate written materials to health care providers regarding permitted disclosures of health information to family members during emergencies, including overdoses
6. **HR 5176, Preventing Overdoses While in Emergency Rooms Act of 2018, reported by voice vote**
 - a. Rep Ruiz (D-CA) offered an [amendment](#), which he withdrew, to allow providers to administer 3 days of buprenorphine while they seek long-term treatment (current rules allow them to only administer 1 day of buprenorphine). He said he will introduce the amendment as a bill and Chairman Walden said the idea makes sense and committed to working with him to possibly incorporate the bill as they move the package to the Floor
7. **HR 5197, Alternatives to Opioids (ALTO) in the Emergency Department Act as [amended](#), reported by voice vote**
8. **HR 5261, TEACH to Combat Addiction Act of 2018, reported by voice vote**
9. **H.R. 5272, Reinforcing Evidence-Based Standards Under Law in Treating Substance Abuse Act of 2018, reported by voice vote**
10. **H.R. 5327, Comprehensive Opioid Recovery Centers Act 2018 as [amended/amended](#), reported by voice vote**

- a. The first amendment, offered by Rep. Guthrie (R-KY), clarifies that the services may be contracted out
 - b. The second amendment, offered by Rep Lujan (D-NM), includes prevention services part of the Centers' activities
11. **H.R. 5353, Eliminating Opioid-Related Infectious Diseases Act of 2018, reported by voice vote**
 12. **H.R. 3331, To amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology as [amended](#), reported by voice vote**
 13. **H.R. 5685, Medicare Opioid Safety Education Act, reported by voice vote**
 14. **H.R. 3528, Every Prescription Conveyed Securely Act as [amended](#), reported by voice vote**
 15. **H.R. 4841, Standardizing Electronic Prior Authorization for Safe Prescribing Act of 2018 as [amended](#), reported by voice vote**
 16. **H.R. 5675, To amend title XVIII of the Social Security Act to require prescription drug plan sponsors under the Medicare program to establish drug management programs for at-risk beneficiaries, reported by voice vote**
 17. **H.R. 5686, Medicare Clear Health Options in Care for Enrollees (CHOICE) Act, reported by voice vote**
 18. **H.R. 5582, Abuse Deterrent Access Act of 2018 as [amended](#), reported by voice vote**
 - a. During debate over the amendment, Rep. Schakowsky (D-IL) said she was encouraged that the amendment included studying of price of abuse deterrent drugs and said she thinks the price of naloxone should be studied. She noted that the generic and Evzio versions have increased and said Evzio's price has gone up 500%. She also said that she thinks the Administration should be allowed to negotiate the price of naloxone and hoped the Committee will work on naloxone pricing as they continue to work on bills at next week's markup and going to the Floor.
 19. **H.R. 5684, Protecting Seniors from Opioid Abuse Act, reported by voice vote**
 20. **H.R. 5333, the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2018 as [amended](#), reported by voice vote**
 - a. Rep. Latta [amendment](#): GAO Study, Clarifying Changes, adopted, Voice Vote
 - b. Rep. Pallone amendment on exclusivity, rejected 24-30
 21. **H.R. 5473, Better Pain Management Through Better Data Act of 2018, reported by voice vote**
 22. **H.R. 5687, Securing Opioids and Unused Narcotics with Deliberate Disposal and Packaging Act of 2018, reported by voice vote**
 - a. Rep. Hudson submitted a letter from SafeRx, an organization in his district
 23. **H.R. 4275, Empowering Pharmacists in the Fight Against Opioid Abuse Act, reported by voice vote**
 24. **H.R. 5041, Safe Disposal of Unused Medication Act, as [amended](#), reported by voice vote**
 25. **H.R. 5202, Ensuring Patient Access to Substance Use Disorder Treatments Act of 2018, reported by voice vote**
 - a. Amendment from Rep. Welch (D-VT) on corrective action plan, Rep. Barton reserved a point of order against the amendment on the grounds that it was not germane, Point of Order Sustained, Ruling of the Chair
 26. **H.R. 5483, Special Registration for Telemedicine Clarification Act of 2018, reported by voice vote**

Non-Opioid Health Bill

- 27. H.R. 5554, Animal Drug and Animal Generic Drug User Fee Amendments of 2018, reported by voice vote**
- a. Rep. Richard Hudson (R-NC) amendment on Conditional Approval of New Animal Drugs, adopted by voice vote
 - b. Rep. Schakowsky (D-IL) amendment on duration study on medically important anti-microbials, withdrawn

Energy Bills

- 28. H.R. 4606 Ensuring Small Scale LNG Certainty and Access Act, as amended, reported favorably 35-15**
- 29. H.R.5174 Energy Emergency Leadership Act, reported by voice vote, reported by voice vote**
- 30. H.R.5175 Pipeline and LNG Facility Cybersecurity Preparedness Act, as amended**
- 31. H.R.5239 Cyber Sense Act of 2018, reported by voice vote**
- 32. H.R.5240 Enhancing Grid Security through Public-Private Partnerships Act, as amended, reported by voice vote**

The only bill which was listed, but not considered was **H.R. 5603, Access to Telehealth Services for Opioid Use Disorders**. Committee Chairman Rep. Walden said he will take the opportunity to take up more complicated bills at next week's markup. He also submitted statements from the record from Advanced Medicine Technology Association, the American Society of Addiction Medicine and a statement from Subcommittee Chairman Burgess.