

Union Calendar No. 229

106TH CONGRESS
1ST SESSION

H. R. 2260

[Report No. 106-378, Parts I and II]

A BILL

To amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

OCTOBER 18, 1999

Reported from the Committee on Commerce with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1999

Mr. HYDE (for himself, Mr. STUPAK, Mr. ADERHOLT, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mr. COBURN, Mr. COLLINS, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. EMERSON, Mr. EVERETT, Mr. FOSSELLA, Mr. GRAHAM, Mr. GOODE, Mr. GOODLATTE, Mr. HALL of Texas, Mr. HAYES, Mr. HERGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. ISTOOK, Mr. JOHN, Mr. KING, Mr. KNOLLENBERG, Mr. LAFALCE, Mr. LAHOOD, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCINTYRE, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NUSSLE, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. PHELPS, Mr. PICKERING, Mr. PITTS, Mr. PORTMAN, Mr. RAHALL, Mr. ROGAN, Mr. ROGERS, Mr. SALMON, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHOWS, Mr. SKELTON, Mr. SMITH of Texas, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. WALSH, Mr. WAMP, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 13, 1999

Reported from the Committee on the Judiciary

OCTOBER 18, 1999

Additional sponsors: Mr. DEMINT, Mrs. NORTHUP, Mr. BARTLETT of Mary-

land, Mr. CALVERT, Mr. POMBO, Mr. HOSTETTLER, Mr. ARMEY, Mr. ENGLISH, Mr. TAYLOR of Mississippi, Mr. HUNTER, Mr. PACKARD, Mr. EHLERS, Mr. BARR of Georgia, Mr. GOODLING, Mr. WATTS of Oklahoma, Mr. THUNE, Mr. SOUDER, Mr. DEAL of Georgia, Mr. KILDEE, Mr. BRADY of Texas, Mr. RADANOVICH, Mr. HILLEARY, Mr. GIBBONS, Mr. MORAN of Kansas, Mr. COBLE, Mr. HASTINGS of Washington, Mr. LATOURETTE, Mr. TALENT, Mr. TAUZIN, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. OXLEY, Mr. WOLF, Mr. MCINNIS, Mr. LIPINSKI, Mr. PEASE, Mr. RYUN of Kansas, Mr. JENKINS, Mr. HILL of Montana, Mr. COSTELLO, Mr. SUNUNU, Mr. CAMP, Mr. MASCARA, Mr. WICKER, Mr. WATKINS, Mr. FORBES, Mr. HALL of Ohio, Mr. PETRI, Mr. MCINTOSH, Mr. TAYLOR of North Carolina, Mr. CHAMBLISS, Mr. KLINK, Mr. SIMPSON, Mr. DIAZ-BALART, Mr. TIAHRT, Mrs. KELLY, Mr. FLETCHER, Mr. RILEY, Mr. GUTKNECHT, Mr. LATHAM, Mr. WHITFIELD, Mr. CRANE, Mr. BACHUS, Mrs. CUBIN, Mr. BARRETT of Nebraska, Mr. SWEENEY, Mr. SAM JOHNSON of Texas, Mr. UPTON, Mr. CANNON, Ms. PRYCE of Ohio, Mr. HEFLEY, Mr. GARY MILLER of California, Mr. VITTER, Mr. KINGSTON, Mr. COMBEST, Mr. SESSIONS, Mr. COOK, Mr. CALLAHAN, Mr. DUNCAN, Mr. RYAN of Wisconsin, Mr. QUINN, Mr. BILLEY, Mr. GALLEGLY, Mr. MICA, Mr. BROWN of Ohio, Mr. GREEN of Wisconsin, Mr. BATEMAN, Mr. NEAL of Massachusetts, Mr. LAZIO, Mr. SHADEGG, Mr. BILIRAKIS, Mr. ISAKSON, Mr. REYNOLDS, Mrs. FOWLER, Mr. BERRY, Mr. WELLER, and Mr. FRANKS of New Jersey

OCTOBER 18, 1999

Reported from the Committee on Commerce with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

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 “Pain Relief Promotion
 5 Act of 1999”.

1 **TITLE I—USE OF CONTROLLED**
2 **SUBSTANCES CONSISTENT**
3 **WITH THE CONTROLLED SUB-**
4 **STANCES ACT**

5 **SEC. 101. REINFORCING EXISTING STANDARD FOR LEGITI-**
6 **MATE USE OF CONTROLLED SUBSTANCES.**

7 Section 303 of the Controlled Substances Act (21
8 U.S.C. 823) is amended by adding at the end the fol-
9 lowing:

10 “(i)(1) For purposes of this Act and any regulations
11 to implement this Act, alleviating pain or discomfort in
12 the usual course of professional practice is a legitimate
13 medical purpose for the dispensing, distributing, or admin-
14 istering of a controlled substance that is consistent with
15 public health and safety, even if the use of such a sub-
16 stance may increase the risk of death. Nothing in this sec-
17 tion authorizes intentionally dispensing, distributing, or
18 administering a controlled substance for the purpose of
19 causing death or assisting another person in causing
20 death.

21 “(2) Notwithstanding any other provision of this Act,
22 in determining whether a registration is consistent with
23 the public interest under this Act, the Attorney General
24 shall give no force and effect to State law authorizing or
25 permitting assisted suicide or euthanasia.

1 “(3) Paragraph (2) applies only to conduct occurring
2 after the date of enactment of this subsection.”.

3 **SEC. 102. EDUCATION AND TRAINING PROGRAMS.**

4 Section 502(a) of the Controlled Substances Act (21
5 U.S.C. 872(a)) is amended—

6 (1) by striking “and” at the end of paragraph
7 (5);

8 (2) by striking the period at the end of para-
9 graph (6) and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(7) educational and training programs for
12 local, State, and Federal personnel, incorporating
13 recommendations by the Secretary of Health and
14 Human Services, on the necessary and legitimate
15 use of controlled substances in pain management
16 and palliative care, and means by which investiga-
17 tion and enforcement actions by law enforcement
18 personnel may accommodate such use.”.

19 **TITLE II—PROMOTING**
20 **PALLIATIVE CARE**

21 **SEC. 201. ACTIVITIES OF AGENCY FOR HEALTH CARE POL-**
22 **ICY AND RESEARCH.**

23 Part A of title IX of the Public Health Service Act
24 (42 U.S.C. 299 et seq.) is amended by adding at the end
25 the following section:

1 **“SEC. 906. PROGRAM FOR PALLIATIVE CARE RESEARCH**
2 **AND QUALITY.**

3 “(a) IN GENERAL.—The Administrator shall carry
4 out a program to accomplish the following:

5 “(1) Develop and advance scientific under-
6 standing of palliative care.

7 “(2) Collect and disseminate protocols and evi-
8 dence-based practices regarding palliative care, with
9 priority given to pain management for terminally ill
10 patients, and make such information available to
11 public and private health care programs and pro-
12 viders, health professions schools, and hospices, and
13 to the general public.

14 “(b) DEFINITION.—For purposes of this section, the
15 term ‘palliative care’ means the active total care of pa-
16 tients whose prognosis is limited due to progressive, far-
17 advanced disease. The purpose of such care is to alleviate
18 pain and other distressing symptoms and to enhance the
19 quality of life, not to hasten or postpone death.”

20 “(b) DEFINITION.—For purposes of this section, the
21 term ‘palliative care’ means the active, total care of patients
22 whose disease or medical condition is not responsive to cu-
23 rative treatment or whose prognosis is limited due to pro-
24 gressive, far-advanced disease. The purpose of such care is
25 to alleviate pain and other distressing symptoms and to en-
26 hance the quality of life, not to hasten or postpone death.”

1 **SEC. 202. ACTIVITIES OF HEALTH RESOURCES AND SERV-**
2 **ICES ADMINISTRATION.**

3 (a) IN GENERAL.—Part D of title VII of the Public
4 Health Service Act (42 U.S.C. 294 et seq.), as amended
5 by section 103 of Public Law 105–392 (112 Stat. 3541),
6 is amended—

7 (1) by redesignating sections 754 through 757
8 as sections 755 through 758, respectively; and

9 (2) by inserting after section 753 the following
10 section:

11 **“SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN**
12 **PALLIATIVE CARE.**

13 “(a) IN GENERAL.—The Secretary, in consultation
14 with the Administrator for Health Care Policy and Re-
15 search, may make awards of grants, cooperative agree-
16 ments, and contracts to health professions schools, hos-
17 pices, and other public and private entities for the develop-
18 ment and implementation of programs to provide edu-
19 cation and training to health care professionals in pallia-
20 tive care.

21 “(b) PRIORITIES.—In making awards under sub-
22 section (a), the Secretary shall give priority to awards for
23 the implementation of programs under such subsection.

24 “(c) CERTAIN TOPICS.—An award may be made
25 under subsection (a) only if the applicant for the award

1 agrees that the program carried out with the award will
2 include information and education on—

3 “(1) means for alleviating pain and discomfort
4 of patients, especially terminally ill patients, includ-
5 ing the medically appropriate use of controlled sub-
6 stances;

7 “(2) applicable laws on controlled substances,
8 including laws permitting health care professionals
9 to dispense or administer controlled substances as
10 needed to relieve pain even in cases where such ef-
11 forts may unintentionally increase the risk of death;
12 and

13 “(3) recent findings, developments, and im-
14 provements in the provision of palliative care.

15 “(d) PROGRAM SITES.—Education and training
16 under subsection (a) may be provided at or through health
17 professions schools, residency training programs and other
18 graduate programs in the health professions, entities that
19 provide continuing medical education, hospices, and such
20 other programs or sites as the Secretary determines to be
21 appropriate.

22 “(e) EVALUATION OF PROGRAMS.—The Secretary
23 shall (directly or through grants or contracts) provide for
24 the evaluation of programs implemented under subsection

1 (a) in order to determine the effect of such programs on
2 knowledge and practice regarding palliative care.

3 “(f) PEER REVIEW GROUPS.—In carrying out section
4 799(f) with respect to this section, the Secretary shall en-
5 sure that the membership of each peer review group in-
6 volved includes one or more individuals with expertise and
7 experience in palliative care.

8 ~~“(g) DEFINITION.—For purposes of this section, the~~
9 ~~term ‘palliative care’ means the active total care of pa-~~
10 ~~tients whose prognosis is limited due to progressive, far-~~
11 ~~advanced disease. The purpose of such care is to alleviate~~
12 ~~pain and other distressing symptoms and to enhance the~~
13 ~~quality of life, not to hasten or postpone death.”.~~

14 *“(g) DEFINITION.—For purposes of this section, the*
15 *term ‘palliative care’ means the active, total care of patients*
16 *whose disease or medical condition is not responsive to cu-*
17 *rative treatment or whose prognosis is limited due to pro-*
18 *gressive, far-advanced disease. The purpose of such care is*
19 *to alleviate pain and other distressing symptoms and to en-*
20 *hance the quality of life, not to hasten or postpone death.”.*

21 (b) AUTHORIZATION OF APPROPRIATIONS; ALLOCA-
22 TION.—

23 (1) IN GENERAL.—Section 758 of the Public
24 Health Service Act (as redesignated by subsection
25 (a)(1) of this section) is amended in subsection

1 (b)(1)(C) by striking “sections 753, 754, and 755”
2 and inserting “section 753, 754, 755, and 756”.

3 (2) AMOUNT.—With respect to section 758 of
4 the Public Health Service Act (as redesignated by
5 subsection (a)(1) of this section), the dollar amount
6 specified in subsection (b)(1)(C) of such section is
7 deemed to be increased by \$5,000,000.

8 **SEC. 203. EFFECTIVE DATE.**

9 The amendments made by this title take effect Octo-
10 ber 1, 1999, or upon the date of the enactment of this
11 Act, whichever occurs later.