

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Public Health Service Act with respect to opioid overdose reversal medication access, education, and co-prescribing grant programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Public Health Service Act with respect to opioid overdose reversal medication access, education, and co-prescribing grant programs, 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 “Naloxone Education  
5 and Access Act”.

1 **SEC. 2. OPIOID OVERDOSE REVERSAL MEDICATION AC-**  
2 **CESS, EDUCATION, AND CO-PRESCRIBING**  
3 **GRANT PROGRAMS.**

4 Section 545 of the Public Health Service Act (42  
5 U.S.C. 290ee) is amended—

6 (1) in the section heading, by striking “**AC-**  
7 **CESS AND EDUCATION**” and inserting “**ACCESS,**  
8 **EDUCATION, AND CO-PRESCRIBING**”;

9 (2) in subsection (a)—

10 (A) in the subsection heading, by striking  
11 “**TO STATES**”;

12 (B) in the matter preceding paragraph (1),  
13 by striking “States” and inserting “eligible en-  
14 tities”;

15 (C) in paragraph (1), by striking “for  
16 pharmacists to dispense a drug or device ap-  
17 proved or cleared” and inserting “that increase  
18 access to drugs and devices approved, cleared,  
19 or otherwise legally marketed”;

20 (D) by redesignating paragraphs (3) and  
21 (4) as paragraphs (5) and (6), respectively;

22 (E) by inserting after paragraph (2) the  
23 following:

24 “(3) encourage health care providers to co-pre-  
25 scribe, as appropriate, drugs or devices approved,  
26 cleared, or otherwise legally marketed under the

1 Federal Food, Drug, and Cosmetic Act for emer-  
2 gency treatment of known or suspected opioid over-  
3 dose;

4 “(4) support innovative community-based dis-  
5 tribution programs of drugs or devices approved,  
6 cleared, or otherwise legally marketed under the  
7 Federal Food, Drug, and Cosmetic Act for emer-  
8 gency treatment of known or suspected opioid over-  
9 dose;”;

10 (F) in paragraphs (5) and (6), as so redesi-  
11 gnated, by striking “approved or cleared” each  
12 place it appears and inserting “approved,  
13 cleared, or otherwise legally marketed”;

14 (3) in subsection (b)—

15 (A) by striking “State” and inserting “eli-  
16 gible entity”; and

17 (B) by striking “approved or cleared” and  
18 inserting “approved, cleared, or otherwise le-  
19 gally marketed”;

20 (4) in subsection (c)—

21 (A) in the matter preceding paragraph (1),  
22 by striking “States” and inserting “eligible en-  
23 tities”; and

1 (B) by striking “approved or cleared” each  
2 place it appears and inserting “approved,  
3 cleared, or otherwise legally marketed”;

4 (5) in subsection (d)—

5 (A) in paragraph (1), by striking “A  
6 State” and inserting “An eligible entity”;

7 (B) in paragraph (2), by striking “3” and  
8 inserting “5”; and

9 (C) by amending paragraph (3) to read as  
10 follows:

11 “(3) LIMITATION.—An eligible entity may  
12 use—

13 “(A) not more than 10 percent of a grant  
14 under this section for educating the public pur-  
15 suant to subsection (a)(6); and

16 “(B) not less than 20 percent of a grant  
17 under this section to offset cost-sharing for dis-  
18 tribution and dispensing of drugs or devices ap-  
19 proved, cleared, or otherwise legally marketed  
20 under the Federal Food, Drug, and Cosmetic  
21 Act for emergency treatment of known or sus-  
22 pected opioid overdose.”;

23 (6) in subsection (e), by striking “a State” and  
24 inserting “an eligible entity”;

25 (7) in subsection (f)—

1 (A) by striking “A State” and inserting  
2 “An eligible entity”;

3 (B) by striking “in the State” and insert-  
4 ing “in the jurisdiction of the eligible entity”;  
5 and

6 (C) by striking “approved or cleared” and  
7 inserting “approved, cleared, or otherwise le-  
8 gally marketed”;

9 (8) by amending subsection (g) to read as fol-  
10 lows:

11 “(g) DEFINITIONS.—In this section:

12 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
13 tity’ means a State, locality, Indian Tribe, Tribal or-  
14 ganization, or Urban Indian organization.

15 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’  
16 has the meaning given the term in section 4 of the  
17 Indian Self-Determination and Education Assistance  
18 Act.

19 “(3) STANDING ORDER.—The term ‘standing  
20 order’ means a document prepared by a person au-  
21 thorized to prescribe medication that permits an-  
22 other person to acquire, dispense, or administer  
23 medication without a person-specific prescription.

24 “(4) TRIBAL ORGANIZATION.—The term ‘Tribal  
25 organization’ has the meaning given the term in sec-

1           tion 4 of the Indian Self-Determination and Edu-  
2           cation Assistance Act.

3           “(5) URBAN INDIAN ORGANIZATION.—The term  
4           ‘Urban Indian organization’ has the meaning given  
5           the term in section 4 of the Indian Health Care Im-  
6           provement Act.”; and

7           (9) in subsection (h)(1)—

8           (A) by striking “\$5,000,000” and inserting  
9           “\$10,000,000”; and

10           (B) by striking “2017 through 2019” and  
11           inserting “2023 through 2027”.