

115TH CONGRESS  
1ST SESSION

# H. R. 3254

To amend the Internal Revenue Code to impose an excise tax on opioid manufacturers, to make the funds collected through such tax available for opioid (including heroin) abuse prevention and treatment programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2017

Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, 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

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## A BILL

To amend the Internal Revenue Code to impose an excise tax on opioid manufacturers, to make the funds collected through such tax available for opioid (including heroin) abuse prevention and treatment 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 “Heroin and Opioid  
5 Abuse Prevention and Treatment Act of 2017”.

1 **SEC. 2. EXCISE TAX ON OPIOIDS.**

2 (a) IN GENERAL.—Subchapter E of chapter 32 of the  
3 Internal Revenue Code of 1986 is amended by adding at  
4 the end the following new section:

5 **“SEC. 4192. OPIOIDS.**

6 “(a) IN GENERAL.—There is hereby imposed on the  
7 manufacturer, producer, or importer of any taxable active  
8 opioid a tax equal to the amount determined under sub-  
9 section (b).

10 “(b) AMOUNT DETERMINED.—The amount deter-  
11 mined under this subsection with respect to a manufac-  
12 turer, producer, or importer for a calendar year is 1 cent  
13 per milligram of taxable active opioid in the production  
14 or manufacturing quota determined for such manufac-  
15 turer, producer, or importer for the calendar year under  
16 section 306 of the Controlled Substances Act.

17 “(c) TAXABLE ACTIVE OPIOID.—For purposes of this  
18 section—

19 “(1) IN GENERAL.—The term ‘taxable active  
20 opioid’ means any controlled substance (as defined  
21 in section 102 of the Controlled Substances Act)  
22 manufactured in the United States which is opium,  
23 an opiate, or any derivative thereof. Such term ex-  
24 cludes a narcotic drug for maintenance treatment or  
25 detoxification treatment if, to dispense the drug, a  
26 practitioner must obtain a separate registration

1 under section 303(g) of the Controlled Substances  
2 Act.

3 “(2) OTHER INGREDIENTS.—In the case of a  
4 product that includes a taxable active opioid and an-  
5 other ingredient, subsection (a) shall apply only to  
6 the portion of such product that is a taxable active  
7 opioid.”.

8 (b) CLERICAL AMENDMENTS.—

9 (1) The heading of subchapter E of chapter 32  
10 of the Internal Revenue Code of 1986 is amended by  
11 striking “Medical Devices” and inserting “Other  
12 Medical Products”.

13 (2) The table of subchapters for chapter 32 of  
14 such Code is amended by striking the item relating  
15 to subchapter E and inserting the following new  
16 item:

“SUBCHAPTER E. OTHER MEDICAL PRODUCTS”.

17 (3) The table of sections for subchapter E of  
18 chapter 32 of such Code is amended by adding at  
19 the end the following new item:

“Sec. 4192. Opioids.”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to calendar years beginning after  
22 the date of the enactment of this Act.

1 **SEC. 3. GRANTS TO STATES FOR PREVENTION AND TREAT-**  
2 **MENT OF OPIOID (INCLUDING HEROIN)**  
3 **ABUSE.**

4 (a) IN GENERAL.—The Public Health Service Act is  
5 amended by inserting after section 399V–6 (42 U.S.C.  
6 280g–17) the following new section:

7 **“SEC. 399V–7. PREVENTION AND TREATMENT OF OPIOID**  
8 **(INCLUDING HEROIN) ABUSE.**

9 “(a) IN GENERAL.—The Secretary shall provide—

10 “(1) grants to States for research on opioids  
11 (including heroin); and

12 “(2) grants to States for opioid abuse preven-  
13 tion and treatment, which may include—

14 “(A) establishing new addiction treatment  
15 facilities for opioid addicts;

16 “(B) establishing sober living facilities for  
17 recovering opioid addicts;

18 “(C) recruiting and increasing reimburse-  
19 ment for certified mental health providers pro-  
20 viding opioid abuse treatment in medically un-  
21 derserved communities or communities with  
22 high rates of opioid abuse;

23 “(D) expanding access to long-term, resi-  
24 dential treatment programs for opioid addicts  
25 and recovering addicts;

1           “(E) establishing or operating support pro-  
2           grams that offer employment services, housing,  
3           and other support services for recovering opioid  
4           addicts;

5           “(F) establishing or operating housing for  
6           children whose parents are participating in  
7           opioid abuse treatment programs;

8           “(G) establishing or operating facilities to  
9           provide care for babies born with neonatal ab-  
10          stinence syndrome;

11          “(H) establishing or operating controlled  
12          opioid take-back programs; and

13          “(I) other opioid abuse prevention and  
14          treatment programs, as the Secretary deter-  
15          mines appropriate.

16          “(b) APPROPRIATION OF FUNDS.—From time to  
17          time, beginning in the second calendar year that begins  
18          after the date of enactment of this section, the Secretary  
19          of the Treasury shall transfer from the general fund of  
20          the Treasury an amount equal to the total amount of taxes  
21          collected under section 4192 of the Internal Revenue Code  
22          of 1986 to the Secretary of Health and Human Services  
23          to carry out this section. Amounts transferred under this  
24          subsection shall remain available without further appro-  
25          piation until expended.”.

1           (b) EMERGENCY DESIGNATION.—The amounts made  
2 available by amendments made by this section are des-  
3 ignated as an emergency requirement pursuant to section  
4 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2  
5 U.S.C. 933(g)).

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