

118TH CONGRESS
1ST SESSION

S. 2699

To combat the fentanyl crisis.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To combat the fentanyl crisis.

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 “Overdose Response Ac-
5 tion Data for Actionable Reforms Act” or the “Opioid
6 RADAR Act”.

7 **SEC. 2. ACCURATE DATA ON OPIOID-RELATED OVERDOSES.**

8 The Secretary of Health and Human Services may
9 award grants to States, territories, and localities to sup-
10 port improved data and surveillance on opioid-related
11 overdoses, including for activities to improve postmortem
12 toxicology testing, data linkage across data systems

1 throughout the United States, electronic death reporting,
2 or the comprehensiveness of data on fatal and nonfatal
3 opioid-related overdoses.

4 **SEC. 3. OFFICE OF NATIONAL DRUG CONTROL POLICY RE-**
5 **FORM.**

6 (a) SENSES OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the Director of the Office of National Drug
9 Control Policy shall be a Cabinet-level position; and

10 (2) nothing in this section shall affect the re-
11 porting structure of agencies with drug enforcement
12 responsibilities.

13 (b) REQUIREMENTS.—The Office of National Drug
14 Control Policy shall—

15 (1) document strategies for ensuring prevention
16 of duplicating services and grant funding within Na-
17 tional Drug Control Program agencies;

18 (2) collaborate with the National Center for
19 Health Statistics and the National Forensic Labora-
20 tory Information System, including by working with
21 the Department of Justice to create national stand-
22 ards for the submission of data to ensure uniformity
23 across the United States, including data from cases
24 in which the defendant pleads guilty; and

1 (3) issue guidance that States and localities
2 should record overdose deaths as homicides if there
3 is sufficient evidence that the overdose was not self-
4 induced and intentional.

5 (c) INTERAGENCY COORDINATING COUNCIL.—The
6 Office of National Drug Control Policy, the Department
7 of Justice, the Department of Health and Human Serv-
8 ices, and other National Drug Control Program agencies
9 shall coordinate to limit duplication and ensure uniform
10 reporting standards and improve relationships between the
11 agencies.

12 (d) CONGRESSIONAL REVIEW ACT.—If the Office of
13 National Drug Control Policy does not certify that a final
14 rule made by a National Drug Control Program partici-
15 pant is consistent with the National Drug Control Policy,
16 the rule shall be deemed to be submitted under section
17 801(a)(1) of title 5, United States Code.

18 (e) REPROGRAMMING AND TRANSFER REQUESTS.—
19 Section 704(c)(4)(A) of the Office of National Drug Con-
20 trol Policy Reauthorization Act of 1998 (21 U.S.C.
21 1703(c)(4)(A)) is amended by striking “deemed ap-
22 proved” and inserting “deemed denied”.

23 **SEC. 4. STATE OPIOID RESPONSE GRANTS.**

24 The Assistant Secretary for Mental Health and Sub-
25 stance Use shall, to the extent practicable—

1 (1) include in the annual report to Congress on
2 the State Opioid Response Grants, authorized under
3 the Consolidated Appropriations Act, 2022 (Public
4 Law 117–103), an assessment of challenges of re-
5 cipients of such grants, accounting for variations in
6 implementation; and

7 (2) provide to recipients of such grants best
8 practices on how to address opioid-related overdoses.

9 **SEC. 5. WASTEWATER PILOT PROGRAM.**

10 The Director of the Centers for Disease Control and
11 Prevention, in collaboration with the Attorney General or
12 their designee, shall carry out a pilot program to award
13 grants on a competitive basis to municipal wastewater
14 treatment facilities in order to conduct wastewater anal-
15 ysis to determine the prevalence of certain illicit sub-
16 stances, such as fentanyl or xylazine, as determined by
17 the Director, in collaboration with the Attorney General,
18 in the communities served by such facilities.

19 **SEC. 6. GRANTS FOR REDUCING OPIOID OVERDOSE**
20 **DEATHS.**

21 (a) USE OF FUNDS.—Section 544(c) of the Public
22 Health Service Act (42 U.S.C. 290dd–3(c)) is amended—

23 (1) in paragraph (1), by inserting “or admin-
24 istering” after “prescribing”; and

1 (2) in paragraph (2), by inserting “or on the
2 administration of” after “prescribing of”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
4 544(g) of the Public Health Service Act (42 U.S.C.
5 290dd–3(g)) is amended by striking “to carry out this sec-
6 tion” and inserting “to carry out this section and section
7 544A”.

8 **SEC. 7. GRANTS FOR REDUCING OPIOID OVERDOSE**
9 **DEATHS IN ELEMENTARY AND SECONDARY**
10 **SCHOOLS.**

11 Title V of the Public Health Service Act is amended
12 by inserting after section 544 of such Act (42 U.S.C.
13 290dd–3) the following:

14 **“SEC. 544A. REDUCING OPIOID OVERDOSE DEATHS IN ELE-**
15 **MENTARY AND SECONDARY SCHOOLS.**

16 “(a) IN GENERAL.—The Secretary may award grants
17 to eligible entities to provide for the administration, at
18 public and private elementary and secondary schools under
19 the jurisdiction of the eligible entity, of drugs and devices
20 for emergency treatment of known or suspected opioid
21 overdose.

22 “(b) APPLICATIONS.—To seek a grant under this sec-
23 tion, an eligible entity shall submit to the Secretary an
24 application at such time, in such manner, and con-
25 taining—

1 “(1) the information required under section
2 544(b);

3 “(2) the certifications specified in subsection
4 (c); and

5 “(3) such other information as the Secretary
6 shall require.

7 “(c) CERTIFICATIONS.—The certifications specified
8 in this subsection, with respect to each elementary school
9 and secondary school under the jurisdiction of the eligible
10 entity, are the following:

11 “(1) The school has in place a program under
12 which the school will permit trained personnel of the
13 school to administer drugs or devices for purposes of
14 providing emergency treatment of known or sus-
15 pected opioid overdose.

16 “(2) The school will maintain a supply of such
17 drugs and devices in a location that is easily acces-
18 sible to trained personnel of the school for the pur-
19 pose of administering such drugs and devices.

20 “(3) The school has in place a plan for having
21 on the premises of the school during all operating
22 hours one or more individuals who are such trained
23 personnel.

24 “(4) The State attorney general of the State in
25 which the school is located certifies that the State—

1 “(A) has reviewed any applicable civil li-
2 ability protection law to determine the applica-
3 tion of such law with regard to elementary and
4 secondary school trained personnel who may ad-
5 minister drugs and devices for emergency treat-
6 ment in the case of a known or suspected opioid
7 overdose; and

8 “(B) has concluded that such law provides
9 adequate civil liability protection applicable to
10 such trained personnel.

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘civil liability protection law’
13 means a State law offering legal protection to indi-
14 viduals who give aid in an emergency to an indi-
15 vidual who is ill, in peril, or otherwise incapacitated.

16 “(2) The term ‘eligible entity’ has the meaning
17 given such term in section 544(a)(2).

18 “(3) The term ‘trained personnel’, with respect
19 to an elementary or secondary school, means an in-
20 dividual—

21 “(A) who is a school nurse or other indi-
22 vidual designated by the principal or other ap-
23 propriate administrative staff of the school to
24 administer drugs or devices for emergency

1 treatment in the case of a known or suspected
2 opioid overdose;

3 “(B) who has received training in the ad-
4 ministration of such drugs or devices; and

5 “(C) whose training in the administration
6 of such drugs or devices meets appropriate
7 medical standards and has been documented by
8 appropriate administrative staff of the school.”.

9 **SEC. 8. FENTANYL TEST STRIPS.**

10 Section 422(f) of the Controlled Substances Act is
11 amended—

12 (1) in paragraph (1), by striking “or” at the
13 end;

14 (2) in paragraph (2), by striking the period at
15 the end and inserting “; or”; and

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

17 “(3) fentanyl test strips.”.

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