

118TH CONGRESS
1ST SESSION

S. 3193

To amend the Controlled Substances Act to allow for the use of telehealth in substance use disorder treatment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2023

Mr. WHITEHOUSE (for himself, Ms. MURKOWSKI, Mr. WARNER, Mrs. BLACKBURN, Ms. CORTEZ MASTO, Mr. TILLIS, Mr. KAINE, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. KELLY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Controlled Substances Act to allow for the use of telehealth in substance use disorder treatment, 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 “Telehealth Response
5 for E-prescribing Addiction Therapy Services Act” or the
6 “TREATS Act”.

1 **SEC. 2. TELEHEALTH FOR SUBSTANCE USE DISORDER**
2 **TREATMENT.**

3 Section 309(e)(2) of the Controlled Substances Act
4 (21 U.S.C. 829(e)(2)) is amended—

5 (1) in subparagraph (A)(i)—

6 (A) by striking “at least 1 in-person med-
7 ical evaluation” and inserting the following: “at
8 least—

9 “(I) 1 in-person medical evalua-
10 tion”; and

11 (B) by adding at the end the following:

12 “(II) for purposes of prescribing
13 a controlled substance in schedule III,
14 IV, or V that has been approved by
15 the Food and Drug Administration
16 for the treatment of a substance use
17 disorder, 1 telehealth evaluation of the
18 patient; or”; and

19 (2) by adding at the end the following:

20 “(D) The term ‘telehealth evaluation’
21 means a medical evaluation that is conducted in
22 accordance with applicable Federal and State
23 laws by a practitioner (other than a phar-
24 macist) who is at a location remote from the
25 patient and is communicating with the patient,
26 or a practitioner who is treating the patient,

1 using a telecommunications system referred to
2 in section 1834(m) of the Social Security Act
3 (42 U.S.C. 1395m(m)) that includes audio-only
4 or audio and video equipment permitting two-
5 way, real-time interactive communication be-
6 tween the distant site practitioner and the pa-
7 tient, or the practitioner who is treating the pa-
8 tient.”.

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