

118TH CONGRESS  
2D SESSION

# S. 3638

To allow health plan policyholders to obtain information about controlled substances prescribed to adult children enrolled in such plan.

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IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2024

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

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## A BILL

To allow health plan policyholders to obtain information about controlled substances prescribed to adult children enrolled in such plan.

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 “Dependent Controlled  
5 Substance Transparency Act”.

6 **SEC. 2. PRIVACY EXCEPTION WITH RESPECT TO CON-**  
7 **TROLLED SUBSTANCES PRESCRIBED TO DE-**  
8 **PENDENTS.**

9 (a) IN GENERAL.—Notwithstanding the privacy reg-  
10 ulations promulgated under section 264(c) of the Health

1 Insurance Portability and Accountability Act of 1996  
2 (Public Law 104–191; 42 U.S.C. 1320d–2 note) or any  
3 other provision of law, in the case of an adult child en-  
4 rolled in a group health plan or in group or individual  
5 health insurance coverage as a dependent of the policy-  
6 holder of such plan or coverage, a covered entity shall  
7 make available to such policyholder, upon request, infor-  
8 mation relating to any controlled substance prescribed to  
9 such adult child.

10 (b) EXCEPTION.—Subsection (a) shall not apply in  
11 the case of a controlled substance prescribed to an adult  
12 child as medication-assisted treatment for a substance use  
13 disorder.

14 (c) DEFINITIONS.—In this section—

15 (1) the term “controlled substance” has the  
16 meaning given such term in section 102 of the Con-  
17 trolled Substances Act (21 U.S.C. 802);

18 (2) the term “covered entity” has the meaning  
19 given such term in section 160.103 of title 45, Code  
20 of Federal Regulations (or any successor regula-  
21 tions)); and

22 (3) the terms “group health plan” and “health  
23 insurance issuer” have the meanings given such

1 terms in section 2791 of the Public Health Service  
2 Act (42 U.S.C. 300gg-91).

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