

**House Energy and Commerce Committee Markup of Health Related Legislation
September 9, 2020**

I. Overview

On Sept. 9, the House Energy and Commerce Committee held a full markup and favorably reported all 26 health-related bills to the House floor with bipartisan support. The legislation included expanding access to mental health services, combating the opioid epidemic, reauthorizing key public health programs, improve Medicare enrollment, streamline public health data sharing for Tribes and facilitate access to marijuana for research.

II. Legislation

H.R. 1379, the “Ensuring Lasting Smiles Act,” introduced by Rep. Collin Peterson (D-MN) would require all individual and group market health insurance plans to cover medically necessary treatment resulting from congenital abnormalities or birth defects. The bill requires plans to provide coverage for any service or treatment that is medically necessary to restore or achieve a normal appearance or function of the body.

Vote: Passed, as amended, by voice vote - favorably reported to House.

Comments:

- Ranking Member Greg Walden (R-OR) commented that the bill needs to address the estimated increase in healthcare premiums (Rep. Greg Walden) to give the bill its best chance in Senate.
- The bill remains a bipartisan effort.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Frank Pallone (D-NJ): Passed by voice vote; Technical changes to bill, does not address concerns by Reps. Walden and Burgess, yet Rep. Pallone has the intention to work on these concerns when the bill goes to the House floor.
- Amendment from Rep. Morgan Griffith (R-VA): Voice vote, not passed; Rep. Griffith’s amendment sought to narrow the cosmetic surgeries in the bill that may not be as necessary, detailing that the bill covers more than just facial, congenital abnormalities.

H.R. 945, the “Mental Health Access Improvement Act of 2019,” introduced by Reps. Mike Thompson (D-CA) and John Katko (R-NY) provides for coverage of marriage and family therapist services and mental health counselor services under Medicare Part B.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Morgan Griffin (R-VA): Passed by voice vote; the amendment asked for a study on the impact of the legislation, to include marriage and family therapist services and mental health counselor services in skilled nursing facility consolidated billing, and to make technical and conforming changes.

H.R. 2564, the “Medicare Enrollment Protection Act,” introduced by Reps. Kurt Schrader (D-OR), Gus Bilirakis (R-FL), Mike Thompson (D-CA) and Vern Buchanan (R-FL) creates a special Medicare enrollment period for individuals enrolled in, or transitioning out of, continuation coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA)—a federal law that allows an individual to maintain health coverage following loss of coverage due to termination of employment or another qualifying event.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Kurt Schrader (D-OR): Passed by voice vote; this amendment would prohibit health plans from reducing COBRA benefits on the basis that an individual is eligible for Part B when the individual is not enrolled in Part B and make other technical and conforming changes.

H.R. 8158, a bill to amend title XVIII of the Social Security Act to waive budget neutrality for oxygen under the Medicare program, and for other purposes, introduced by Reps. Cathy McMorris Rodgers (R-WA) and David Loebsack (D-IA). This bill specifies that the budget neutrality requirement for establishing new payment classes of oxygen and oxygen equipment no longer applies and would make a technical correction to the placement of this provision in the statute.

Vote: Passed by voice vote, favorable reported to House.

H.R. 2075, the “School-Based Health Centers Reauthorization Act of 2019,” introduced by Reps. John Sarbanes (D-MD), Paul Tonko (D-NY), Elise Stefanik (R-NY) and Fred Upton (R-MI) reauthorizes funding for the school-based health centers program through Fiscal Year (FY) 2024, and make technical changes, including allowing more health centers serving medically underserved children and adolescents to qualify for funding.

Vote: Passed by voice vote, favorably reported to House.

H.R. 4078, the “EARLY Act Reauthorization of 2019,” introduced by Reps. Debbie Wasserman Schultz (D-FL) and Susan Brooks (R-IN) reauthorizes the “Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009.” This program was authorized and funded at \$4.9 million each year from FY 2015 through FY 2019. The bill would increase the authorization to \$9 million each year from FY 2020 through FY 2024.

Vote: Passed by voice vote, favorably reported to House.

H.R. 7948, the “Tribal Health Data Improvement Act of 2020,” introduced by Reps. Greg Gianforte (R-MT), Ben Ray Lujan (D-NM), Cathy McMorris Rodgers (R-WA), Markwayne Mullin (R-OK), Tom O’Halleran (D-AZ) and Raul Ruiz (D-CA) encourages improved public health data sharing among CDC, Indian Tribes, Tribal organizations, and Tribal Epidemiology Centers. The bill also reauthorizes CDC’s National Center for Health Statistics.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Frank Pallone (D-NJ): Passed by voice vote; this amendment would ensure the safety of data being shared among entities, increase the authorization level for the National Center for Health Statistics to provide funding for the new authorities in this legislation, require CDC to issue a report on best practices and guidelines for data sharing agreements and make technical and conforming changes to the bill.

H.R. 2281, the “Easy Medication Access and Treatment for Opioid Addiction Act” or the “Easy MAT for Opioid Addiction Act,” introduced by Rep. Raul Ruiz (D-CA) requires the Drug Enforcement Agency (DEA) to revise regulations within 180 days of enactment to allow a practitioner to dispense up to a three-day supply of narcotic drugs to an individual for the purpose of maintenance or detoxification treatment at one time.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Raul Ruiz (D-CA): Passed by voice vote; this amendment makes minor technical and conforming changes.

H.R. 2466, the “State Opioid Response Grant Authorization Act,” introduced by Reps. David Trone (D-MD), Kelly Armstrong (R-ND), Mikie Sherrill (D-NJ) and Denver Rigglesman (R-VA) authorizes the Substance Abuse and Mental Health Services Administration (SAMHSA) State Opioid Response Grants program.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Ann Kuster (D-NH): Passed by voice vote; this amendment aligns the State Opioid Response Grants program with SAMHSA grant authority provided through the 21st Century Cures Act. The amendment would also authorize the program through FY 2026.

H.R. 3878, the “Block, Report, And Suspend Shipments Act of 2019,” introduced by Reps. David B. McKinley (R-WV) and Debbie Dingell (D-MI) creates additional requirements for drug manufacturers and distributors who discover a suspicious order for controlled substances. In addition to reporting the suspicious order to DEA, the bill would require a manufacturer or distributor to exercise due diligence, decline to fill the order or series of orders, notify DEA of each suspicious order or series of orders and the indicators that led to the belief that filling such orders would be a violation. These requirements would become effective six months following enactment.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Manager’s Amendment from Rep. David McKinley (R-WV): Passed by voice vote; mostly technical changes.

H.R. 4812, the “Ensuring Compliance Against Drug Diversion Act of 2019,” introduced by Rep. Morgan Griffith (R-VA) terminates the controlled substance registration of any registrant if the registrant dies, ceases legal existence, discontinues business or professional practice, or surrenders registration. A registrant who ceases legal existence or discontinues business is required to notify DEA. Registrants must receive written consent from DEA in order to assign or transfer

a registration. Registrants are also required to return certain documentation if a registrant's work is discontinued.

Vote: Passed as amended by voice vote, favorably reported to House.

H.R. 3797, the "Medical Marijuana Research Act of 2019," introduced by Reps. Earl Blumenauer (D-OR), Andy Harris (R-MD), Zoe Lofgren (D-CA), Morgan Griffith (R-VA), Rob Bishop (R-UT) and Debbie Dingell (D-MI) directs the Secretary of HHS to ensure a supply of marijuana for research purposes through the National Institute on Drug Abuse (NIDA) Drug Supply Program. Among other provisions, the bill would direct NIDA and HHS to act on marijuana research registration applications within 30 days prior to supplying marijuana through the NIDA Drug Supply Program. The bill would direct FDA to issue guidelines on the production of marijuana and to encourage authorized researchers and manufacturers to produce marijuana, in coordination with the law.

Vote: Passed by voice vote, favorably reported to the House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Morgan Griffith (R-VA): Passed by voice vote; this amendment allows for research utilizing marijuana from State authorized marijuana programs, ensure researchers are in compliance with FDA guidance, and make technical and conforming changes to the bill.

H.R. 2519, the "Improving Mental Health Access from the Emergency Department Act of 2019," introduced by Rep. Raul Ruiz (D-CA) authorizes SAMHSA to award grants to qualifying emergency departments for the purpose of supporting mental health services. Grant recipients would be required to use funds to support the provision of follow-up services for individuals who present for care of acute mental health episodes, such as placement in appropriate facilities.

Vote: Passed as amended by voice vote, favorably reported to the House.

Amendments:

- Manager's Amendment from Rep. Raul Ruiz (D-CA) Minor technical and conforming changes.

H.R. 4861, the "Effective Suicide Screening and Assessment in the Emergency Department Act of 2019," introduced by Reps. Gus Bilirakis (R-FL) and Eliot Engel (D-NY) creates a grant program to improve the identification, assessment, and treatment of patients in emergency departments who are at risk for suicide by: (1) developing policies and procedures for identifying and assessing individuals who are at

risk of suicide; and (2) enhancing the coordination of care for such individuals after discharge.

Vote: Passed by voice vote, favorably reported to House.

H.R. 1109, the “Mental Health Services for Students Act,” introduced by Reps. Grace Napolitano (D-CA) and John Katko (R-NY)

Vote: Passed as amended by voice vote, favorably reported to the House.

Amendments:

- Amendment in the Nature of a Substitute from Rep. Paul Tonko (D-NY): Passed by voice vote; this amendment made technical and conforming changes.

H.R. 3539, the “Behavioral Intervention Guidelines Act of 2019,” introduced by Reps. Drew Ferguson (R-GA), Michael Burgess (R-TX), Joe Kennedy (D-MA) and Jimmy Panetta (D-CA) requires SAMHSA to develop best practices for schools to establish behavioral intervention teams and properly train them on how to intervene and avoid inappropriate use of mental health assessments and law enforcement. No later than one year after enactment, best practices shall be made publicly available on a website of HHS.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Manager’s Amendment from Rep. Gus Bilirakis (R-FL): Passed by voice vote; this amendment makes small technical changes.

H.R. 7293, the “Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020” or the “STANDUP Act of 2020,” introduced by Reps. Scott Peters (D-CA), Gus Bilirakis (R-FL), Ted Deutch (D-FL) and Brian Fitzpatrick (R-PA) requires State and Tribal educational agencies that receive priority mental health grants under Section 520A of the Public Health Service Act to establish and implement a school-based student suicide awareness and prevention training policy, and collect information on training activities.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

Amendment in the Nature of a Substitute from Rep. Scott Peters (D-CA): Passed by voice vote; this amendment was adopted to ensure the school-based policies

are culturally and linguistically appropriate and to make technical and conforming changes to the bill.

H.R. 5469, the “Pursuing Equity in Mental Health Act of 2019,” introduced by Rep. Bonnie Watson Coleman (D-NJ) authorizes grants targeted at high-poverty communities for culturally and linguistically appropriate mental health services; support research into disparities in mental health; and reauthorize the Minority Fellowship Program to support more students of color entering the mental health workforce, among other things.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute (AINS) from Rep. Tony Cárdenas (D-CA): Passed by voice vote; this amendment strikes Title I of the legislation, and makes other technical and conforming changes to the bill.

H.R. 5572, the “Family Support Services for Addiction Act of 2020,” introduced by Reps. David Trone (D-MD) and Dan Meuser (R-PA) authorizes grants at SAMHSA to support family community organizations that develop, expand, and enhance evidence-informed family support services.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Manager’s Amendment from Rep. Lisa Blunt Rochester (D-DE): Passed by voice vote; this amendment makes technical and conforming changes to the bill.

H.R. 4499, the “NIMHD Research Endowment Revitalization Act of 2019,” introduced Reps. Nanette Barragán (D-CA) and Buddy Carter (R-GA) authorizes the National Institute on Minority Health and Health Disparities to facilitate research on minority health disparities through research endowments at current or former centers of excellence.

Vote: Passed by voice vote, favorably to House.

H.R. 4439, the “Creating Hope Reauthorization Act,” introduced by Rep. G.K. Butterfield (D-NC) eliminates the sunset on the pediatric rare priority review voucher program at FDA.

Vote: Passed as amended by voice vote, favorably to House.

Amendment:

- Amendment in the Nature of a Substitute from Rep. Frank Pallone (D-NJ): Passed by voice vote; this amendment extends the program for four years.

H.R. 6435, the “Combating Pandemic Scams Act of 2020,” introduced by Reps. Buddy Carter (R-GA), Annie Kuster (D-NH), Richard Hudson (R-NC) and Lisa Blunt Rochester (D-DE) requires the FTC to inform the public about mail, telemarketing and internet scams related to COVID-19 and disseminate information on how to report COVID-19-related scams to the appropriate agency. The FTC would also be required to establish a national database for such information.

Vote: Passed by voice vote, favorably reported to House.

H.R. 8121, the “COVID-19 Home Safety Act,” introduced by Reps. Tony Cárdenas (D-CA) and Rodney L. Davis (R-IL) requires the CPSC to study and report to Congress on the effects of the COVID-19 pandemic on injuries and deaths associated with consumer products.

Vote: Passed as amended by voice vote, favorably reported to House.

Amendments:

- Amendment in the Nature of a Substitute from Reps. Tony Cárdenas (D-CA): Passed by voice vote; this amendment changes the title of the bill to the “Pandemic Effects on Home Safety and Tourism Act” and adding text from H.R. 8122, the Protecting Tourism in the United States Act.