

**Senate Health, Education, Labor and Pensions (HELP) Committee**  
**Executive Session: S. 2680, S. 2315, S. 2597, S. 382, and Nominations**  
**April 24, 2018**

On April 24<sup>th</sup>, the Senate Health, Education, Labor and Pensions (HELP) Committee favorably reported the *Opioid Crisis Response Act* (S. 2680) as amended by a unanimous vote of 23 – 0.

In his [opening remarks](#), Chairman Alexander (R-TN) touted the work of the Committee in developing S. 2680, which he said includes 40 different proposals from 38 different senators on both sides of the aisle. Alexander also said that while the challenge before the Committee to address the opioid misuse and overdose epidemic has been described as needing a “moonshot,” he believes that what the federal government can do is “create an environment so that everyone – judges, mayors, counselors, police officers, Drug Enforcement Administration agents, doctors, nurses, parents, pharmacists, and hospitals – can succeed in fighting the crisis.”

### **Outlook**

With the bill now favorably reported, Alexander said he will ask Leader McConnell (R-KY) for floor time so the bill may be considered this summer. He said they will continue to consider ideas between now and when the bill will go to the floor and he anticipates the work of other committees – particularly Finance and Judiciary – may be incorporated into one package when the bill is before the full Senate.

On the House side, tomorrow the House Energy and Commerce Committee Health Subcommittee will mark up over 60 bills that address the opioid misuse and overdose epidemic. Staff indicated that they hope tomorrow’s markup will be relatively brief with policy debates held until the full Committee marks up next month. Staff also indicated that bills with a large price tag may not be among those that will be considered by the full Energy and Commerce Committee.

Alexander noted that he believes the American public expect all the Committees and both chambers to come together to produce a package that can be signed into law.

### **Amendments**

Prior to voting to approve the bill and send it to the Senate floor for consideration, the Committee voted on several amendments, which are listed and summarized below.

### **Parity**

Two amendments were considered related to the Mental Health Parity and Addiction Equity Act (MHPAEA):

1. Sen Cassidy (R-LA) offered an amendment (and Sen. Alexander asked to be added as a cosponsor) to clarify the requirements for MHPAEA investigations and said the amendment would require reporting on which states are currently enforcing the parity law and which are not and how often the Centers for Medicare and Medicaid Services (CMS) has to step in. He said the amendment will provide for a better understanding of where the gaps are. **The amendment was accepted by voice vote.**
2. Sen. Murphy (D-CT) offered an amendment to give the Department of Labor (DOL) additional enforcement authorities. In debate over the amendment, Sen. Murphy said that DOL Secretary Acosta had asked for this additional authority as recently as last week on the record at a Senate Appropriations Committee hearing and that these new authorities are consistent with

recommendations in the President's Commission on Opioids' report. However, Sen. Alexander said he had received a letter from DOL Assistant Secretary McGuire yesterday asking them to wait and said the Department is not requesting that the authorities be provided at this time. **The amendment failed by a vote of 11 – 12.**

### **Medication Assisted Treatment**

Two amendments were offered related to Medication Assisted Treatment (MAT) and specifically related to buprenorphine prescribing. In her opening remarks, Ranking Member Murray (D-WA) cited the importance of the "TREAT Act" and said she knows it is important legislation to both Senators on and off the Committee and hoped that the bill's provisions can be incorporated into the legislation before the "finish line." The amendments that were offered included:

1. Sen. Hassan (D-NH) offered an amendment adding the authorization of grants for medical schools that provide training to students, which allows the students to apply for a waiver to prescribe buprenorphine at the same time that they receive their DEA license. **The amendment was adopted by voice vote.**
2. Sen. Paul (R-KY) offered an amendment codifying the 275 patient limit for physician buprenorphine prescribing. Sen. Hassan had filed an identical amendment and asked to be added a sponsor. **The amendment was adopted by voice vote.**

Other amendments that were offered included:

1. Bennet #1 – awarding grants to hospitals and other acute care settings relating to alternatives to opioids, **adopted by voice vote**
2. Kaine #1 – defining "peer recovery support provider," **adopted by voice** (note: the amendment as filed would have required peer recovery support providers to be mandatory in Section 408 of the managers amendment but staff said that requirement was not in the version that was voted on)
3. Sanders #2 – holding pharmaceutical manufacturers accountable for their role in the opioid misuse and overdose epidemic, **failed by a vote of 8 – 15**
4. Sanders #6 – increasing funding for the National Health Service Corps, **failed by a vote of 11 – 12**
5. Warren #1 – adding the *Comprehensive Addiction Resources Emergency Act* to the bill. **She offered and withdrew the amendment.**

The Committee also approved 3 unrelated bills and one nomination at the markup:

- S. 2315, Over-The-Counter Drug Safety, Innovation, and Reform Act, approved 22 -1
- S. 2597, Children's Hospital GME Support Reauthorization Act, approved by voice vote
- S. 382, Firefighter Cancer Registry Act, approved by voice vote
- The nomination of Jon Parrish to be Chairperson of the National Endowment for Humanities, approved by voice vote
- The nomination of Sharon Fast Gustafson to be General Counsel of the Equal Employment Opportunity Commission was postponed and will be held off the floor during a Senate vote