



S.581 – Jessie’s Act (115th Congress)

[Congress.gov Link Update](#)

Title	Jessie’s Act “To include information concerning a patient’s opioid addiction in certain medical records”
Introduced By	Joe Manchin III, D-WV
Co-sponsors	Amy Klobuchar, D-MN; Dianne Feinstein, D-CA; Jeanne Shaheen, D-NH; Angus King, I-ME; Lisa Murkowski, R-AK; Shelley Capito, R-WV
Bill History	Introduced 03/08/2017.
Committee	Senate - Health, Education, Labor, and Pensions
Companion Bill	H.R.1554 also named Jessie’s Act ¹
Summary of Bill	The bill outlines additional information about a patient’s opioid addition to be included in their medical records. The bill recommends Health and Human Services (“HHS”) to work with a group of stakeholders, including: a patient with history of opioid use, an electronic medical records specialist, a patient privacy specialist, and a healthcare provider to create the information that shall be included in patients’ records. Further, the bill requires that the stakeholder group publish standards that balance provider-to-provider communication standards and patient privacy.
Key Provisions	<p>Section 2:</p> <p><i>(A) Best Practices:</i></p> <ol style="list-style-type: none"> 1. Secretary of Health and Human Services (“HHS”) shall create a coalition of stakeholders within a year of the bill’s enactment comprised of a patient with history of opioid use, an electronic medical records specialist, a patient privacy specialist, and a healthcare provider to create a standard for best practices of: <ol style="list-style-type: none"> (a) Circumstances when a patient’s history of opioid should be disclosed in medical records (b) Definition of a patient request (c) Process and method for disclosure 2. The Secretary shall communicate these best practices to healthcare providers <p><i>(B) Requirements:</i> The Secretary and stakeholder group shall also outline requirements for the following:</p> <ol style="list-style-type: none"> 1. The potential for relapse when recovering patient is prescribed opioids 2. The benefits of disclosing the patient’s disorder history 3. The manners in which to display the information to ensure healthcare providers are properly altered. 4. The appropriate level of access for various healthcare providers per state and federal regulation. 5. The importance of patient privacy and patient consent to disorder history disclosure. 6. Any additional State and Federal Law.

¹ H.R. 1554 is in the House Committee on Energy and Commerce. For Latest Action: [Click Here](#).

Related Federal Bills	Overdose Prevention and Patient Safety (OPPS) Act (H.R. 3545) (Sets parameters for the disclosure of patients' substance abuse and allows the exchange of substance abuse history between healthcare providers) ²
Actions in States	New Jersey Senate Bill No. 3 (including a provision that requires healthcare providers to include a note about opioid use in medical record) ³ Introduced 1/30/2017
Related Partner Reports (with hyperlinks)	Drug Policy Alliance (Op-Ed 6.21.2017) McConnell's Draft of Healthcare Bill Confirms Dramatic Rollback of Opioid Treatment Access for Millions of People Students for Sensible Drug Policy (Blog by Elise Szabo, 8.29.2017) Monthly Mosaic: Prescription Opioids and the War on Drugs
Other Sources and Publications (with hyperlinks)	Coalition of Healthcare Stakeholders on Patient Privacy and Disclosures (Letter to Representatives Murphy and Blumenauer, 7.28.2017) ⁴ http://www.aha.org/advocacy-issues/letter/2017/170728-let-healthorgs-murphy-blumenauer-hr3545.pdf Health Security (Article by Elizabeth Snell, 8.8.2017) ⁵ Patient Privacy Included in Recent Opioid Records Senate Bill HIPPA Journal (Article, 8.9.2017) ⁶ U.S. Senate Passes Jessie's Law Fierce Healthcare (Article by Evan Sweeney, 8.1.2017) White House Support Data Sharing of Opioid Use
For Actions on criminal justice reform: [Link TBA]	

Additional Federal Legislation on Opioid Crisis

House Bills:

1. H.R. 3964 Amendment to Controlled Substances Act (10/5/2017)
 - Establishes additional registration requirements for prescribers of opioids, and for other purposes.
 - Representative David Roe (R-TN)
 - Energy and Commerce

² For Latest Action: [Click Here.](#)

³ See http://www.njleg.state.nj.us/2016/Bills/S0500/3_S1.PDF.

⁴ Letter written by the Partnership to Amend 42 CFR Pt.2, a coalition of over 30 healthcare stakeholders committed to aligning 42 CFR Part 2 with HIPAA to allow appropriate access to patient information that is essential for providing whole-person care.

⁵ Explaining the key goals of the bill and potential considerations.

⁶ Explaining Patient Privacy Association and several healthcare stakeholders support the bill, but also note that the bill doesn't go far enough.

2. H.R. 3832 Veterans Opioid Abuse Prevention Act (9/26/2017)
 - Provides healthcare professionals in network with the VA the ability to search state-controlled prescription monitoring databases.
 - Rep. Neal Dunn R-FL
 - House Veterans' Affairs
3. H.R. 3495 Opioid and Heroin Abuse Crisis Investment Act 2017 (7/27/2017)
 - Amends the Century Cures Act to appropriate funding for state-level opioid response.
 - Rep. Ben Ray Lujan (D-NM)
 - Energy and Commerce Committee
4. H.R. 3254 Heroin and Opioid Abuse Prevention and Treatment Act of 2017
 - Taxes manufacturers, producers, and importers of active opioids and to provide state funding for opioid research and prevention treatment.
 - Michelle Grisham (D-MN)
 - Way and Means, Energy and Commerce Budget
5. H.R. 2063 Opioid PACE Act of 2017 (4/6/2017)
 - Requires additional registration for individual prescribing opioids.
 - Rep. Bradley Schneider
 - Energy and Commerce
6. H.R. 2038 Budgeting for Opioid Addiction Treatment (4/6/2017)
 - Amends the IRS tax code to establish an excise fee on manufacturers, producers, and importers of opioids, excluding drugs used to treat addiction, cancer, and hospice treatment. Requires HHS report to demonstrate how the rebates and discounts are being used, the establishment of new addiction treatment centers, and suggestions for improving opioid prescription practices with cancer and hospice patients.
 - Rep. John Larson
 - Energy and Commerce Ways and Means
7. H.R. 2025 Abuse- Deterrent Opioid Plan for Tomorrow Act of 2017 (4/6/2017)
 - Amends the Federal Food, Drug, and Cosmetic Act to exclude abuse-deterrent labeling as a criterion to render a drug ineligible for FDA approval.
 - Rep. Morgan Griffith
 - Energy and Commerce
8. H.R. 994 Examining Opioid Treatment Infrastructure Act of 2017 (2/9/2017)
 - Requires the General Accountability Office to generate a report that outlines outpatient and inpatient opioid detoxification capacity.
 - Rep. Bill Foster
 - Energy Commerce
9. H.R. 993 Opioid Abuse Prevention and Treatment Act of 2017 (2/9/2017)
 - Requires HHS to create a peer review process to investigate unauthorized prescription and dispensing practice, amends the Public Health Service Act to provide grant funding for educational programs impacting prescription and addiction treatment, requires practitioners to register to dispense opioid drugs.
 - Rep. Bill Foster
 - Energy and Commerce

Senate Bills:

10. S. 1882- Opioid QuOTA Act (9/28/2017)
 - Amends the Controlled Substance Act to require the Attorney General to make statistics about opioid procurement publicly available.
 - Sen. Edward Markey
 - Senate Judiciary
11. S. 1079 Protecting Americans from Dangerous Opioids Act (5/9/2017)
 - Requires the FDA to revoke approval for an opioid drug as a new one is approved.
 - Sen. Joe Manchin
 - Health, Education, Labor and Pensions
12. S. 1049 Opioid Addiction Risk Transparency Act (5/4/2017)
 - Requires HHS to discuss drug formation strategy and to conduct risk evaluations.
 - Sen. Margaret Hassan
 - Health, Education, Labor and Pensions
13. S. 892 Opioid Addition Prevention Act of 2017 (4/7/2017)
 - Amends the Controlled Substance Act to require additional registration requirements for those that prescribe opioids.
 - Kristen Gillbran (D-NY)
 - Judiciary
14. S. 786 Student and Student Athlete Opioid Misuse Prevention (3/30/2017)
 - Establishes grant funding for programs that prevent opioid misuse, targeting students and student athletes. The bill outlines how the funds should be used and what type of programs would receive funding.
 - Sen. Jeanne Shaheen
 - Health, Education, Labor, and Pension
15. S. 523 Budgeting for Opioid Addition Treatment Act (3/2/2017)
 - Amends the IRS tax code to establish an excise fee on manufacturers, producers, and importers of opioids, excluding drugs used to treat addiction, cancer, and hospice treatment. Requires HHS report to demonstrate how the rebates and discounts are being used, the establishment of new addiction treatment centers, and suggestions for improving opioid prescription practices with cancer and hospice patients.
 - Sen. Joe Manchin (D-WV)
 - Finance