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REPORT
110–681

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

JUNE 4, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 5669]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 5669) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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69–006

PURPOSE AND SUMMARY

The purpose of H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008, is to reauthorize a poison centers national toll-free number and provide for the maintenance of such a number, including appropriate authorizations. H.R. 5669 would also reauthorize a nationwide media campaign to educate the public and healthcare providers about poison prevention and the availability of poison center resources, including advertising of the nationwide toll-free number.

BACKGROUND AND NEED FOR LEGISLATION

Unintentional poisoning is a significant problem, ranking second only to motor vehicle crashes as a cause of unintentional injury and death in 2005.[1] The economic cost is also considerable as poisonings led to $26 billion in medical expenses in 2000.[2] While it is widely recognized that unintentional exposure to hazardous household substances occurs among preschool-aged children, it is less well known that poisoning affects people across their lifespan. For instance, unintentional drug overdose and suicide deaths are more likely to occur among adolescents and young adults, while the elderly are at high risk for poisoning because of the possibility of mixing medications or taking the wrong dosage. Poison control centers respond to calls dealing with all of these issues.[3]

The Poison Control Center Enhancement and Awareness Act was originally enacted in 2000 and amended in 2003 to stabilize poison control center operations. While centers supported by the Act were intended to provide an emergency safety net, they did not always ensure consistent, effective, and efficient delivery of poison prevention and control services to the U.S. population.[4] A 2004 Institute of Medicine (IOM) report revealed some of the problems with the current network of poison control centers. One of the key recommendations in this report was that Congress provides sufficient funding to support the Poison Prevention and Control System with its national network of regional poison control centers.

H.R. 5669 addresses the IOM recommendation by reauthorizing a grant program that allows the Secretary of Health and Human Services (HHS) to make grants to certified poison centers for evaluating best practices for poison prevention, developing patient management guidelines, improving national toxics-exposure surveillance, enhancing technological capabilities of those in the field of poison control, fostering enhanced public health utilization of national poison data, expanding toxicologic expertise, and improving the capacity of poison centers. Certified poison centers are defined as centers that have been certified by a professional organization in the field of poison control and approved by the Secretary of HHS or centers that have been certified by State governments and approved by the Secretary of HHS.

HEARINGS

No hearings were held in connection with H.R. 5669.

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[1] http://www.cdc.gov/ncipc/factsheets/poisoning.htm
[2] http://www.cdc.gov/ncipc/factsheets/poisoning.htm
[3] http://books.nap.edu/catalog/10971.html
[4] http://books.nap.edu/catalog/10971.html

COMMITTEE CONSIDERATION

On Wednesday, April 23, 2008, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 5669 to the full Committee for consideration by a voice vote. No amendments were offered during Subcommittee consideration. On Wednesday, May 7, 2008, the full Committee met in open markup session and ordered H.R. 5669 favorably reported to the House by a voice vote. No amendments were offered during full Committee consideration.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken on amendments or in connection with ordering H.R. 5669 reported to the House. A motion by Mr. Dingell to order H.R. 5669 favorably reported to the House was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Regarding clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the oversight findings of the Committee regarding H.R. 5669 are reflected in this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 5669 is to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Regarding compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5669 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARKS AND TAX AND TARIFF BENEFITS

Regarding compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5669 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 5669 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate on H.R. 5669 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Andrea Noda.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 5669—Poison Center Support, Enhancement, and Awareness Act of 2008

H.R. 5669 would reauthorize the poison control program, which will expire in 2009, for the 2010–2014 period. The program, which is administered by the Health Resources and Services Administration (HRSA), provides grants to poison centers and other organizations that focus on poison control, funds a national media campaign, and maintains a national toll-free number. The Congress appropriated about $27 million for that purpose in 2008.

The bill would authorize the appropriation of $37.5 million in each of the years 2010 through 2014 for the following purposes: $35 million per year for the grant program, $1.5 million per year for the media campaign, and $1 million per year for the maintenance of the toll-free number. Based on past spending for this program, CBO estimates that implementing H.R. 5669 would cost $11 million in 2010 and $135 million over the 2010–2014 period, assuming appropriation of authorized amounts. Enacting H.R. 5669 would have no effect on direct spending or receipts. Costs of the legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars—						
	2009	2010	2011	2012	2013	2014	2009–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level	0	38	38	38	38	38	188
Estimated Outlays	0	11	27	34	37	26	135

Note.— Numbers may not sum to totals because of rounding.

H.R. 5669 contains no private-sector or intergovernmental mandates as defined in Unfunded Mandates Reform Act. State, local, and tribal governments that operate poison control centers could benefit from some of the support activities authorized by the bill.

The CBO staff contact for this estimate is Andrea Noda. This estimate was approved by Keith J. Fontenot, Deputy Assistant Director for Health and Human Resources, Budget Analysis Division.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 5669 prepared by the Director of the Congres-

sional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 5669.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 5669 is provided in the provisions of Article I, section 8, clause 1, that relate to expending funds to provide for the general welfare of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 5669 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act of 1995.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 establishes the short title as the "Poison Center Support, Enhancement, and Awareness Act of 2008".

Section 2. Findings

Section 2 states Congressional findings.

Section 3. Reauthorization of poison centers national toll-free number

Section 3 amends Section 1271 of the Public Health Service Act to establish a nationwide toll-free phone number to access poison control centers. Section 3 authorizes $2 million for each of fiscal years 2000 through 2009 and $1 million for each of fiscal years 2010 through 2014 for maintenance of the toll-free number.

Section 4. Reauthorization of nationwide media campaign to promote poison center utilization

Section 4 amends Section 1271 of the Public Health Service Act to direct the Secretary of HHS to carry out a national media campaign to educate the public and healthcare providers about poison prevention and the availability of poison center resources in local communities, including advertising for the nationwide toll-free number. Section 4 states that the Secretary of HHS may enter into contracts with a nationally recognized poison control organization for purposes of implementing this campaign.

Section 4 also directs the Secretary of HHS to establish measures and benchmarks to determine the effectiveness of the nationwide media campaign and to submit an annual evaluation to Congress on its findings.

Section 4 authorizes appropriations of such sums as may be necessary for each of fiscal years 2006 through 2009 and $1.5 million for each of fiscal years 2010 through 2014.

Section 5. Reauthorization of the poison center grant program

Section 5 directs the Secretary of HHS to award grants to certified poison centers for the purposes of evaluating best practices for poison prevention, developing patient management guidelines, improving national toxics-exposure surveillance, enhancing technological capabilities of those in the field of poison control, fostering enhanced public health utilization of national poison data, expanding toxicologic expertise, and improving the capacity of poison centers.

Section 5 outlines certification requirements providing for either certification by an organization in the field of poison control and approved by the Secretary of HHS or certified by a State government and approved by the Secretary of HHS. This section also provides for a waiver of certification for a poison center that can reasonably demonstrate it will obtain certification in a reasonable amount of time as deemed appropriate by the Secretary of HHS.

Section 5 also states that amounts authorized under this section are used to supplement, not supplant Federal, State, and other local funds.

Section 5 authorizes appropriations of $27.5 million for each of fiscal years 2005 through 2009 and $35 million for each of fiscal years 2010 through 2014, $1.5 million of which must be used for improving technology.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

* * * * * * *

TITLE XII—TRAUMA CARE

* * * * * * *

PART G—POISON CONTROL

[SEC. 1271. MAINTENANCE OF A NATIONAL TOLL-FREE NUMBER.

[(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

[(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the establishment or continued operation of any privately funded nationwide toll-free phone number used to provide advice and other assistance for poisonings or accidental exposures.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2000 through 2009. Funds appropriated under this subsection shall not be used to fund any toll-free phone number described in subsection (b).

[SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

[(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271.

[(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

[(c) EVALUATION.—The Secretary shall—

[(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign established under this section; and

[(2) prepare and submit to the appropriate congressional committees an evaluation of the nationwide media campaign on an annual basis.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $600,000 for each of fiscal years 2000 through 2005 and such sums as may be necessary for each of fiscal years 2006 through 2009.

[SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.

[(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

[(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

[(1) develop standardized poison prevention and poison control promotion programs;

[(2) develop standard patient management guidelines for commonly encountered toxic exposures;

[(3) improve and expand the poison control data collection systems, including, at the Secretary's discretion, by assisting the poison control centers to improve data collection activities;

[(4) improve national toxic exposure surveillance by enhancing activities at the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry;

[(5) expand the toxicologic expertise within poison control centers; and

[(6) improve the capacity of poison control centers to answer high volumes of calls during times of national crisis.

[(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if—

[(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for cer-

tification that reasonably provide for the protection of the public health with respect to poisoning; or

[(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

[(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

[(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

[(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

[(3) LIMITATION.—In no instance may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as if enacted on February 25, 2000.

[(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

[(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

[(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2000 through 2004 and $27,500,000 for each of fiscal years 2005 through 2009.]

SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2000 through 2009 to carry out this section; and $1,000,000 for each of the fiscal years 2010 through 2014 for the maintenance of the nationwide toll-free phone number under subsection (a).

SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CENTER UTILIZATION.

(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison center resources in local communities and to conduct adver-

tising campaigns concerning the nationwide toll-free number established under section 1271(a).

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with a nationally recognized organization in the field of poison control for the development and implementation of a nationwide poison prevention and poison center awareness campaign, which may include the development and distribution of poison prevention and poison center awareness materials; television, radio, Internet, and newspaper public service announcements; and other means of public and professional awareness and education.

(c) EVALUATION.—The Secretary shall—

(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

(2) prepare and submit to the appropriate congressional committees an evaluation of the nationwide media campaign on an annual basis.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $600,000 for each of the fiscal years 2000 through 2005, such sums as may be necessary for each of the fiscal years 2006 through 2009, and $1,500,000 for each of the fiscal years 2010 through 2014.

SEC. 1273. MAINTENANCE OF THE POISON CENTER GRANT PROGRAM.

(a) AUTHORIZATION OF GRANT PROGRAM.—The Secretary shall award grants to poison centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

(b) ADDITIONAL USES OF GRANT FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant under such subsection may also use such grant for the following purposes:

(1) To establish and evaluate best practices in the United States for poison prevention, poison center outreach, and emergency and preparedness programs.

(2) To research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures.

(3) To improve national toxic exposure surveillance by enhancing cooperative activities between poison centers in the United States and the Centers for Disease Control and Prevention.

(4) To develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data.

(5) To develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4).

(6) To support and expand the toxicologic expertise within poison centers.

(7) To improve the capacity of poison centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

(c) CERTIFICATION.—Except as provided under subsection (d), the Secretary may make a grant to a poison center under subsection (a) only if—

(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a non-certified poison center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

(3) LIMITATION.—In no instance may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) for each of the fiscal years 2000 through 2004, $25,000,000;

(2) for each of the fiscal years 2005 through 2009, $27,500,000; and

(3) for each of the fiscal years 2010 through 2014, $35,000,000, of which $1,500,000 shall be used to award grants for the purpose described in subsection (b)(4).

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