

Union Calendar No. 426

110TH CONGRESS
2^D SESSION

H. R. 5669

[Report No. 110-681]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2008

Mr. TOWNS (for himself and Mr. TERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 4, 2008

Additional sponsors: Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Mr. MCGOVERN, Mr. WAXMAN, Mr. EMANUEL, Mr. WEXLER, Mr. SHAYS, Mr. MORAN of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. GONZALEZ, Ms. LEE, Mr. LEWIS of Georgia, Mr. COSTELLO, Mr. YARMUTH, Mr. FORTENBERRY, Mr. REGULA, Mr. MCCRERY, Mr. CAPUANO, Mr. HAYES, Mr. CHANDLER, Mr. NADLER, Mr. RUSH, Mr. YOUNG of Florida, Ms. BEAN, Mr. RAHALL, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. PAYNE, and Mr. DAVIS of Illinois

JUNE 4, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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.

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 “Poison Center Sup-
5 port, Enhancement, and Awareness Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Poison centers are the primary defense of
9 the United States against injury and deaths from
10 poisoning. Twenty-four hours a day, the general
11 public as well as health care practitioners contact
12 their local poison centers for help in diagnosing and
13 treating victims of poisoning. In 2007, more than 4
14 million calls were managed by poison centers pro-
15 viding ready and direct access for all people of the
16 United States, including many underserved popu-
17 lations in the United States, with vital emergency
18 public health information and response.

19 (2) Poisoning is the second most common form
20 of unintentional death in the United States. In any
21 given year, there will be between 3 million and 5
22 million poison exposures. Sixty percent of these ex-

1 posures will involve children under the age of 6 who
2 are exposed to toxins in their home. Poisoning ac-
3 counts for 285,000 hospitalizations, 1.2 million days
4 of acute hospital care, and more than 26,000 fatali-
5 ties in 2005.

6 (3) In 2008, the Harvard Injury Control Re-
7 search Center reported that poisonings from acci-
8 dents and unknown circumstances more than tripled
9 in rate since 1990. In 2005, the last year for which
10 data are available, 26,858 people died from acci-
11 dental or unknown poisonings. This represents an
12 increase of 20,000 since 1990 and an increase of
13 2,400 between 2004 and 2005. Fatalities from poi-
14 soning are increasing in the United States in near
15 epidemic proportions. The funding of programs to
16 reverse this trend is needed now more than ever.

17 (4) In 2004, The Institute of Medicine, of the
18 National Academies recommended that the “Con-
19 gress should amend the current Poison Control Cen-
20 ter Enhancement and Awareness Act Amendments
21 of 2003 to provide sufficient funding to support the
22 proposed Poison Prevention and Control System
23 with its national network of poison centers. Support
24 for the core activities at the current level of service

1 is estimated to require more than \$100 million an-
2 nually.”.

3 (5) Sustaining the funding structure and in-
4 creasing accessibility to poison control centers will
5 promote the utilization of poison control centers and
6 reduce the inappropriate use of emergency medical
7 services and other more costly health care services.
8 The 2004 Institute of Medicine Report to Congress
9 determined that for every \$1 invested in the Na-
10 tion’s poison centers \$7 of health care costs are
11 saved. In 2005, direct Federal health care program
12 savings totaled in excess of \$525 million as the re-
13 sult of poison center public health services.

14 (6) More than 30 percent of the cost savings
15 and financial benefits of the Nation’s network of poi-
16 son centers are realized annually by Federal health
17 care programs (estimated to be more than \$1 bil-
18 lion), yet Federal funding support (as demonstrated
19 by the annual authorization of \$30.1 million in Pub-
20 lic Law 108–194) comprises less than 11 percent of
21 the annual network expenditures of poison centers.

22 (7) Real-time data collected from the Nation’s
23 certified poison centers can be an important source
24 of information for the detection, monitoring, and re-

1 sponse for contamination of the air, water, pharma-
2 ceutical, or food supply.

3 (8) In the event of a terrorist event, poison cen-
4 ters will be relied upon as a critical source for accu-
5 rate medical information and public health emer-
6 gency response concerning the treatment of patients
7 who have had an exposure to a chemical, radio-
8 logical, or biological agent.

9 **SEC. 3. REAUTHORIZATION OF POISON CENTERS NATIONAL**
10 **TOLL-FREE NUMBER.**

11 Section 1271 of the Public Health Service Act (42
12 U.S.C. 300d–71) is amended to read as follows:

13 **“SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE**
14 **NUMBER.**

15 “(a) IN GENERAL.—The Secretary shall provide co-
16 ordination and assistance to poison centers for the estab-
17 lishment of a nationwide toll-free phone number, and the
18 maintenance of such number, to be used to access such
19 centers.

20 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated \$2,000,000 for each of
22 the fiscal years 2000 through 2009 to carry out this sec-
23 tion; and \$1,000,000 for each of the fiscal years 2010
24 through 2014 for the maintenance of the nationwide toll-
25 free phone number under subsection (a).”.

1 **SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAM-**
2 **PAIGN TO PROMOTE POISON CENTER UTILI-**
3 **ZATION.**

4 (a) IN GENERAL.—Section 1272 of the Public Health
5 Service Act (42 U.S.C. 300d–72) is amended to read as
6 follows:

7 **“SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE**
8 **POISON CENTER UTILIZATION.**

9 “(a) IN GENERAL.—The Secretary shall carry out,
10 and expand upon, a national media campaign to educate
11 the public and health care providers about poison preven-
12 tion and the availability of poison center resources in local
13 communities and to conduct advertising campaigns con-
14 cerning the nationwide toll-free number established under
15 section 1271(a).

16 “(b) CONTRACT WITH ENTITY.—The Secretary may
17 carry out subsection (a) by entering into contracts with
18 a nationally recognized organization in the field of poison
19 control for the development and implementation of a na-
20 tionwide poison prevention and poison center awareness
21 campaign, which may include the development and dis-
22 tribution of poison prevention and poison center awareness
23 materials; television, radio, Internet, and newspaper public
24 service announcements; and other means of public and
25 professional awareness and education.

26 “(c) EVALUATION.—The Secretary shall—

1 **“SEC. 1273. MAINTENANCE OF THE POISON CENTER GRANT**
2 **PROGRAM.**

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

11 “(b) ADDITIONAL USES OF GRANT FUNDS.—In addi-
12 tion to the purposes described in subsection (a), a poison
13 center or professional organization awarded a grant under
14 such subsection may also use such grant for the following
15 purposes:

16 “(1) To establish and evaluate best practices in
17 the United States for poison prevention, poison cen-
18 ter outreach, and emergency and preparedness pro-
19 grams.

20 “(2) To research, develop, implement, revise,
21 and communicate standard patient management
22 guidelines for commonly encountered toxic expo-
23 sures.

24 “(3) To improve national toxic exposure surveil-
25 lance by enhancing cooperative activities between

1 poison centers in the United States and the Centers
2 for Disease Control and Prevention.

3 “(4) To develop, support, and enhance tech-
4 nology and capabilities of professional organizations
5 in the field of poison control to collect national poi-
6 soning, toxic occurrence, and related public health
7 data.

8 “(5) To develop initiatives to foster the en-
9 hanced public health utilization of national poison
10 data collected by organizations described in para-
11 graph (4).

12 “(6) To support and expand the toxicologic ex-
13 pertise within poison centers.

14 “(7) To improve the capacity of poison centers
15 to answer high volumes of calls and respond during
16 times of national crisis or other public health emer-
17 gencies.

18 “(c) CERTIFICATION.—Except as provided under
19 subsection (d), the Secretary may make a grant to a poi-
20 son center under subsection (a) only if—

21 “(1) the center has been certified by a profes-
22 sional organization in the field of poison control, and
23 the Secretary has approved the organization as hav-
24 ing in effect standards for certification that reason-

1 ably provide for the protection of the public health
2 with respect to poisoning; or

3 “(2) the center has been certified by a State
4 government, and the Secretary has approved the
5 State government as having in effect standards for
6 certification that reasonably provide for the protec-
7 tion of the public health with respect to poisoning.

8 “(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary may grant a
10 waiver of the certification requirement of subsection
11 (c) with respect to a noncertified poison center that
12 applies for a grant under this section if such center
13 can reasonably demonstrate that the center will ob-
14 tain such a certification within a reasonable period
15 of time as determined appropriate by the Secretary.

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

18 “(3) LIMITATION.—In no instance may the sum
19 of the number of years for a waiver under paragraph
20 (1) and a renewal under paragraph (2) exceed 5
21 years. The preceding sentence shall take effect as of
22 the date of the enactment of the Poison Center Sup-
23 port, Enhancement, and Awareness Act of 2008.

24 “(e) SUPPLEMENT NOT SUPPLANT.—Amounts made
25 available to a poison center under this section shall be

1 used to supplement and not supplant other Federal, State,
2 or local funds provided for such center.

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

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this sec-
11 tion—

12 “(1) for each of the fiscal years 2000 through
13 2004, \$25,000,000;

14 “(2) for each of the fiscal years 2005 through
15 2009, \$27,500,000; and

16 “(3) for each of the fiscal years 2010 through
17 2014, \$35,000,000, of which \$1,500,000 shall be
18 used to award grants for the purpose described in
19 subsection (b)(4).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall be effective as of the date of the enact-
22 ment of this Act and shall apply to grants made on or
23 after January 1, 2009.

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