

110TH CONGRESS
2^D SESSION

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.

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

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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

14 (2) Poisoning is the second most common form
15 of unintentional death in the United States. In any
16 given year, there will be between 3 million and 5
17 million poison exposures. Sixty percent of these ex-
18 posures will involve children under the age of 6 who
19 are exposed to toxins in their home. Poisoning ac-
20 counts for 285,000 hospitalizations, 1.2 million days
21 of acute hospital care, and more than 26,000 fatali-
22 ties in 2005.

23 (3) In 2008, the Harvard Injury Control Re-
24 search Center reported that poisonings from acci-
25 dents and unknown circumstances more than tripled
26 in rate since 1990. In 2005, the last year for which

1 data are available, 26,858 people died from acci-
2 dental or unknown poisonings. This represents an
3 increase of 20,000 since 1990 and an increase of
4 2,400 between 2004 and 2005. Fatalities from poi-
5 soning are increasing in the United States in near
6 epidemic proportions. The funding of programs to
7 reverse this trend is needed now more than ever.

8 (4) In 2004, The Institute of Medicine, of the
9 National Academies recommended that the “Con-
10 gress should amend the current Poison Control Cen-
11 ter Enhancement and Awareness Act Amendments
12 of 2003 to provide sufficient funding to support the
13 proposed Poison Prevention and Control System
14 with its national network of poison centers. Support
15 for the core activities at the current level of service
16 is estimated to require more than \$100 million an-
17 nually.”.

18 (5) Sustaining the funding structure and in-
19 creasing accessibility to poison control centers will
20 promote the utilization of poison control centers and
21 reduce the inappropriate use of emergency medical
22 services and other more costly health care services.
23 The 2004 Institute of Medicine Report to Congress
24 determined that for every \$1 invested in the Na-
25 tion’s poison centers \$7 of health care costs are

1 saved. In 2005, direct Federal health care program
2 savings totaled in excess of \$525 million as the re-
3 sult of poison center public health services.

4 (6) More than 30 percent of the cost savings
5 and financial benefits of the Nation's network of poi-
6 son centers are realized annually by Federal health
7 care programs (estimated to be more than \$1 bil-
8 lion), yet Federal funding support (as demonstrated
9 by the annual authorization of \$30.1 million in Pub-
10 lic Law 108–194) comprises less than 11 percent of
11 the annual network expenditures of poison centers.

12 (7) Real-time data collected from the Nation's
13 certified poison centers can be an important source
14 of information for the detection, monitoring, and re-
15 sponse for contamination of the air, water, pharma-
16 ceutical, or food supply.

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

1 **SEC. 3. REAUTHORIZATION OF POISON CENTERS NATIONAL**
2 **TOLL-FREE NUMBER.**

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

5 **“SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE**
6 **NUMBER.**

7 “(a) IN GENERAL.—The Secretary shall provide co-
8 ordination and assistance to poison centers for the estab-
9 lishment of a nationwide toll-free phone number, and the
10 maintenance of such number, to be used to access such
11 centers.

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

18 **SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAM-**
19 **PAIGN TO PROMOTE POISON CENTER UTILI-**
20 **ZATION.**

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

1 **“SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE**
2 **POISON CENTER UTILIZATION.**

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

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

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

21 “(1) establish baseline measures and bench-
22 marks to quantitatively evaluate the impact of the
23 nationwide media campaign carried out under this
24 section; and

1 “(2) prepare and submit to the appropriate
2 congressional committees an evaluation of the na-
3 tionwide media campaign on an annual basis.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$600,000 for each of the fiscal years 2000 through 2005,
7 such sums as may be necessary for each of the fiscal years
8 2006 through 2009, and \$1,500,000 for each of the fiscal
9 years 2010 through 2014.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall be effective as of the date of the enact-
12 ment of this Act and shall apply to contracts entered into
13 on or after January 1, 2009.

14 **SEC. 5. REAUTHORIZATION OF THE POISON CENTER**
15 **GRANT PROGRAM.**

16 (a) IN GENERAL.—Section 1273 of the Public Health
17 Service Act (42 U.S.C. 300d-73) is amended to read as
18 follows:

19 **“SEC. 1273. MAINTENANCE OF THE POISON CENTER GRANT**
20 **PROGRAM.**

21 “(a) AUTHORIZATION OF GRANT PROGRAM.—The
22 Secretary shall award grants to poison centers certified
23 under subsection (c) (or granted a waiver under subsection
24 (d)) and professional organizations in the field of poison
25 control for the purposes of preventing, and providing

1 treatment recommendations for, poisonings and complying
2 with the operational requirements needed to sustain the
3 certification of the center under subsection (c).

4 “(b) ADDITIONAL USES OF GRANT FUNDS.—In addi-
5 tion to the purposes described in subsection (a), a poison
6 center or professional organization awarded a grant under
7 such subsection may also use such grant for the following
8 purposes:

9 “(1) To establish and evaluate best practices in
10 the United States for poison prevention, poison cen-
11 ter outreach, and emergency and preparedness pro-
12 grams.

13 “(2) To research, develop, implement, revise,
14 and communicate standard patient management
15 guidelines for commonly encountered toxic expo-
16 sures.

17 “(3) To improve national toxic exposure surveil-
18 lance by enhancing cooperative activities between
19 poison centers in the United States and the Centers
20 for Disease Control and Prevention.

21 “(4) To develop, support, and enhance tech-
22 nology and capabilities of professional organizations
23 in the field of poison control to collect national poi-
24 soning, toxic occurrence, and related public health
25 data.

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

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

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

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

14 “(1) the center has been certified by a profes-
15 sional organization in the field of poison control, and
16 the Secretary has approved the organization as hav-
17 ing in effect standards for certification that reason-
18 ably provide for the protection of the public health
19 with respect to poisoning; or

20 “(2) the center has been certified by a State
21 government, and the Secretary has approved the
22 State government as having in effect standards for
23 certification that reasonably provide for the protec-
24 tion of the public health with respect to poisoning.

25 “(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

1 “(1) IN GENERAL.—The Secretary may grant a
2 waiver of the certification requirement of subsection
3 (c) with respect to a noncertified poison center that
4 applies for a grant under this section if such center
5 can reasonably demonstrate that the center will ob-
6 tain such a certification within a reasonable period
7 of time as determined appropriate by the Secretary.

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

10 “(3) LIMITATION.—In no instance may the sum
11 of the number of years for a waiver under paragraph
12 (1) and a renewal under paragraph (2) exceed 5
13 years. The preceding sentence shall take effect as of
14 the date of the enactment of the Poison Center Sup-
15 port, Enhancement, and Awareness Act of 2008.

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

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

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 “(1) for each of the fiscal years 2000 through
5 2004, \$25,000,000;

6 “(2) for each of the fiscal years 2005 through
7 2009, \$27,500,000; and

8 “(3) for each of the fiscal years 2010 through
9 2014, \$35,000,000, of which \$1,500,000 shall be
10 used to award grants for the purpose described in
11 subsection (b)(4).”.

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

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