

Public Law 98-24
98th Congress

An Act

To remedy alcohol and drug abuse.

Apr. 26, 1983

[S. 126]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alcohol and
Drug Abuse
Amendments
of 1983.

SHORT TITLE; STATEMENT OF POLICY

42 USC 201 note.

SECTION 1. (a) This Act may be cited as the "Alcohol and Drug Abuse Amendments of 1983".

42 USC 290aa
note.

(b) It is the policy of the United States and the purpose of this Act to provide leadership in the national effort to reduce the incidence of alcoholism and alcohol-related problems and drug abuse through—

(1) a continued Federal commitment to research into the behavioral and biomedical etiology, the treatment, and the mental and physical health and social and economic consequences of alcohol abuse and alcoholism and drug abuse;

(2) a commitment to—

(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to alcohol abuse and alcoholism and drug abuse, including information with respect to the application of research findings; and

(B) the accomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means;

(3) the provision of technical assistance to research personnel; services personnel, and prevention personnel in the field of alcohol abuse and alcoholism and drug abuse;

(4) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, drug abuse, and the abuse of other legal and illegal substances;

(5) the development and encouragement of effective occupational prevention and treatment programs within Government and in cooperation with the private sector; and

(6) the provision of a Federal response to alcohol abuse and alcoholism and drug abuse which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to alcohol abuse and alcoholism and drug abuse which are truly national in scope.

THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
AND THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL
INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL
INSTITUTE ON DRUG ABUSE

42 USC
300aa-300aa-14,
219-224,
225a-229d.

42 USC 218, 278.

SEC. 2. (a)(1) Title V of the Public Health Service Act is transferred to the end of the Public Health Service Act and redesignated as title XXI and sections 501 through 515 are redesignated as sections 2101 through 2115, respectively.

(2) Sections 217(c), 217(d), and 384 of the Public Health Service Act (42 U.S.C. 218 and 278) are each amended by striking out "501" and inserting in lieu thereof "2101".

(b)(1) The Public Health Service Act is amended by inserting after title IV a new title designated as follows:

"TITLE V—ADMINISTRATION AND COORDINATION OF THE
NATIONAL INSTITUTE OF MENTAL HEALTH, THE NA-
TIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOL-
ISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

"PART A—ADMINISTRATION AND INSTITUTES".

42 USC 290aa.

(2) Section 210 of the Act of May 14, 1974 (42 U.S.C. 3511) is transferred to title V of the Public Health Service Act established by paragraph (1), redesignated as section 501, and amended—

(A) by striking out "of Health, Education, and Welfare" each place it occurs;

(B) in subsection (c), by striking out "of the Public Health Service Act";

(C) by amending subsection (d) to read as follows:

"(d) To educate the public with respect to the health hazards of alcoholism, alcohol abuse, and drug abuse, the Administrator shall take such actions as may be necessary to ensure the widespread dissemination of current publications of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse relating to the most recent research findings with respect to such health hazards.";

(D) by adding at the end the following:

"(e)(1) There shall be in the administration an Associate Administrator for Prevention to whom the Administrator shall delegate the function of promoting the prevention research programs of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and coordinating such programs between the institutes and between the institutes and other public and private entities.

"(2) On or before January 1, 1984, and annually thereafter, the Administrator, acting through the Associate Administrator for Prevention, shall submit to the Congress a report describing the prevention activities (including preventive medicine and health promotion) undertaken by the administration, the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"(f) The Administrator shall establish a process for the prompt and appropriate response to information provided the Administrator

Report to
Congress.

respecting (1) scientific fraud in connection with projects for which funds have been made available under this Act, and (2) incidences of violations of the rights of human subjects of research for which funds have been made available under this title. The process shall include procedures for the receiving of reports of such information from recipients of funds under this title and taking appropriate action with respect to such fraud and violations.”

(3) Section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is transferred to title V of the Public Health Service Act, inserted after the section 501 inserted by paragraph (2), redesignated as section 502, and amended—

42 USC 4551;
290aa-1.

(A) in subsection (a)—

(i) by striking out “this Act” the first time it occurs and inserting in lieu thereof “this section”,

(ii) by striking out “assigned to the Secretary of Health and Human Services (hereafter in this Act referred to as the ‘Secretary’)” and inserting in lieu thereof “relating to alcohol abuse and alcoholism assigned to the Secretary”, and

(iii) by striking out “of the Public Health Service Act”, and

(B) by amending the section heading to read as follows:

“NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM”.

(4) Section 501 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 502 inserted by paragraph (3), redesignated as section 503, and amended—

21 USC 1191;
42 USC 290aa-2.

(A) in subsection (a)—

(i) by inserting “SEC. 503.” before “(a)”,

(ii) by striking out “this title” and inserting in lieu thereof “this section”,

(iii) by striking out “of the Secretary of Health and Human Services (hereinafter in this title referred to as the ‘Secretary’) with respect to drug abuse prevention functions” and inserting in lieu thereof “relating to drug abuse assigned to the Secretary by this Act”, and

(iv) by striking out “of the Public Health Service Act”,

(B) by striking out “(hereinafter in this title referred to as the ‘Director’)” in subsection (b)(1), and

(C) by striking out the section heading

“§ 501. Establishment of Institute”.

and inserting in lieu thereof the following:

“NATIONAL INSTITUTE ON DRUG ABUSE”.

(5) Subsection (a) of section 406 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to section 503 (as so redesignated), inserted after subsection (d), and redesignated as subsection (e).

21 USC 1173;
42 USC 290aa-2.

(6) Section 455 of the Public Health Service Act is inserted in title V of the Public Health Service Act after the section 503 inserted by paragraph (4) of this subsection and redesignated as section 504.

42 USC 289k-1;
290aa-3.

(7) The following sections are inserted in title V of the Public Health Service Act after the section 504 inserted by paragraph (6):

"REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE

42 USC 290aa-4.

"SEC. 505. (a) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) containing current information on the health consequences of using alcoholic beverages,

"(2) containing a description of current research findings made with respect to alcohol abuse and alcoholism, and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"(b) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) describing the health consequences and extent of drug abuse in the United States;

"(2) describing current research findings made with respect to drug abuse, including current findings on the health effects of marihuana and the addictive property of tobacco; and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"PEER REVIEW

42 USC 290aa-5.

"SEC. 506. (a) The Secretary, after consultation with the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse shall by regulation require appropriate technical and scientific peer review of biomedical and behavioral research and development grants, cooperative agreements, and contracts to be administered through the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse.

"(b) Regulations promulgated under subsection (a) shall require that the review of grants, cooperative agreements, and contracts required by the regulations be conducted—

"(1) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of this section to grants, cooperative agreements, and contracts under this Act for biomedical and behavioral research, and

"(2) to the extent practical, by peer review groups performing such review on or before such date.

"(c) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(d) The Administrator of the administration shall establish procedures for periodic, technical, and scientific peer review of research at the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

“(2) the reviewing entity provide the advisory council of the institute involved with such description and the results of the review by the entity.”

(8) The following heading is inserted in title V of the Public Health Service Act after the section 506 inserted by paragraph (7):

“PART B—RESEARCH

“Subpart 1—Alcohol Abuse and Alcoholism”.

(9) Sections 501, 503, and 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the subpart 1 of part B of title V of the Public Health Service Act established by paragraph (8), redesignated as sections 510, 511, and 512, respectively, and amended as follows:

42 USC 4585,
4587, 4588.
42 USC 290bb,
290bb-1,
290bb-2.
42 USC 290bb.

(A) Section 510 (as so redesignated) is amended—

(i) by striking out “the Institute” in subsection (a) and inserting in lieu thereof “the National Institute on Alcohol Abuse and Alcoholism (hereinafter in this subpart referred to as the ‘Institute’),”

(ii) by striking out “make available through publications and other appropriate means” in subsection (b)(1) and inserting in lieu thereof “disseminate through publications and other appropriate means (including the development of curriculum materials),”

(iii) by striking out “; and such Council shall give” and all that follows in subsection (b)(3) and inserting in lieu thereof the following: “, giving special consideration to projects relating to—

“(A) the relationship between alcohol abuse and domestic violence,

“(B) the effects of alcohol use during pregnancy,

“(C) the impact of alcoholism and alcohol abuse on the family, the workplace, and systems for the delivery of health services,

“(D) the relationship between the abuse of alcohol and other drugs,

“(E) the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages,

“(F) the interrelationship between alcohol use and other health problems, and

“(G) the comparison of the cost and effectiveness of various treatment methods for alcoholism and alcohol abuse and the effectiveness of prevention and intervention programs for alcoholism and alcohol abuse.”

(iv) by inserting “or the impact of alcohol abuse on other health problems” before the semicolon in subsection (b)(5), and

(v) by amending the section heading to read as follows:

“ALCOHOL ABUSE AND ALCOHOLISM RESEARCH”.

(B) Section 511 (as so redesignated) is amended—

42 USC 290bb-1.

42 USC 290bb-2.

- (i) by striking out the last sentence of subsection (a),
 - (ii) by striking out the second sentence of subsection (b),
 - (iii) by striking out "of the Public Health Service Act (42 U.S.C. 292a)" in subsection (b), and
 - (iv) by striking out subsection (c).
- (C) Section 512 (as so redesignated) is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated to carry out this subpart \$33,484,000 for fiscal year 1983 and \$45,790,000 for fiscal year 1984. Of the funds appropriated under this section for any fiscal year, not more than 35 per centum may be obligated for grants under section 511."

(10) The following heading is inserted in title V of the Public Health Service Act after the section 512 inserted by paragraph (9):

"Subpart 2—Drug Abuse Research".

21 USC 1193;
42 USC 290cc.

(11) Section 503 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to the subpart 2 of part B of title V established by paragraph (10), redesignated as section 515, and amended—

(A) by striking out "The Director" the first time it occurs in subsection (a) and inserting in lieu thereof "The Director of the National Institute on Drug Abuse",

(B) by amending subsection (b) to read as follows:

"(b) In carrying out the activities described in subsection (a), the Secretary, acting through the Institute, may—

"(1) collect and disseminate through publications and other appropriate means, including the development of curriculum materials, information as to, and the practical application of, the research and other activities under this section,

"(2) make grants or enter into contracts with individuals and public and nonprofit entities for the purpose of determining the causes of drug abuse in a particular area, and

"(3) make grants to and enter into contracts with individuals and public and private nonprofit entities for research respecting improved drug maintenance and detoxification techniques and programs."

(C) by amending subsection (c) to read as follows:

"(c) For the purposes of subsections (a) and (b), there are authorized to be appropriated \$47,374,000 for fiscal year 1983 and \$56,160,000 for fiscal year 1984."

(D) by striking out the section heading and inserting in lieu thereof the following:

"DRUG ABUSE RESEARCH",

and

(E) by inserting before "(a)" in subsection (a) the following: "SEC. 515."

(12) The following headings are inserted in title V of the Public Health Service Act after the section 515 inserted by paragraph (11):

Appropriation
authorization.

**“PART C—MISCELLANEOUS PROVISIONS RELATING TO ALCOHOL ABUSE
AND ALCOHOLISM AND DRUG ABUSE**

**“Subpart 1—Provisions Relating to Alcohol Abuse and
Alcoholism”.**

(13) Sections 201, 301, 321, and 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the part C of title V established by paragraph (12), redesignated as sections 520, 521, 522, and 523, respectively, and amended as follows:

42 USC 4561,
4571, 4581, 4582.

(A) Section 520 (as so redesignated) is amended—

42 USC 290dd-1,
290dd, 290dd-2,
290dd-3.

(i) by striking out “the Institute” in subsection (a) and inserting in lieu thereof “the National Institute on Alcohol Abuse and Alcoholism”,

42 USC 290dd.

(ii) by striking out “section 321” in subsection (a)(4) and inserting in lieu thereof “section 522”, and

(iii) by striking out “under this Act and under the Drug Abuse Prevention, Treatment, and Rehabilitation Act” and inserting in lieu thereof “under this title”.

(B) Section 521 (as so redesignated) is amended—

42 USC 290dd-1.

(i) by striking out “section 413(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act” in subsection (b)(4) and inserting in lieu thereof “section 525”,

(ii) by striking out “title” in subsection (d) and inserting in lieu thereof “section”, and

(iii) by striking out subsection (e).

(C) Section 522 (as so redesignated) is amended by striking out “of the Public Health Service Act” in subsection (a).

42 USC 290dd-2.

(14) The following heading is inserted in part C of title V of the Public Health Service Act after section 523 (as so redesignated):

“Subpart 2—Provisions Relating to Drug Abuse”.

(15) Section 502 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the heading inserted by paragraph (14), redesignated as section 524, and amended—

21 USC 1192;
42 USC 290ee.

(A) by striking out “The Director” in subsection (a) and inserting in lieu thereof “The Director of the National Institute on Drug Abuse”,

(B) by striking out “, to promote the purposes of this Act,” in subsection (b)(2),

(C) by striking out “section 407” in subsection (d) and inserting in lieu thereof “section 526”,

(D) by striking out “under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970” in subsection (d) and inserting in lieu thereof “under this title”,

(E) by striking out the section heading and inserting in lieu thereof:

“TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES”,

and

(F) by inserting before “(a)” in subsection (a) the following: “Sec. 524.”.

21 USC 1180;
42 USC 290ee-1.

(16)(A) Section 413 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 524 inserted by paragraph (15), redesignated as section 525, and amended—

(i) by striking out the section heading and inserting in lieu thereof:

“DRUG ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES”;

(ii) by inserting before “(a)” the following: “SEC. 525.”; and

(iii) by striking out “section 201(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970” in subsection (b)(4) and inserting in lieu thereof “section 521”.

21 USC 1174,
1175.
42 USC 290ee-2,
290ee-3.

(B) Sections 407 and 408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act are transferred to title V of the Public Health Service Act, inserted after the section 525 inserted by subparagraph (A), redesignated as sections 526 and 527 and amended as follows:

(i) Section 526 (as so redesignated) is amended—

(I) by striking out the section heading and inserting in lieu thereof:

“ADMISSION OF DRUG ABUSERS TO PRIVATE AND PUBLIC HOSPITALS”;

and

(II) by inserting before “(a)” in subsection (a) the following: “SEC. 526.”.

42 USC 290ee-3.

(ii) Section 527 (as so redesignated) is amended—

(I) by striking out the section heading and inserting in lieu thereof:

“CONFIDENTIALITY OF PATIENT RECORDS”;

(II) by inserting before “(a)” in subsection (a) the following: “SEC. 527.”; and

(III) by striking out “of Health and Human Services” in subsection (g).

Repeals.

42 USC 4552,
4553, 4586.

21 USC 1172,
1194.

Repeal.
42 USC 242 note.

(c)(1) Sections 102, 103, and 502 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are repealed.

(2) Sections 405 and 504 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act are repealed.

(d) Title V of the Medical Facilities Construction and Modernization Amendments of 1970 (Public Law 91-296) is repealed.

ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH REPORTS BY THE SECRETARY

42 USC 290aa
note.

SEC. 3. (a) The Secretary of Health and Human Services shall submit to the Congress, on or before January 15, 1984, a report describing the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with—

- (1) the problems of alcohol abuse and alcoholism,
- (2) the problems of drug abuse, and
- (3) mental illness.

(b) The report required by subsection (a) shall include information with respect to the services provided for alcohol abuse, alcoholism, drug abuse, and mental health under part B of title XIX of the Public Health Service Act. To obtain information respecting such services, the Secretary shall work with appropriate national organizations to ensure that State and local governments use compatible means of collecting data respecting such services so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

42 USC 300x.

(c) In compiling data for the report required by subsection (a), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.

42 USC 300x-5.

DRUG ABUSE STRATEGY REPORT

SEC. 4. (a) Section 305 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1165) is amended to read as follows:

“§ 305. Report

“The President shall submit to the Congress, on or before August 1, 1984, and every two years thereafter, a written report describing the strategy. The report shall specify the objectives, nature, and results of the strategy and shall contain an accounting of funds expended under title II.”.

(b) Section 207 of such Act (21 U.S.C. 1117) is repealed.

Repeal.

MISCELLANEOUS

SEC. 5. (a)(1) Section 311(c)(4) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(c)(4)) is amended by inserting “(including Native Hawaiians and Native American Pacific Islanders)” after “Native Americans”.

(2) Section 18(b)(10) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is amended by inserting “Native Hawaiians, Native American Pacific Islanders,” after “Alaskan Natives,”.

(3) Section 410(d) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1177(d)) is amended by striking out “native Americans” and inserting in lieu thereof “Native Americans (including Native Hawaiians and Native American Pacific Islanders)”.

42 USC 2891-4.

(b) Section 475(a) of the Public Health Service Act (42 U.S.C. 2981-4(a)) is amended (1) by striking out "the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and", and (2) by striking out "the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse," in paragraph (2).

Approved April 26, 1983.

Section 475(a) of the Public Health Service Act (42 U.S.C. 2981-4(a)) is amended (1) by striking out "the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and", and (2) by striking out "the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse," in paragraph (2).

LEGISLATIVE HISTORY—S. 126:

SENATE REPORT No. 98-29 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 129 (1983):

Apr. 5, considered and passed Senate.

Apr. 13, considered and passed House.