

119TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs furnishes certain non-opioid pain medications to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. CAPITO (for herself, Mrs. SHAHEEN, Mr. CRAMER, Mr. KING, Mr. HOEVEN, Mrs. GILLIBRAND, Mr. RICKETTS, Ms. KLOBUCHAR, Mr. JUSTICE, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs furnishes certain non-opioid pain medications to veterans, and for other purposes.

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 “Non-Opioids Prevent
5 Addiction in the Nation for Veterans Act” or the
6 “NOPAIN for Veterans Act”.

1 **SEC. 2. INCLUSION OF CERTAIN NON-OPIOID PAIN MEDICA-**
2 **TIONS IN THE NATIONAL FORMULARY OF**
3 **THE DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 8125 of title 38, United
5 States Code, is amended—

6 (1) in subsection (d), by adding at the end the
7 following new paragraph:

8 “(4) The term ‘non-opioid pain management
9 drug or biological product’ means a drug or biologi-
10 cal product approved, granted, or cleared by the
11 Food and Drug Administration to reduce post-
12 operative pain, to produce postsurgical or regional
13 analgesia, or to treat acute pain, without acting
14 upon the body’s opioid receptors.”;

15 (2) by redesignating subsection (d), as so
16 amended, as subsection (e); and

17 (3) by inserting after subsection (c) the fol-
18 lowing new subsection (d):

19 “(d) The Secretary shall include a non-opioid pain
20 management drug or biological product in the national for-
21 mulary of the Department not later than the earlier of—

22 “(1) one year after the date on which the non-
23 opioid pain management drug or biological product
24 becomes eligible for temporary additional payment
25 under section 1833(t)(16)(G) of the Social Security
26 Act (42 U.S.C. 1395l(t)(16)(G)) or eligible for sepa-

1 rate payment under section 416.174 of title 42,
2 Code of Federal Regulations (or successor regula-
3 tions); or

4 “(2) 18 months after the date on which the
5 non-opioid pain management drug or biological prod-
6 uct is approved by the Food and Drug Administra-
7 tion.”.

8 (b) LIMITATION.—None of the funds in the Cost of
9 War Toxic Exposures Fund under section 324 of title 38,
10 United States Code, may be used to carry out the amend-
11 ments made by this section.

12 (c) IMPLEMENTATION.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary of
14 Veterans Affairs shall implement the amendments made
15 by this section.