

AMENDMENT TO H.R. 7148
OFFERED BY MR. HIGGINS OF LOUISIANA

At the end of division B (before the short title), insert the following:

1 **SEC. _____. DESTRUCTION OF CERTAIN REFUSED ARTICLES.**

2 (a) **IN GENERAL.**—Section 801(a) of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is
4 amended—

5 (1) in the seventh sentence, by striking “as de-
6 scribed under subsection (b).” and inserting “as de-
7 scribed under subsection (b), or any article refused
8 admission under this section, if the Secretary of
9 Health and Human Services determines that such
10 article presents a significant public health concern.”;
11 and

12 (2) in the eighth, ninth, and tenth sentences, by
13 striking “drug or device” each place it appears and
14 inserting “drug, device, or other article”.

15 (b) **PROHIBITED ACTS.**—Section 301 of the Federal
16 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
17 ed by adding at the end the following:

18 “(jj) The unauthorized movement, or introduction or
19 delivery for introduction into interstate commerce, includ-

1 ing export, of an article that the Secretary has decided
2 to destroy under the seventh sentence of section 801(a).".

3 (c) APPLICABILITY.—The amendments made by sub-
4 sections (a) and (b) shall apply to articles beginning on
5 the date that is 180 days after the date of enactment of
6 this Act.

7 (d) REGULATIONS.—The Secretary of Health and
8 Human Services, acting through the Commissioner of
9 Food and Drugs, shall—

10 (1) not later than 90 days after the date of en-
11 actment of this Act, finalize such revisions to regula-
12 tions as may be necessary to implement the amend-
13 ments made by subsections (a) and (b); and

14 (2) ensure that such regulations are consistent
15 with any applicable international agreements.

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