

**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 “(jjj) 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.

