

118TH CONGRESS
2D SESSION

H. R. 8861

To amend the Federal Food, Drug, and Cosmetic Act to extend the destruction authority of the Secretary of Health and Human Services to articles that present a significant public health concern, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2024

Mr. HIGGINS of Louisiana (for himself and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to extend the destruction authority of the Secretary of Health and Human Services to articles that present a significant public health concern, 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 “Destruction of Haz-
5 arduous Imports Act”.

1 **SEC. 2. 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-
20 ing export, of an article that the Secretary has decided
21 to destroy under the seventh sentence of section 801(a).”.

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

1 (d) REGULATIONS.—The Secretary of Health and
2 Human Services, acting through the Commissioner of
3 Food and Drugs, shall—

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

8 (2) ensure that such regulations are consistent
9 with any applicable international agreements.

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