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116TH CONGRESS
2D SESSION

H. R. 8894

To repeal the authority of the Food and Drug Administration to require that drugs be dispensed only upon prescription, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2020

Mr. BIGGS introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To repeal the authority of the Food and Drug Administration to require that drugs be dispensed only upon prescription, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prescription Freedom Act of 2020''.

SEC. 2. REPEAL OF FDA AUTHORITY TO REQUIRE PRESCRIPTIONS.

(a) REPEAL.—Effective as of the date that is 6 months after the date of enactment of this Act, subsection

(b) of section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is repealed.

(b) REFERENCES.—Beginning on the effective date described in subsection (a), any reference in a Federal statute, regulation, or guidance—

(1) to prescribing, a prescription, a prescription drug, or a drug subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act is deemed to be a reference to prescribing, a prescription, or a prescription drug, respectively, under applicable State law; and

(2) to any requirement or provision of section 503(b) of the Federal Food, Drug, and Cosmetic Act is deemed to be a reference to the corresponding requirement or provision, if any, in applicable State law, as determined by the Federal official or officials responsible for administering the respective Federal statute, regulation, or guidance.

(c) EXCEPTION.—Notwithstanding subsections (a) and (b), the Secretary of Health and Human Services may continue to exercise the authority vested by subsection (b) of section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353), as in effect on the day before the effective date described in subsection (a), with respect to

any drug that is intended for use in terminating a pregnancy.

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