

117TH CONGRESS  
1ST SESSION

# S. 259

To amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Ms. BALDWIN, Ms. COLLINS, Mr. BROWN, Ms. HASSAN, Mr. KING, Mr. LEAHY, Mr. MERKLEY, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

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 “Safe and Affordable  
5 Drugs from Canada Act of 2021”.

1 **SEC. 2. SAFE AND AFFORDABLE DRUGS FROM CANADA.**

2 Chapter VIII of the Federal Food, Drug, and Cos-  
3 metic Act (21 U.S.C. 381 et seq.) is amended by adding  
4 at the end the following:

5 **“SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIP-**  
6 **TION DRUGS FROM CANADA.**

7 “(a) IN GENERAL.—Notwithstanding any other pro-  
8 vision of this Act, not later than 180 days after the date  
9 of enactment of this section, the Secretary shall promul-  
10 gate regulations permitting individuals to safely import  
11 into the United States a prescription drug described in  
12 subsection (b).

13 “(b) PRESCRIPTION DRUG.—A prescription drug de-  
14 scribed in this subsection—

15 “(1) is a prescription drug that—

16 “(A) is purchased from an approved Cana-  
17 dian pharmacy;

18 “(B) is dispensed by a pharmacist licensed  
19 to practice pharmacy and dispense prescription  
20 drugs in Canada;

21 “(C) is purchased for personal use by the  
22 individual, not for resale, in quantities that do  
23 not exceed a 90-day supply;

24 “(D) is filled using a valid prescription  
25 issued by a physician licensed to practice in a  
26 State in the United States; and

1           “(E) has the same active ingredient or in-  
2 ingredients, route of administration, dosage form,  
3 and strength as a prescription drug approved  
4 by the Secretary under chapter V; and

5           “(2) does not include—

6           “(A) a controlled substance (as defined in  
7 section 102 of the Controlled Substances Act);

8           “(B) a biological product (as defined in  
9 section 351 of the Public Health Service Act);

10           “(C) an infused drug (including a peri-  
11 toneal dialysis solution);

12           “(D) an intravenously injected drug;

13           “(E) a drug that is inhaled during surgery;

14           “(F) a parenteral drug;

15           “(G) a drug manufactured through one or  
16 more biotechnology processes, including—

17           “(i) a therapeutic DNA plasmid prod-  
18 uct;

19           “(ii) a therapeutic synthetic peptide  
20 product of not more than 40 amino acids;

21           “(iii) a monoclonal antibody product  
22 for in vivo use; and

23           “(iv) a therapeutic recombinant DNA-  
24 derived product;

1           “(H) a drug required to be refrigerated at  
2           any time during manufacturing, packing, proc-  
3           essing, or holding; or

4           “(I) a photoreactive drug.

5           “(c) APPROVED CANADIAN PHARMACY.—

6           “(1) IN GENERAL.—In this section, an ap-  
7           proved Canadian pharmacy is a pharmacy that—

8           “(A) is located in Canada; and

9           “(B) the Secretary certifies—

10           “(i) is licensed to operate and dis-  
11           pense prescription drugs to individuals in  
12           Canada; and

13           “(ii) meets the criteria under para-  
14           graph (3).

15           “(2) PUBLICATION OF APPROVED CANADIAN  
16           PHARMACIES.—The Secretary shall publish on the  
17           internet website of the Food and Drug Administra-  
18           tion a list of approved Canadian pharmacies, includ-  
19           ing the internet website address of each such ap-  
20           proved Canadian pharmacy, from which individuals  
21           may purchase prescription drugs in accordance with  
22           subsection (a).

23           “(3) ADDITIONAL CRITERIA.—To be an ap-  
24           proved Canadian pharmacy, the Secretary shall cer-  
25           tify that the pharmacy—

1           “(A) has been in existence for a period of  
2           at least 5 years preceding the date of such cer-  
3           tification and has a purpose other than to par-  
4           ticipate in the program established under this  
5           section;

6           “(B) operates in accordance with phar-  
7           macy standards set forth by the provincial  
8           pharmacy rules and regulations enacted in Can-  
9           ada;

10          “(C) has processes established by the phar-  
11          macy, or participates in another established  
12          process, to certify that the physical premises  
13          and data reporting procedures and licenses are  
14          in compliance with all applicable laws and regu-  
15          lations, and has implemented policies designed  
16          to monitor ongoing compliance with such laws  
17          and regulations;

18          “(D) conducts or commits to participate in  
19          ongoing and comprehensive quality assurance  
20          programs and implements such quality assur-  
21          ance measures, including blind testing, to en-  
22          sure the veracity and reliability of the findings  
23          of the quality assurance program;

24          “(E) agrees that laboratories approved by  
25          the Secretary shall be used to conduct product

1 testing to determine the safety and efficacy of  
2 sample pharmaceutical products;

3 “(F) has established, or will establish or  
4 participate in, a process for resolving grievances  
5 and will be held accountable for violations of es-  
6 tablished guidelines and rules;

7 “(G) does not resell products from online  
8 pharmacies located outside Canada to cus-  
9 tomers in the United States; and

10 “(H) meets any other criteria established  
11 by the Secretary.”.

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