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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

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

Mr. BIGGS introduced the following bill; which was referred to the Committee
on _____

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.

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 “Prescription Freedom
5 Act of 2022”.

1 **SEC. 2. REPEAL OF FDA AUTHORITY TO REQUIRE PRE-**
2 **SCRIPTIONS.**

3 (a) REPEAL.—Effective as of the date that is 6
4 months after the date of enactment of this Act, subsection
5 (b) of section 503 of the Federal Food, Drug, and Cos-
6 metic Act (21 U.S.C. 353) is repealed.

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

10 (1) to prescribing, a prescription, a prescription
11 drug, or a drug subject to section 503(b) of the Fed-
12 eral Food, Drug, and Cosmetic Act is deemed to be
13 a reference to prescribing, a prescription, or a pre-
14 scription drug, respectively, under applicable State
15 law; and

16 (2) to any requirement or provision of section
17 503(b) of the Federal Food, Drug, and Cosmetic Act
18 is deemed to be a reference to the corresponding re-
19 quirement or provision, if any, in applicable State
20 law, as determined by the Federal official or officials
21 responsible for administering the respective Federal
22 statute, regulation, or guidance.

23 (c) EXCEPTION.—Notwithstanding subsections (a)
24 and (b), the Secretary of Health and Human Services may
25 continue to exercise the authority vested by subsection (b)
26 of section 503 of the Federal Food, Drug, and Cosmetic

1 Act (21 U.S.C. 353), as in effect on the day before the
2 effective date described in subsection (a), with respect to
3 any drug that is intended for use in terminating a preg-
4 nancy.