H. R. 1

To require the Secretary of Health and Human Services to promulgate a past due final rule with respect to direct-to-consumer prescription drug advertisements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Spanberger introduced the following bill; which was referred to the Committee on ________________

A BILL

To require the Secretary of Health and Human Services to promulgate a past due final rule with respect to direct-to-consumer prescription drug advertisements, and for other purposes.

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

3 SECTION 1. SHORT TITLE.

This Act may be cited as the “Banning Misleading Drug Ads Act of 2022”.
SEC. 2. PAST DUE FINAL RULE WITH RESPECT TO DIRECT-TO-CONSUMER PRESCRIPTION DRUG ADVERTISEMENTS.

(a) In General.—If, by the date that is 180 days after the date of enactment of this Act, the Secretary of Health and Human Services has not promulgated a final rule establishing the standards required by section 901(d)(3)(B) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), the proposed rule titled “Direct-to-Consumer Prescription Drug Advertisements; Presentation of the Major Statement in Television and Radio Advertisements in a Clear, Conspicuous, and Neutral Manner” (75 Fed. Reg. 15376 et seq.; March 29, 2010) is deemed to be a final rule and shall have effect beginning on such date.

(b) Rule of Construction.—Nothing in subsection (a) may be construed to prohibit the Secretary from promulgating, pursuant to the rulemaking authority of the Secretary under any other provision of law, a change to, including a replacement of, the rule deemed to be a final rule under such subsection.