

117TH CONGRESS
2D SESSION

H. R. 8289

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

JULY 5, 2022

Ms. SPANBERGER (for herself, Ms. WILD, Ms. PORTER, Ms. CRAIG, and Mrs. AXNE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 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 “Banning Misleading
5 Drug Ads Act of 2022”.

1 **SEC. 2. PAST DUE FINAL RULE WITH RESPECT TO DIRECT-**
2 **TO-CONSUMER PRESCRIPTION DRUG ADVER-**
3 **TISEMENTS.**

4 (a) IN GENERAL.—If, by the date that is 180 days
5 after the date of enactment of this Act, the Secretary of
6 Health and Human Services has not promulgated a final
7 rule establishing the standards required by section
8 901(d)(3)(B) of the Food and Drug Administration
9 Amendments Act of 2007 (Public Law 110–85), the pro-
10 posed rule titled “Direct-to-Consumer Prescription Drug
11 Advertisements; Presentation of the Major Statement in
12 Television and Radio Advertisements in a Clear, Con-
13 spicuous, and Neutral Manner” (75 Fed. Reg. 15376 et
14 seq.; March 29, 2010) is deemed to be a final rule and
15 shall have effect beginning on such date.

16 (b) RULE OF CONSTRUCTION.—Nothing in sub-
17 section (a) may be construed to prohibit the Secretary
18 from promulgating, pursuant to the rulemaking authority
19 of the Secretary under any other provision of law, a
20 change to, including a replacement of, the rule deemed to
21 be a final rule under such subsection.

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