

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ban drug manufacturers from using direct-to-consumer advertising, including social media, to promote their products.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3315

To require the Secretary of Health and Human Services and the Director of the Cybersecurity and Infrastructure Security Agency to coordinate to improve cybersecurity in the health care and public health sectors, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . PROHIBITION ON DIRECT-TO-CONSUMER DRUG**
3 **ADVERTISING OF DRUGS.**

4 (a) IN GENERAL.—Section 502 the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by
6 adding at the end the following:

7 “(hh)(1) If it is a drug approved under section 505
8 or licensed under section 351 of the Public Health Service
9 Act, and subject to section 503(b)(1), and the holder of
10 the approved application under section 505 or of the li-

1 cense under such section 351 has conducted direct-to-con-
2 sumer advertising of the drug within the most recent 30-
3 day period.

4 “(2) For purposes of this paragraph, the term ‘direct-
5 to-consumer advertising’, with respect to a drug subject
6 to section 503(b)(1), means any promotional communica-
7 tion targeting consumers, including through television,
8 radio, print media, digital platforms, and social media, for
9 purposes of marketing such a drug.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect 30 days after the date of
12 enactment of this Act, and shall apply with respect to any
13 drug approved under section 505 of the Federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. 355) or licensed under
15 section 351 of the Public Health Service Act (42 U.S.C.
16 262), regardless of when the drug was approved or li-
17 censed.