H. Res. 1434

In the House of Representatives, U. S.,

December 21, 2022.

Whereas a reproductive health product is any product approved, licensed, granted authorization, or cleared by the Food and Drug Administration that is used to diagnose, prevent, manage, treat, or terminate pregnancy, or diagnose, prevent, manage, or treat indications or conditions that occur during or are related to pregnancy, or otherwise relate to or affect the reproductive system;

Whereas reproductive rights and bodily autonomy face a renewed, relentless assault by State governments and recent decisions by the Supreme Court;

Whereas antiabortion State governments have increased their efforts to limit, if not outright ban, reproductive health products;

Whereas, under the Supremacy Clause of the United States Constitution, Federal laws take precedence over any conflicting State laws;

Whereas Congress delegated to the Food and Drug Administration sole authority to approve, license, grant authorization for, or clear reproductive health products and evaluate the safety and effectiveness of such products in the United States through the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.);

Whereas Federal law preempts conflicting State laws that prohibit or limit access to or use of any reproductive health product;

Whereas mifepristone is safe and effective, and has been approved by the Food and Drug Administration for medication abortion for more than 20 years;

Whereas medication abortion accounts for half of all pregnancy terminations in the United States; and

Whereas antiabortion State governments are attempting to ignore the preemptive effect of Federal law to strip away access to or use of reproductive health products: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms—

(A) the well-established authority of the Food and Drug Administration to approve, license, grant authorization for, or clear reproductive health products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.) (including regulations thereunder); and

(B) the preemptive effect of those Federal laws on any law, requirement, regulation, standard, or other provision enacted, otherwise established, or enforced by any State or political subdivision of a

State that prohibits or limits access to or use of any reproductive health product;

(2) recognizes that the affirmation of the preemptive effect of regulation by the Food and Drug Administration of reproductive health products shall not be construed to limit the preemptive effect of approval, licensure, authorization, or clearance by the Food and Drug Administration of products that are not reproductive health products or the preemptive effect of any other Federal law; and

(3) affirms the authority of the Attorney General to enforce the preemptive effect of Federal laws and regulations by taking appropriate civil action on behalf of the United States against any State or political subdivision of a State that prohibits or limits access to or use of any reproductive health product.

Attest:

Clerk.