

118TH CONGRESS
1ST SESSION

H. R. 75

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

JANUARY 9, 2023

Mr. BIGGS introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2023”.

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

8 (a) REPEAL.—Effective as of the date that is 6
9 months after the date of enactment of this Act, subsection

1 (b) of section 503 of the Federal Food, Drug, and Cos-
2 metic Act (21 U.S.C. 353) is repealed.

3 (b) REFERENCES.—Beginning on the effective date
4 described in subsection (a), any reference in a Federal
5 statute, regulation, or guidance—

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

12 (2) to any requirement or provision of section
13 503(b) of the Federal Food, Drug, and Cosmetic Act
14 is deemed to be a reference to the corresponding re-
15 quirement or provision, if any, in applicable State
16 law, as determined by the Federal official or officials
17 responsible for administering the respective Federal
18 statute, regulation, or guidance.

19 (c) EXCEPTION.—Notwithstanding subsections (a)
20 and (b), the Secretary of Health and Human Services may
21 continue to exercise the authority vested by subsection (b)
22 of section 503 of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 353), as in effect on the day before the
24 effective date described in subsection (a), with respect to

- 1 any drug that is intended for use in terminating a preg-
- 2 nancy.

