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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Food, Drug, and Cosmetic Act to clarify and affirm the preemptive authority of the Food and Drug Administration over dietary supplement regulation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANGWORTHY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to clarify and affirm the preemptive authority of the Food and Drug Administration over dietary supplement regulation, 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 “Dietary Supplement
5 Regulatory Uniformity Act”.

1 **SEC. 2. CLARIFICATION OF FEDERAL PREEMPTION WITH**
2 **RESPECT TO DIETARY SUPPLEMENT REGU-**
3 **LATION.**

4 Section 403A of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 343–1) is amended by adding at the
6 end the following:

7 “(c)(1) No State (or political subdivision thereof)
8 may establish or continue in effect any requirement con-
9 cerning a dietary supplement which is different from, or
10 in addition to, or that is not otherwise identical with, a
11 requirement applicable to a dietary supplement under this
12 Act.

13 “(2) Upon application of a State or a political sub-
14 division thereof, the Secretary may, by regulation and
15 after notice and opportunity for a hearing, exempt from
16 paragraph (1), under such conditions as may be prescribed
17 in such regulation, a requirement of such State or political
18 subdivision applicable to a dietary supplement if—

19 “(A) such requirement is more stringent than
20 the applicable requirement under Federal law; or

21 “(B)(i) such requirement addresses a compel-
22 ling local condition; and

23 “(ii) compliance with such requirement does not
24 render the dietary supplement out of compliance
25 with Federal law.”.