

Union Calendar No.

119TH CONGRESS
2^D SESSION**H. R. 2715****[Report No. 119-]**

To amend the Federal Food, Drug, and Cosmetic Act to extend the destruction authority of the Secretary of Health and Human Services to articles that present a significant public health concern, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2025

Mr. HIGGINS of Louisiana (for himself and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE --, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 8, 2025]

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to extend the destruction authority of the Secretary of Health and Human Services to articles that present a significant public health concern, 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 “Destruction of Haz-*
5 *ardous Imports Act”.*

6 **SEC. 2. DESTRUCTION OF CERTAIN REFUSED ARTICLES.**

7 *(a) IN GENERAL.—Section 801 of the Federal Food,*
8 *Drug, and Cosmetic Act (21 U.S.C. 381) is amended by*
9 *adding at the end the following:*

10 *“(v) DESTRUCTION OF REFUSED ARTICLES PRE-*
11 *SENTING SIGNIFICANT PUBLIC HEALTH CONCERNS.—*

12 *“(1) IN GENERAL.—If the Secretary of Health*
13 *and Human Services finds that an article that has*
14 *been refused admission under subsection (a) presents*
15 *a significant public health concern, the Secretary may*
16 *issue to the owner or consignee of the article an order*
17 *to destroy the article, without the opportunity for ex-*
18 *port.*

19 *“(2) DEADLINE; COSTS.—Not later than 90 days*
20 *after the issuance of an order under paragraph (1),*
21 *the owner or consignee of the article shall destroy the*
22 *article. The owner or consignee shall be responsible for*
23 *the costs of such destruction.*

24 *“(3) DUE PROCESS.—The Secretary of Health*
25 *and Human Services shall provide to the owner or*

1 *consignee of an article subject to an order under*
2 *paragraph (1) appropriate due process prior to the*
3 *destruction of the article. Such due process shall be*
4 *specified in regulations and include notice and an op-*
5 *portunity to appear before the Secretary and intro-*
6 *duce testimony on the destruction—*

7 *“(A) in combination with the notice and*
8 *opportunity to appear and introduce testimony*
9 *on the refusal of admission of the article under*
10 *subsection (a); or*

11 *“(B) separately.”.*

12 *(b) PROHIBITED ACTS.—Section 301 of the Federal*
13 *Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended*
14 *by adding at the end the following:*

15 *“(jjj) The unauthorized movement, or introduction or*
16 *delivery for introduction into interstate commerce, includ-*
17 *ing export, of an article that is subject to an order for de-*
18 *struction under section 801(v).”.*

19 *(c) APPLICABILITY.—The amendments made by sub-*
20 *sections (a) and (b) shall apply to articles beginning on*
21 *the date that is 30 days after the date on which the Sec-*
22 *retary of Health and Human Services, acting through the*
23 *Commissioner of Food and Drugs, promulgates final regu-*
24 *lations under subsection (d).*

25 *(d) REGULATIONS.—*

1 (1) *PROPOSED.*—Not later than 18 months after
2 the date of enactment of this Act, the Secretary of
3 Health and Human Services, acting through the Com-
4 missioner of Food and Drugs, shall issue proposed
5 regulations to implement the amendment made by
6 subsection (a), allowing for notice and comment on
7 such proposed regulations.

8 (2) *FINAL.*—Not later than 1 year after the
9 issuance of the proposed regulations under paragraph
10 (1), the Secretary of Health and Human Services,
11 acting through the Commissioner of Food and Drugs,
12 shall promulgate final regulations to implement the
13 amendment made by subsection (a).