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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 9443

To amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary of Health and Human Services to share food safety information with State, local, Tribal, and Territorial authorities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Ross introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary of Health and Human Services to share food safety information with State, local, Tribal, and Territorial authorities, 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 “Federal and State
5 Food Safety Information Sharing Act of 2024”.

1 **SEC. 2. SHARING FOOD SAFETY INFORMATION WITH STATE,**
2 **LOCAL, TRIBAL, AND TERRITORIAL AUTHORI-**
3 **TIES.**

4 (a) IN GENERAL.—Section 708 of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 379) is amended by
6 adding at the end the following:

7 “(d) SHARING FOOD SAFETY INFORMATION WITH
8 STATE, LOCAL, TRIBAL, AND TERRITORIAL AUTHORI-
9 TIES.—

10 “(1) AUTHORIZATION.—Notwithstanding sec-
11 tion 301(j) and any other law, regulation, or policy,
12 the Secretary may share, with a State, local, Tribal,
13 or Territorial authority with counterpart functions
14 related to the protection of public health, unredacted
15 information in the possession of the Food and Drug
16 Administration relating to any of the following:

17 “(A) Foodborne illness surveillance data.

18 “(B) Laboratory sampling testing informa-
19 tion.

20 “(C) Inspectional information and results.

21 “(D) Distribution lists for recalls and out-
22 breaks.

23 “(E) Consumer complaints.

24 “(F) Any other information the Secretary
25 determines will assist such authority in pro-
26 tecting the public.

1 “(2) TIMING.—The Secretary may share infor-
2 mation pursuant to paragraph (1) as soon as is rea-
3 sonably practicable.

4 “(3) LIMITATION ON FURTHER DISCLOSURE.—
5 A State, local, Tribal, or Territorial authority in re-
6 ceipt of information provided by the Secretary under
7 this subsection shall not further disclose such infor-
8 mation without permission of the Food and Drug
9 Administration unless such authority determines
10 that disclosure of such information is necessary to
11 contain a foodborne illness outbreak, carry out a re-
12 call or carry out other State enforcement activities.

13 “(4) EFFECT OF SUBSECTION.—Nothing in this
14 subsection affects the ability of the Secretary to
15 enter into any written agreement authorized by
16 other provisions of law to share confidential informa-
17 tion.”.

18 (b) CONFORMING AMENDMENT.—The first sentence
19 of section 301(j) of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 331(j)) is amended—

21 (1) by striking “The” and inserting “Except as
22 provided in section 708(d), the”; and

23 (2) by striking the second period at the end.

1 **SEC. 3. GRANTS TO ENHANCE FOOD SAFETY.**

2 (a) IN GENERAL.—Section 1009 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amend-
4 ed—

5 (1) in subsection (d)(1), by striking “3” and in-
6 serting “5”; and

7 (2) in subsection (e)—

8 (A) by striking “3” and inserting “5”; and

9 (B) by amending the second sentence to
10 read as follows: “In the event the Secretary
11 conducts a program evaluation, funding in sub-
12 sequent years of the grant, where applicable,
13 shall be contingent on a successful program
14 evaluation by the Secretary after the first year
15 of the grant.”.

16 (b) APPLICABILITY.—The amendments made by sub-
17 section (a) apply only with respect to grants awarded
18 under section 1009 of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 399) on or after the date of the en-
20 actment of this Act.