

117TH CONGRESS
1ST SESSION

H. R. 2831

To amend the Federal Food, Drug, and Cosmetic Act to provide for the prompt approval of drugs when safety information is added to labeling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Ms. BARRAGÁN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to provide for the prompt approval of drugs when safety information is added to labeling, 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 “Prompt Approval of
5 Safe Generic Drugs Act”.

6 **SEC. 2. HEADING.**

7 Section 505 of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 355) is amended by adding at the end the
9 following:

1 “(z) PROMPT APPROVAL OF DRUGS WHEN SAFETY
2 INFORMATION IS ADDED TO LABELING.—

3 “(1) GENERAL RULE.—A drug for which an ap-
4 plication has been submitted or approved under sub-
5 section (b)(2) or (j) shall not be considered ineligible
6 for approval under this section or misbranded under
7 section 502 on the basis that the labeling of the
8 drug omits safety information, including contra-
9 indications, warnings, precautions, dosing, adminis-
10 tration, or other information pertaining to safety,
11 when the omitted safety information is protected by
12 exclusivity under clause (iii) or (iv) of subsection
13 (c)(3)(E), clause (iii) or (iv) of subsection (j)(5)(F),
14 or section 527(a), or by an extension of such exclu-
15 sivity under section 505A or 505E.

16 “(2) LABELING.—Notwithstanding clauses (iii)
17 and (iv) of subsection (c)(3)(E), clauses (iii) and (iv)
18 of subsection (j)(5)(F), or section 527, the Secretary
19 shall require that the labeling of a drug approved
20 pursuant to an application submitted under sub-
21 section (b)(2) or (j) that omits safety information
22 described in paragraph (1) include a statement of
23 any appropriate safety information that the Sec-
24 retary considers necessary to assure safe use.

1 “(3) AVAILABILITY AND SCOPE OF EXCLU-
2 SIVITY.—This subsection does not affect—

3 “(A) the availability or scope of exclusivity
4 or an extension of exclusivity described in sub-
5 paragraph (A) or (B) of section 505A(o)(3);

6 “(B) the question of the eligibility for ap-
7 proval under this section of any application de-
8 scribed in subsection (b)(2) or (j) that omits
9 any other aspect of labeling protected by exclu-
10 sivity under—

11 “(i) clause (iii) or (iv) of subsection
12 (c)(3)(E);

13 “(ii) clause (iii) or (iv) of subsection
14 (j)(5)(F); or

15 “(iii) section 527(a); or

16 “(C) except as expressly provided in para-
17 graphs (1) and (2), the operation of this section
18 or section 527.”.

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