

119TH CONGRESS
2D SESSION

H. R. 2715

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Destruction of Haz-
3 arduous Imports Act”.

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

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

8 “(v) DESTRUCTION OF REFUSED ARTICLES PRE-
9 SENTING SIGNIFICANT PUBLIC HEALTH CONCERNS.—

10 “(1) IN GENERAL.—If the Secretary of Health
11 and Human Services finds that an article that has
12 been refused admission under subsection (a) pre-
13 sents a significant public health concern, the Sec-
14 retary may issue to the owner or consignee of the
15 article an order to destroy the article, without the
16 opportunity for export.

17 “(2) DEADLINE; COSTS.—Not later than 90
18 days after the issuance of an order under paragraph
19 (1), the owner or consignee of the article shall de-
20 stroy the article. The owner or consignee shall be re-
21 sponsible for the costs of such destruction.

22 “(3) DUE PROCESS.—The Secretary of Health
23 and Human Services shall provide to the owner or
24 consignee of an article subject to an order under
25 paragraph (1) appropriate due process prior to the
26 destruction of the article. Such due process shall be

1 specified in regulations and include notice and an
2 opportunity to appear before the Secretary and in-
3 troduce testimony on the destruction—

4 “(A) in combination with the notice and
5 opportunity to appear and introduce testimony
6 on the refusal of admission of the article under
7 subsection (a); or

8 “(B) separately.”.

9 (b) PROHIBITED ACTS.—Section 301 of the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
11 ed by adding at the end the following:

12 “(jjj) The unauthorized movement, or introduction or
13 delivery for introduction into interstate commerce, includ-
14 ing export, of an article that is subject to an order for
15 destruction under section 801(v).”.

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

22 (d) REGULATIONS.—

23 (1) PROPOSED.—Not later than 18 months
24 after the date of enactment of this Act, the Sec-
25 retary of Health and Human Services, acting

1 through the Commissioner of Food and Drugs, shall
2 issue proposed regulations to implement the amend-
3 ment made by subsection (a), allowing for notice and
4 comment on such proposed regulations.

5 (2) FINAL.—Not later than 1 year after the
6 issuance of the proposed regulations under para-
7 graph (1), the Secretary of Health and Human
8 Services, acting through the Commissioner of Food
9 and Drugs, shall promulgate final regulations to im-
10 plement the amendment made by subsection (a).

Passed the House of Representatives July 20, 2026.

Attest:

Clerk.

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