

119TH CONGRESS  
2D SESSION

# S. 3797

To amend the Federal Food, Drug, and Cosmetic Act to establish new prohibited acts relating to dietary supplements.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2026

Mr. DURBIN (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to establish new prohibited acts relating to dietary supplements.

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 “Prohibiting Tianeptine  
5 and Other Dangerous Products Act of 2026”.

6 **SEC. 2. NEW PROHIBITED ACTS RELATING TO DIETARY**  
7 **SUPPLEMENTS.**

8 (a) IN GENERAL.—Section 301 of the Federal Food,  
9 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by  
10 adding at the end the following:

1       “(jjj) The introduction or delivery for introduction  
2 into interstate commerce of any product marketed as a  
3 dietary supplement that does not meet the definition of  
4 a dietary supplement under section 201(ff).

5       “(kkk) The introduction or delivery for introduction  
6 into interstate commerce of a dietary supplement that has  
7 been prepared, packed, or held using the assistance of, or  
8 at the direction of, a person debarred under section 306.”.

9       (b) NEW IMPORT EXCLUSION.—Section 801(a) of the  
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a))  
11 is amended in paragraph (3) of the third sentence, by  
12 striking “section 301(ll)” and inserting “paragraph (ll),  
13 (jjj), or (kkk) of section 301”.

14       (c) NEW SEIZURE AUTHORITIES.—Section 304 of the  
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334)  
16 is amended—

17           (1) in subsection (a)(1), in the first sentence,  
18 by striking “section section 301(ll), 404, or 505”  
19 and inserting “paragraph (ll), (jjj), or (kkk) of sec-  
20 tion 301, section 404, or section 505”; and

21           (2) in subsection (d)(1), in the first sentence,  
22 by inserting “, or product in violation of paragraph  
23 (jjj) or (kkk) of section 301,” after “condemned  
24 under this section”.

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