

Calendar No. 520

112TH CONGRESS
2^D SESSION**S. 3391**

To amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2012

Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, Mr. BOOZMAN, Mr. PORTMAN, Mr. FRANKEN, Mr. BURR, and Mr. BROWN of Ohio) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

SEPTEMBER 19, 2012

Reported by Mr. HARKIN, without amendment

A BILL

To amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

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 “Taking Essential Steps
5 for Testing Act” or the “TEST Act”.

1 **SEC. 2. SUSPENSION, REVOCATION, AND LIMITATION OF**
2 **LABORATORY CERTIFICATION.**

3 Section 353 of the Public Health Service Act (42
4 U.S.C. 263a) is amended—

5 (1) in subsection (d)(1)(E), by inserting “, ex-
6 cept that no proficiency testing sample shall be re-
7 ferred to another laboratory for analysis as prohib-
8 ited under subsection (i)(4)” before the period at the
9 end; and

10 (2) in subsection (i)—

11 (A) in paragraph (3), by inserting before
12 the period at the end of the first sentence the
13 following: “, except that if the revocation occurs
14 pursuant to paragraph (4) the Secretary may
15 substitute intermediate sanctions under sub-
16 section (h) instead of the 2-year prohibition
17 against ownership or operation which would
18 otherwise apply under this paragraph”; and

19 (B) in paragraph (4), by striking “shall”
20 the first place it appears and inserting “may”.

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