

116TH CONGRESS
2D SESSION

S. 5075

To prohibit deceptive acts or practices in connection with public health emergencies resulting from COVID–19.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2020

Ms. CANTWELL (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit deceptive acts or practices in connection with public health emergencies resulting from COVID–19.

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 “COVID–19 Consumer
5 Protection Act”.

6 **SEC. 2. PROHIBITING DECEPTIVE ACTS OR PRACTICES IN**
7 **CONNECTION WITH THE NOVEL**
8 **CORONAVIRUS.**

9 (a) IN GENERAL.—For the duration of a public
10 health emergency declared pursuant to section 319 of the

1 Public Health Service Act (42 U.S.C. 247d) as a result
 2 of confirmed cases of the 2019 novel coronavirus
 3 (COVID–19), including any renewal thereof, it shall be
 4 unlawful for any person, partnership, or corporation to en-
 5 gage in a deceptive act or practice in or affecting com-
 6 merce in violation of section 5(a) of the Federal Trade
 7 Commission Act (15 U.S.C. 45(a)) that is associated
 8 with—

9 (1) the treatment, cure, prevention, mitigation,
 10 or diagnosis of COVID–19; or

11 (2) a government benefit related to COVID–19.

12 (b) ENFORCEMENT BY THE FEDERAL TRADE COM-
 13 MISSION.—

14 (1) VIOLATION.—A violation of subsection (a)
 15 shall be treated as a violation of a rule defining an
 16 unfair or deceptive act or practice prescribed under
 17 section 18(a)(1)(B) of the Federal Trade Commis-
 18 sion Act (15 U.S.C. 57a(a)(1)(B)).

19 (2) POWERS OF THE FEDERAL TRADE COMMIS-
 20 SION.—

21 (A) IN GENERAL.—The Federal Trade
 22 Commission shall enforce subsection (a) in the
 23 same manner, by the same means, and with the
 24 same jurisdiction, powers, and duties as though
 25 all applicable terms and provisions of the Fed-

1 eral Trade Commission Act (15 U.S.C. 41 et
2 seq.) were incorporated into and made a part of
3 this section.

4 (B) PRIVILEGES AND IMMUNITIES.—Any
5 person who violates this section shall be subject
6 to the penalties and entitled to the privileges
7 and immunities provided in the Federal Trade
8 Commission Act.

9 (3) EFFECT ON OTHER LAWS.—Nothing in this
10 section shall be construed to limit the authority of
11 the Federal Trade Commission under any other pro-
12 vision of law.

13 (c) SEVERABILITY.—If any provision of this section,
14 or the application thereof to any person or circumstance,
15 is held invalid, the remainder of this section and the appli-
16 cation of such provision to other persons not similarly situ-
17 ated or to other circumstances shall not be affected by
18 the invalidation.

○