

112TH CONGRESS  
2D SESSION

# S. 3391

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

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2012

Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, and Mr. BOOZMAN) 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 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”.

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

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

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

6           (2) in subsection (i)—

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

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

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