

115TH CONGRESS  
2D SESSION

# S. 2739

To increase the authority of the Secretary of Health and Human Services  
to restrict the entrance of illicit drugs into the United States.

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IN THE SENATE OF THE UNITED STATES

APRIL 24, 2018

Ms. BALDWIN (for herself, Mr. CASSIDY, Mr. ALEXANDER, and Mr. CASEY)  
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 increase the authority of the Secretary of Health and  
Human Services to restrict the entrance of illicit drugs  
into the United States.

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 “Restricting Entrance  
5 and Strengthening the Requirements on Import Controls  
6 for Trafficking of Illicit Drugs Act” or the “RESTRICT  
7 Illicit Drugs Act”.

1 **SEC. 2. RESTRICTING ENTRANCE OF ILLICIT DRUGS.**

2 (a) IN GENERAL.—The Secretary of Health and  
3 Human Services (referred to in this section as the “Sec-  
4 retary”), acting through the Commissioner of Food and  
5 Drugs, upon discovering or receiving, in a package being  
6 offered for import, a controlled substance that is offered  
7 for import in violation of any requirement of the Con-  
8 trolled Substances Act (21 U.S.C. 801 et seq.), the Con-  
9 trolled Substances Import and Export Act (21 U.S.C. 951  
10 et seq.), the Federal Food, Drug, and Cosmetic Act (21  
11 U.S.C. 301 et seq.), or any other applicable law, shall  
12 transfer such package to the U.S. Customs and Border  
13 Protection. If the Secretary identifies additional packages  
14 that appear to be the same as such package containing  
15 a controlled substance, such additional packages may also  
16 be transferred to U.S. Customs and Border Protection.  
17 The U.S. Customs and Border Protection shall receive  
18 such packages consistent with the requirements of the  
19 Controlled Substances Act (21 U.S.C. 801 et seq.).

20 (b) DEBARMENT, TEMPORARY DENIAL OF AP-  
21 PROVAL, AND SUSPENSION.—

22 (1) IN GENERAL.—Section 306(b) of the Fed-  
23 eral Food, Drug, and Cosmetic Act (21 U.S.C.  
24 335a(b)) is amended—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “or (3)” after  
3 “paragraph (2)”;

4 (ii) in subparagraph (A), by striking  
5 the comma at the end and inserting a  
6 semicolon;

7 (iii) in subparagraph (B), by striking  
8 “, or” and inserting a semicolon;

9 (iv) in subparagraph (C), by striking  
10 the period and inserting “; or”; and

11 (v) by adding at the end the following:

12 “(D) a person from importing or offering  
13 for import into the United States a drug.”; and

14 (B) in paragraph (3)—

15 (i) in the heading, by striking  
16 “FOOD”;

17 (ii) in subparagraph (A), by striking  
18 “; or” and inserting a semicolon;

19 (iii) in subparagraph (B), by striking  
20 the period and inserting “; or”; and

21 (iv) and by adding at the end the fol-  
22 lowing:

23 “(C) the person has been convicted of a  
24 felony for conduct relating to the importation  
25 into the United States of any drug or controlled

1 substance (as defined in section 102 of the Con-  
2 trolled Substances Act).”.

3 (2) PROHIBITED ACT.—Section 301(cc) of the  
4 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
5 331(cc)) is amended—

6 (A) by inserting “or a drug” after “food”;

7 and

8 (B) by inserting “from such activity” after  
9 “debarred”.

10 (c) IMPORTS AND EXPORTS.—Section 801(a) of the  
11 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a))  
12 is amended—

13 (1) by striking the second sentence;

14 (2) by striking “If it appears” and inserting  
15 “Subject to subsection (b), if it appears”;

16 (3) by striking “regarding such article, then  
17 such article shall be refused” and inserting the fol-  
18 lowing: “regarding such article, or (5) such article is  
19 being imported or offered for import in violation of  
20 section 301(cc), then any such article described in  
21 any of clauses (1) through (5) may be refused ad-  
22 mission. If it appears from the examination of such  
23 samples or otherwise that the article is a counterfeit  
24 drug, such article shall be refused admission.”;

1           (4) by striking “this Act, then such article shall  
2           be refused admission” and inserting “this Act, then  
3           such article may be refused admission”; and

4           (5) by striking “Clause (2) of the third sen-  
5           tence” and all that follows through the period at the  
6           end and inserting the following: “Neither clause (2)  
7           nor clause (5) of the second sentence of this sub-  
8           section shall be construed to prohibit the admission  
9           of narcotic drugs, the importation of which is per-  
10          mitted under the Controlled Substances Import and  
11          Export Act.”.

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