

115TH CONGRESS  
2D SESSION

# S. 3420

To require the Food and Drug Administration to prioritize the promotional materials for drugs for serious, life-threatening diseases or conditions or substance use disorders, especially opioid drugs and drugs for medication-assisted treatment, in considering whether promotional materials are false or misleading.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2018

Ms. HARRIS (for herself and Mr. GARDNER) 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 require the Food and Drug Administration to prioritize the promotional materials for drugs for serious, life-threatening diseases or conditions or substance use disorders, especially opioid drugs and drugs for medication-assisted treatment, in considering whether promotional materials are false or misleading.

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 “Accountability in  
5       Opioid Advertising Act”.

1 **SEC. 2. PROMOTIONAL MATERIALS FOR DRUGS.**

2       In enforcing section 303(g) of the Federal Food,  
3 Drug, and Cosmetic Act (21 U.S.C. 333(g)) and otherwise  
4 ensuring that advertising and other promotional materials  
5 for drugs approved under section 505 of such Act (21  
6 U.S.C. 355), including pursuant to section 503C of such  
7 Act (21 U.S.C. 353c), are not false or misleading, the Sec-  
8 retary of Health and Human Services shall give priority  
9 consideration to advertising and other promotional mate-  
10 rials for drugs for serious, life-threatening diseases or con-  
11 ditions or substance use disorders, especially opioid drugs  
12 and drugs for medication-assisted treatment.

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