

118TH CONGRESS
2D SESSION

S. 5481

To clarify that agencies of the Department of Health and Human Services do not have the authority to regulate the practice of medicine.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2024

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To clarify that agencies of the Department of Health and Human Services do not have the authority to regulate the practice of medicine.

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 “Right to Treat Act”.

5 **SEC. 2. SCOPE OF AUTHORITIES.**

6 (a) IN GENERAL.—Subject to subsection (b) and not-
7 withstanding any other provision of law—

8 (1) no Federal agency, including the Food and
9 Drug Administration, the National Institutes of
10 Health, and the Centers for Disease Control and

1 Prevention, shall have the authority to regulate the
2 practice of medicine; and

3 (2) no Federal law, rule, regulation, or policy
4 shall prohibit or restrict the prescription or disburse-
5 ment for an unapproved use of any drug that is ap-
6 proved by the Food and Drug Administration, or
7 that is available pursuant to section 561B of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 360bbb-0a).

10 (b) RULE OF CONSTRUCTION.—Nothing in this Act
11 shall be construed to affect any Federal law, rule, regula-
12 tion, or policy that restricts abortion, assisted suicide, eu-
13 thanasia, mercy killing, coercive family planning, female
14 genital mutilation, or gender transition medical interven-
15 tions.

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