

EXPLANATION OF H.R. ____, TO MAKE TECHNICAL AMENDMENTS TO
THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

BACKGROUND

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) was enacted on June 25, 1938. Since then, the Act has been amended numerous times; provisions have been added, repealed, modified, and renumbered at different points in time throughout the decades. Over decades of amendments, the Act accumulated technical errors. H.R. ____ amends the Act to correct these errors.

SECTION-BY-SECTION ANALYSIS

SECTION 1—DEFINITION

Section 1 of the bill provides a definition of the term “the Act”.

SECTION 2—TECHNICAL AMENDMENTS

Section 2 of the bill makes technical amendments to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

The revision notes below provide additional information on certain amendments made in the bill.

In paragraph (8)(A), the reference in subsection (j)(1) of section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) to “section 406(a)” is amended to “section 406” because of section 103(a)(1) of the Color Additive Amendments of 1960 (Public Law 86–618, 74 Stat. 398).

In paragraph (10)(A), the reference in subsection (e)(1) of section 417 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f) to “section 415(a)(3)” is amended to “section 415(a)(4)” because of section 102(a)(2) of the FDA Food Safety Modernization Act (Public Law 111–353, 124 Stat. 3887).

In paragraph (10)(D), the reference in subsection (k) of section 417 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f) to “section 415(a)(4)” is amended to “section 415(a)(5)” because of section 102(a)(2) of the FDA Food Safety Modernization Act (Public Law 111–353, 124 Stat. 3887).

In paragraph (40)(A), the reference in section 738A(a)(1)(A)(ii)(III) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)(1)(A)(ii)(III)) to “section 515C” is amended to “section 515B” because of section 901(f)(2) of the FDA Reauthorization Act of 2017 (Public Law 115–52, 131 Stat. 1077).

In paragraph (50)(B), the reference in section 808(c)(2)(C)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384d(c)(2)(C)(ii)) to “301(g)” is amended to “section 801(q)” because section 801(q) of that Act relates to food certification and section 301(g) of the Act does not relate to food certification.