115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Food, Drug, and Cosmetic Act to prohibit the dissemination of a direct-to-consumer advertisement for any opioid, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NOLAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to prohibit the dissemination of a direct-to-consumer advertisement for any opioid, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Opioid Advertising and Prescriber Prohibition Act of 2018''.

SEC. 2. PROHIBITION AGAINST DIRECT-TO-CONSUMER ADVERTISING FOR OPIOIDS.

(a) PROHIBITION.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(eee) The dissemination of a direct-to-consumer advertisement for any opioid (as defined in section 102 of the Controlled Substances Act).

''(fff) The dissemination of a direct-to-consumer advertisement for any opioid (as defined in section 102 of the Controlled Substances Act) receptor antagonist or other opioid-related drug therapy (as defined by the Secretary) except that this paragraph does not apply with respect to any advertisement by a State, local, or tribal government.

''(ggg) The promotion of any opioid (as defined in section 102 of the Controlled Substances Act), opioid (as so defined) receptor antagonist, or other opioid-related drug therapy (as defined by the Secretary)—

''(1) by any person engaged in the development or sale of any such opioid, opioid receptor antagonist, or therapy; and

''(2) to a health care provider that is registered under the Controlled Substances Act to prescribe any such opioid, opioid receptor antagonist, or therapy.''.

(b) APPLICABILITY.—Paragraphs (eee), (fff), and (ggg) of section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as added by subsection (a), apply beginning on the date that is 90 days after the date of enactment of this Act.