119TH CONGRESS
1ST SESSION

S. _____

To ban drug manufacturers from using direct-to-consumer advertising, including social media, to promote their products.

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS (for himself, Mr. KING, Mr. MURPHY, Mr. WELCH, Mr. MERKLEY, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To ban drug manufacturers from using direct-to-consumer advertising, including social media, to promote their products.

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 ''End Prescription Drug Ads Now Act''.

SEC. 2. PROHIBITION ON DIRECT-TO-CONSUMER DRUG ADVERTISING OF DRUGS.

(a) IN GENERAL.—Section 502 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(hh)(1) If it is a drug approved under section 505 or licensed under section 351 of the Public Health Service Act, and subject to section 503(b)(1), and the holder of the approved application under section 505 or of the license under such section 351 has conducted direct-to-consumer advertising of the drug within the most recent 30-day period.

''(2) For purposes of this paragraph, the term 'direct-to-consumer advertising', with respect to a drug subject to section 503(b)(1), means any promotional communication targeting consumers, including through television, radio, print media, digital platforms, and social media, for purposes of marketing such a drug.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act, and shall apply with respect to any drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), regardless of when the drug was approved or licensed.