

AMENDMENT TO H.R. 4167
OFFERED BY Mr. Inslee

Bill no.:	<u>HR 4167</u>
Amendment no.:	<u>4</u>
Date offered:	<u>12/15/05</u>
Disposition:	<u>Withdrawn</u>

Add at the end the following section:

SEC. 3. PRESERVATION OF STATE AUTHORITY IN ABSENCE OF SPECIFIC FEDERAL ACTION.

(a) Amendments to Section 403A – Section 403A(a) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 343-1(a)) is amended by inserting after paragraph (6) the following:

“(7) Nothing in this section relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a specific requirement applying to a specific substance under the provisions identified in paragraph (6), unless the Secretary has taken final agency action establishing a specific requirement applying to the same specific substance with regard to the same matter.”

(b) Amendments to Section 403B.

Section 403B of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 343-1(a)) is amended by inserting after subsection (h) the following:

“(i) Notwithstanding subsections (a) through (c), nothing in this Act shall limit the authority of a State or political subdivision of a state to establish a specific notification requirement for a food, unless the Secretary has taken final agency action to establish a specific notification requirement for a food under this Act that addresses the same matter as the notification requirement established by the State or political subdivision of a state.”