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Tim Fagan's Law

Congress: 109 (2005–2007, Ended)
Chamber: Senate
Policy Area: Health
Introduced: Nov 9, 2005
Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Nov 9, 2005)
Official Text: https://www.congress.gov/bill/109th-congress/senate-bill/1978

Sponsor

Name: Sen. Schumer, Charles E. [D-NY]
Party: Democratic • **State:** NY • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Nov 9, 2005

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
109 HR 2345	Related bill	**May 23, 2005:** Referred to the Subcommittee on Health.

Summary (as of Nov 9, 2005)

Tim Fagan's Law or the Counterfeit Drug Enforcement Act of 2005 - Amends the Federal Food, Drug, and Cosmetic Act to establish a criminal fine and/or imprisonment for a person who: (1) knowingly causes a prescription drug to be adulterated, misbranded, or misrepresented as an approved prescription drug and sells or trades the drug; or (2) purchases or trades for such drug knowing or having reason to know that the drug was knowingly adulterated, misbranded, or misrepresented. Requires a manufacturer of a drug to notify the Secretary of Health and Human Services within 48 hours after first receiving or becoming aware of information that reasonably suggests that such a violation may have occurred.

Deems a drug to be misbranded if it is not manufactured in accordance with the use of technologies that the Secretary determines are technically feasible and will assist in preventing such violations.

Requires the Secretary to establish alternative requirements to the extent that such requirements provide greater certainty on the chain of custody and are economically and technically feasible.

Increases funding for Food and Drug Administration (FDA) inspections, examinations, and investigations.

Requires the Secretary to educate the public and health care professionals on counterfeit drugs.

Directs the Secretary: (1) upon a finding of reasonable probability that a drug intended for human use would cause serious health consequences or death, to issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the drug) to cease distribution of the drug and to notify and instruct health professionals to cease administering or prescribing the drug; and (2) amend the order to include a recall if necessary.

Actions Timeline

- **Nov 9, 2005:** Introduced in Senate
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