

## HR 3839

Drug Shortage Prevention Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Jan 31, 2012

**Current Status:** Referred to the Subcommittee on Intellectual Property, Competition and the Internet.

**Latest Action:** Referred to the Subcommittee on Intellectual Property, Competition and the Internet. (Feb 16, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3839>

### Sponsor

---

**Name:** Rep. Carney, John C., Jr. [D-DE-At Large]

**Party:** Democratic • **State:** DE • **Chamber:** House

**Cosponsors** (43 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jan 31, 2012
Rep. Hanabusa, Colleen W. [D-HI-1]	D · HI		Feb 8, 2012
Rep. Hanna, Richard L. [R-NY-24]	R · NY		Feb 9, 2012
Rep. DeGette, Diana [D-CO-1]	D · CO		Mar 1, 2012
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		Mar 7, 2012
Rep. Burton, Dan [R-IN-5]	R · IN		Mar 7, 2012
Rep. Hahn, Janice [D-CA-36]	D · CA		Mar 7, 2012
Rep. Owens, William L. [D-NY-23]	D · NY		Mar 7, 2012
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Mar 7, 2012
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Mar 8, 2012
Rep. Loebsack, David [D-IA-2]	D · IA		Mar 13, 2012
Rep. Carson, Andre [D-IN-7]	D · IN		Mar 16, 2012
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Mar 16, 2012
Rep. Ryan, Tim [D-OH-17]	D · OH		Mar 19, 2012
Rep. Boswell, Leonard L. [D-IA-3]	D · IA		Mar 21, 2012
Rep. Ackerman, Gary L. [D-NY-5]	D · NY		Mar 26, 2012
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Mar 28, 2012
Rep. Richardson, Laura [D-CA-37]	D · CA		Mar 28, 2012
Rep. Webster, Daniel [R-FL-8]	R · FL		Mar 28, 2012
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Mar 29, 2012
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Apr 16, 2012
Rep. Latham, Tom [R-IA-4]	R · IA		Apr 16, 2012
Rep. Peters, Gary C. [D-MI-9]	D · MI		Apr 16, 2012
Rep. Reyes, Silvestre [D-TX-16]	D · TX		Apr 18, 2012
Rep. Braley, Bruce L. [D-IA-1]	D · IA		Apr 19, 2012
Rep. Quigley, Mike [D-IL-5]	D · IL		Apr 23, 2012
Rep. Lowey, Nita M. [D-NY-18]	D · NY		Apr 25, 2012
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Apr 27, 2012
Rep. King, Steve [R-IA-5]	R · IA		May 7, 2012
Rep. Schilling, Robert T. [R-IL-17]	R · IL		May 7, 2012
Rep. Wolf, Frank R. [R-VA-10]	R · VA		May 7, 2012
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		May 10, 2012
Rep. Welch, Peter [D-VT-At Large]	D · VT		May 10, 2012
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		May 16, 2012
Rep. Heinrich, Martin [D-NM-1]	D · NM		May 16, 2012
Rep. Larsen, Rick [D-WA-2]	D · WA		May 25, 2012
Rep. Fincher, Stephen Lee [R-TN-8]	R · TN		May 31, 2012
Rep. Heck, Joseph J. [R-NV-3]	R · NV		May 31, 2012
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Jun 5, 2012
Rep. Yoder, Kevin [R-KS-3]	R · KS		Jun 5, 2012
Rep. Young, Don [R-AK-At Large]	R · AK		Jun 15, 2012

Cosponsor	Party / State	Role	Date Joined
Rep. Scott, David [D-GA-13]	D · GA		Jun 21, 2012
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Dec 18, 2012

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred To	Jan 31, 2012
Judiciary Committee	House	Referred to	Feb 16, 2012
Judiciary Committee	House	Referred to	Feb 16, 2012

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

*No related bills are listed.*

## Summary (as of Jan 31, 2012)

Drug Shortage Prevention Act of 2012 - Amends the Federal Food, Drug, and Cosmetic Act to direct the Secretary of Health and Human Services (HHS) to: (1) define the term "critical drug" based on the medical necessity and vulnerability to shortage of a drug or biological product; (2) establish, make publicly available, and update semiannually a list identifying each critical drug and its manufacturers; (3) promptly remove from such list any drug or biological product that no longer meets such definition; and (4) establish, make publicly available, and update monthly a list identifying each critical drug that is in a critical drug shortage in the United States, the severity of and reason for the shortage, alternate therapies and regions particularly affected, and an estimated date by which the necessary quantities of the drug will begin reaching providers.

Allows manufacturers to request removal of a drug from such lists on the basis that it doesn't meet the definition of "critical drug" or is not in a critical drug shortage.

Directs the Secretary to: (1) establish a proactive system for giving notice to the public concerning modifications to the critical drug shortage list, (2) establish a system for giving notice of any imminent critical drug shortage to critical drug manufacturers and wholesale distributors and manufacturers of alternative therapies, (3) notify the Attorney General of any critical drug shortage, (4) study the feasibility of creating a national contingency plan addressing critical drug shortages, (5) expedite the review of applications for approval of critical drugs and requests by sponsors of such drugs to approve manufacturing process changes or alternate suppliers of active ingredients, and (6) improve the process for regulating critical drugs.

Express the sense of Congress that the Food and Drug Administration (FDA) should increase the number of personnel responsible for identifying and addressing critical drug shortages.

Amends the Controlled Substances Act to direct the Attorney General to increase a quota as appropriate for a drug listed in a critical drug shortage that is or contains a controlled substance.

## Actions Timeline

---

- **Feb 16, 2012:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Feb 16, 2012:** Referred to the Subcommittee on Intellectual Property, Competition and the Internet.
- **Feb 2, 2012:** Sponsor introductory remarks on measure. (CR H387)
- **Jan 31, 2012:** Introduced in House
- **Jan 31, 2012:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.