

112TH CONGRESS
1ST SESSION

S. 1752

To nullify certain regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To nullify certain regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Breathe
5 Act of 2011”.

6 **SEC. 2. NULLIFICATION OF FINAL RULE; PROHIBITION.**

7 (a) NULLIFICATION OF FINAL RULE.—As of the date
8 of enactment of this Act, the final rule entitled “Use of
9 Ozone-Depleting Substances; Removal of Essential-Use

1 Designation (Epinephrine)” (73 Fed. Reg. 69532 (No-
2 vember 19, 2008)) shall have no force or effect.

3 (b) PROHIBITION ON FUTURE REGULATIONS.—In no
4 case may the Secretary of Health and Human Services
5 reissue the final rule described in subsection (a) in sub-
6 stantially the same form, or issue a new rule that prohibits
7 the production and distribution of oral pressurized me-
8 tered-dose inhalers because such inhalers may emit
9 chlorofluorocarbons or other green house gas emissions,
10 unless the reissued or new rule is specifically authorized
11 by a law enacted after the date of enactment of this Act.

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