

THE PROTECTING PATIENTS FROM COUNTERFEIT MEDICAL DEVICES ACT

Senator Chris Murphy (D-Conn.) and Senator Mike Braun (R-Ind.), both members of the U.S. Senate Health, Education, Labor and Pension Committee, introduced bipartisan legislation to get counterfeit medical devices out of the domestic supply chain.

Since the start of the pandemic, the FDA has seen thousands of counterfeit devices including face masks, test kits and other PPE.

While U.S. Customs and Border Patrol have seized more than 34 million counterfeit face masks and the FDA has new authorities to destroy imported counterfeit devices, some still make it into the United States.

This new legislation takes the FDA's existing authorities that crack down on counterfeit drugs and applies them to counterfeit medical devices.

THE PROTECTING PATIENTS FROM COUNTERFEIT MEDICAL DEVICES ACT SPECIFICALLY:

- **Raises the statutory cap for counterfeiting conduct from three years to ten years, which would have a significant deterrent effect**
- **Allows FDA to present additional evidence at criminal trials to help successfully prosecute cases**
- **Makes mere possession of a counterfeit device with intent to sell a criminal act under the Federal Food, Drug, and Cosmetic Act**