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**AMENDMENTS TO H.R. 4167**  
**OFFERED BY MR. BARTON OF TEXAS**

Page 2, line 7, strike "403A(a)" and insert "403A".

Page 2, beginning on line 8, strike "343-1(a)" and insert "343-1".

Page 2, line 10, strike "in paragraph (4)" and insert "in subsection (a)(4)".

Page 2, line 12, strike "in paragraph (5)" and insert "in subsection (a)(5)".

Page 2, line 14, insert "in subsection (a)," after "(3)".

Page 3, strike lines 5 through 15 and insert the following:

- 1 (4) by adding at the end the following:
- 2 "(c)(1) For purposes of subsection (a)(6) and section
- 3 403B, the term 'identical' means that the language under
- 4 the laws of a State or a political subdivision of a State
- 5 is substantially the same language as the comparable pro-
- 6 vision under this Act and that any differences in language
- 7 do not result in the imposition of materially different re-
- 8 quirements. For purposes of subsection (a)(6), the term



1 'any requirement for a food' does not refer to provisions  
2 of this Act that relate to procedures for Federal action  
3 under this Act.

4       “(2) For purposes of subsection (a)(6), a State or  
5 political subdivision of a State may enforce a State law  
6 that contains a requirement that is identical to a require-  
7 ment in a section of Federal law referred to in subsection  
8 (a)(6) if—

9           “(A) the Secretary has promulgated a regula-  
10 tion or adopted a final guidance relating to the re-  
11 quirement and the State applies the State require-  
12 ment in a manner that conforms to the regulation  
13 or guidance; or

14           “(B) the Secretary has not promulgated a regu-  
15 lation or adopted a final guidance relating to the re-  
16 quirement, except that if the Secretary has consid-  
17 ered a proposal for a regulation or final guidance re-  
18 lating to the requirement and has, after soliciting  
19 public comment, made a determination not to pro-  
20 mulgate such regulation or adopt such guidance,  
21 which determination is published in the Federal  
22 Register, the State may not enforce any require-  
23 ments in State law that are policies rejected by the  
24 Secretary through such determination.”.

Page 13, strike lines 13 through 19.



Page 13, line 20, strike "(g)" and insert "(f)".

Page 14, line 4, strike "or" after "pricing,".

Page 14, line 5, insert before the semicolon the following: ", or dietary supplements".

Page 14, line 13, strike "(h)" and insert "(g)".

