

A BILL

To abolish the Food and Drug Administration, repeal section 1003 of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food and Drug Administration Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Food and Drug Administration (FDA), a component of the Department of Health and Human Services, regulates the approval, manufacture, labeling, and marketing of drugs, biologics, medical devices, most foods, cosmetics, and tobacco products.

(2) By requiring federal approval before Americans may make, sell, or obtain drugs, devices, and other products, and regulating what may be said about them, the FDA regulates activities that are local and intrastate in character, exceeding the power granted in Article I, Section 8, Clause 3 “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,” a power that, as understood at ratification, reaches trade and exchange across State lines and not production, local activity, or the internal affairs of the States.

(3) The functions of the FDA are not “necessary and proper for carrying into Execution” any power vested by the Constitution in the Government of the United States and therefore find no support in Article I, Section 8, Clause 18, which Madison in Federalist No. 44 described as a means of executing powers already granted rather than a source of new ones, as the Anti-Federalist writer Brutus warned in his first essay of 1787 it would otherwise become.

(4) The FDA exercises lawmaking power by issuing rules and standards that carry the force of law, contrary to Article I, Section 1, which vests “All legislative Powers herein granted” in the Congress alone, which may not transfer them to officers unaccountable to the people at the ballot box.

(5) By restricting truthful speech about the uses and benefits of lawful products, the FDA infringes the freedom of speech and the freedom of the press, secured by the First Amendment, which provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(6) By inspecting private establishments and records without warrants issued upon probable cause, the FDA infringes the Fourth Amendment's protection of "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and its requirement that no warrants shall issue "but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(7) By denying individuals access to treatments of their choosing and seizing and condemning private property by administrative action, the FDA violates the Due Process Clause and Takings Clause of the Fifth Amendment, which provide that no person shall "be deprived of life, liberty, or property, without due process of law" and that private property shall not "be taken for public use, without just compensation".

(8) By imposing civil penalties and seizures for regulatory violations, the FDA subjects Americans to penalties and forfeitures that may be grossly disproportionate to any offense, contrary to the Eighth Amendment's command that excessive fines shall not be "imposed."

(9) In carrying out its functions, the FDA disregards the Ninth Amendment, which provides that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," including the right of the people to order their own lives, property, and affairs free of federal direction in matters the Constitution does not commit to the Federal Government.

(10) The Constitution delegates to the United States no power over medicine, food, and products made and sold within the States. By requiring federal approval before Americans may make, sell, or obtain drugs, devices, and other products, and regulating what may be said about them, the FDA exercises powers that the Tenth Amendment reserves "to the States respectively, or to the people," contrary to Federalist No. 45, in which Madison described the powers delegated to the Federal Government as "few and defined" and those remaining in the States as "numerous and indefinite."

(11) The Declaration of Independence affirms that governments are instituted to secure the unalienable rights of the people and derive "their just powers from the consent of the governed," and it charged the Crown with having "erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance." The FDA perpetuates the centralized administration the Declaration condemned.

(12) Abolishing the Food and Drug Administration and repealing section 1003 of the Federal Food, Drug, and Cosmetic Act will reduce the size and cost of the Federal Government, return to the States and to the people the powers the Constitution reserves to them, and restore the constitutional principles of limited government and enumerated powers.

SECTION 3. ABOLITION OF THE FOOD AND DRUG ADMINISTRATION.

(a) In General.—The Food and Drug Administration, a component of the Department of Health and Human Services, is hereby abolished effective immediately following the

enactment of this Act.

(b) Wind-Down Operations.—Immediately following the enactment of this Act, the President shall designate an appropriate official to expeditiously wind down the operations of the Food and Drug Administration, ceasing all functions, none of which shall be transferred to any other department or agency of the Federal Government.

(c) Transfer of Assets and Liabilities.—All assets, liabilities, contracts, property, and records of the Food and Drug Administration shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Food and Drug Administration shall be offered opportunities for reassignment within the federal government or provided with severance and retraining assistance as prescribed by existing federal law.

SECTION 4. REPEAL OF PROVISIONS OF LAW ESTABLISHING THE FOOD AND DRUG ADMINISTRATION.

(a) In General.—Section 1003 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393), and any other provision of law establishing the Food and Drug Administration or vesting functions in the Food and Drug Administration, are hereby repealed.

(b) Conforming Amendments.—The United States Code and all other relevant Federal laws are amended by—

(1) striking all references to the Food and Drug Administration and to any office, officer, or function established in or vested in the Food and Drug Administration;

(2) terminating every function of the Food and Drug Administration, no part of which shall be reassigned to any other department or agency of the Federal Government; and

(3) making such other conforming changes as necessary to reflect the repeal and the permanent abolition of the Food and Drug Administration.

(c) Effective Date.—The repeal under this section shall take effect immediately following the enactment of this Act.

SECTION 5. TRANSITION PROVISIONS.

(a) No Restoration of Prior Structures.—No element of the Food and Drug Administration shall revert to its organizational structure as it existed prior to the establishment of the Food and Drug Administration, and no function of the Food and Drug Administration shall be restored to any predecessor department, agency, or office.

(b) Permanent Abolition.—No department, agency, office, or other entity shall be established to carry out the functions of the Food and Drug Administration abolished by this Act.

SECTION 6. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.