

115TH CONGRESS  
1ST SESSION

# H. R. 2164

To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2017

Mr. FITZPATRICK (for himself, Ms. SLAUGHTER, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

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 “Medical Device Safety  
5 Act”.

1 **SEC. 2. LIABILITY UNDER STATE AND LOCAL REQUIRE-**  
2 **MENTS RESPECTING DEVICES.**

3 (a) AMENDMENT.—Section 521 of the Federal Food,  
4 Drug, and Cosmetic Act (21 U.S.C. 360k) is amended by  
5 adding at the end the following:

6 “(c) NO EFFECT ON LIABILITY UNDER STATE  
7 LAW.—Nothing in this section shall be construed to mod-  
8 ify or otherwise affect any action for damages or the liabil-  
9 ity of any person under the law of any State.”.

10 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-  
11 ment made by subsection (a) shall—

12 (1) take effect as if included in the enactment  
13 of the Medical Device Amendments of 1976 (Public  
14 Law 94–295); and

15 (2) apply to any civil action pending or filed on  
16 or after the date of enactment of this Act.

○