

**AMENDMENT TO
RULES COMMITTEE PRINT 115-10
OFFERED BY MR. FITZPATRICK OF
PENNSYLVANIA**

At the end of the committee print, add the following:

1 **SEC. 11. 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.—Notwith-
11 standing the effective date in section 10, the amendment
12 made by subsection (a) shall—

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

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

