

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 172

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

Referred to the Committee on Energy and Commerce

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## AN ACT

To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REGULATION OF CERTAIN ARTICLES AS MED-**  
2 **ICAL DEVICES.**

3 Section 520 of the Federal Food, Drug, and Cosmetic  
4 Act (21 U.S.C. 360j) is amended by adding at the end  
5 the following subsection:

6 “Regulation of Contact Lens as Devices

7 “(n)(1) All contact lenses shall be deemed to be de-  
8 vices under section 201(h).

9 “(2) Paragraph (1) shall not be construed as bearing  
10 on or being relevant to the question of whether any prod-  
11 uct other than a contact lens is a device as defined by  
12 section 201(h) or a drug as defined by section 201(g).”.

Passed the Senate July 29, 2005.

Attest:

EMILY J. REYNOLDS,

*Secretary.*