To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medical Device Safety
Act of 2009”.

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

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

“(c) No Effect on Liability Under State
Law.—Nothing in this section shall be construed to mod-
ify or otherwise affect any action for damages or the liabil-
ity of any person under the law of any State.”.

(b) Effective Date; Applicability.—The amend-
ment made by subsection (a) shall—

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

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