

Food and Drug Administration, HHS

§ 872.1

872.3600 Partially fabricated denture kit.
872.3640 Endosseous implant.
872.3645 Subperiosteal implant material.
872.3660 Impression material.
872.3670 Resin impression tray material.
872.3680 Polytetrafluoroethylene (PTFE) vitreous carbon materials.
872.3690 Tooth shade resin material.
872.3700 Dental mercury.
872.3710 Base metal alloy.
872.3730 Pantograph.
872.3740 Retentive and splinting pin.
872.3750 Bracket adhesive resin and tooth conditioner.
872.3760 Denture relining, repairing, or re-basing resin.
872.3765 Pit and fissure sealant and conditioner.
872.3770 Temporary crown and bridge resin.
872.3810 Root canal post.
872.3820 Root canal filling resin.
872.3830 Endodontic paper point.
872.3840 Endodontic silver point.
872.3850 Gutta percha.
872.3890 Endodontic stabilizing splint.
872.3900 Posterior artificial tooth with a metal insert.
872.3910 Backing and facing for an artificial tooth.
872.3920 Porcelain tooth.
872.3930 Tricalcium phosphate granules for dental bone repair.
872.3940 Total temporomandibular joint prosthesis.
872.3950 Glenoid fossa prosthesis.
872.3960 Mandibular condyle prosthesis.
872.3970 Interarticular disc prosthesis (interpositional implant).
872.3980 Endosseous dental implant accessories.

Subpart E—Surgical Devices

872.4120 Bone cutting instrument and accessories.
872.4130 Intraoral dental drill.
872.4200 Dental handpiece and accessories.
872.4465 Gas-powered jet injector.
872.4475 Spring-powered jet injector.
872.4535 Dental diamond instrument.
872.4565 Dental hand instrument.
872.4600 Intraoral ligature and wire lock.
872.4620 Fiber optic dental light.
872.4630 Dental operating light.
872.4730 Dental injecting needle.
872.4760 Bone plate.
872.4840 Rotary scaler.
872.4850 Ultrasonic scaler.
872.4880 Intraosseous fixation screw or wire.
872.4920 Dental electrosurgical unit and accessories.

Subpart F—Therapeutic Devices

872.5410 Orthodontic appliance and accessories.
872.5470 Orthodontic plastic bracket.

872.5500 Extraoral orthodontic headgear.
872.5525 Preformed tooth positioner.
872.5550 Teething ring.
872.5570 Intraoral devices for snoring and intraoral devices for snoring and obstructive sleep apnea.

Subpart G—Miscellaneous Devices

872.6010 Abrasive device and accessories.
872.6030 Oral cavity abrasive polishing agent.
872.6050 Saliva absorber.
872.6070 Ultraviolet activator for polymerization.
872.6080 Airbrush.
872.6100 Anesthetic warmer.
872.6140 Articulation paper.
872.6200 Base plate shellac.
872.6250 Dental chair and accessories.
872.6290 Prophylaxis cup.
872.6300 Rubber dam and accessories.
872.6350 Ultraviolet detector.
872.6390 Dental floss.
872.6475 Heat source for bleaching teeth.
872.6510 Oral irrigation unit.
872.6570 Impression tube.
872.6640 Dental operative unit and accessories.
872.6650 Massaging pick or tip for oral hygiene.
872.6660 Porcelain powder for clinical use.
872.6670 Silicate protector.
872.6710 Boiling water sterilizer.
872.6730 Endodontic dry heat sterilizer.
872.6770 Cartridge syringe.
872.6855 Manual toothbrush.
872.6865 Powered toothbrush.
872.6870 Disposable fluoride tray.
872.6880 Preformed impression tray.
872.6890 Intraoral dental wax.

AUTHORITY: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

SOURCE: 52 FR 30097, Aug. 12, 1987, unless otherwise noted.

Subpart A—General Provisions

§ 872.1 Scope.

(a) This part sets forth the classification of dental devices intended for human use that are in commercial distribution.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a pre-market notification submission for a device under part 807 cannot show merely that the device is accurately described by the section title and identification provisions of a regulation in

this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, a dental device that has two or more types of uses (e.g., used both as a diagnostic device and as a therapeutic device) is listed in one subpart only.

(d) References in this part to regulatory sections of the Code of Federal Regulations are to chapter I of title 21 unless otherwise noted.

§ 872.3 Effective dates of requirement for premarket approval.

A device included in this part that is classified into class III (premarket approval) shall not be commercially distributed after the date shown in the regulation classifying the device unless the manufacturer has an approval under section 515 of the act (unless an exemption has been granted under section 520(g)(2) of the act). An approval under section 515 of the act consists of FDA's issuance of an order approving an application for premarket approval (PMA) for the device or declaring completed a product development protocol (PDP) for the device.

(a) Before FDA requires that a device commercially distributed before the enactment date of the amendments, or a device that has been found substantially equivalent to such a device, has an approval under section 515 of the act, FDA must promulgate a regulation under section 515(b) of the act requiring such approval, except as provided in paragraphs (b) and (c) of this section. Such a regulation under section 515(b) of the act shall not be effective during the grace period ending on the 90th day after its promulgation or on the last day of the 30th full calendar month after the regulation that classifies the device into class III is effective, whichever is later. See section 501(f)(2)(B) of the act. Accordingly, unless an effective date of the requirement for premarket approval is shown in the regulation for a device classified into class III in this part, the device may be commercially distributed without FDA's issuance of an order approving a PMA or declaring completed a PDP for the device. If FDA promulgates a regulation under section 515(b) of the act requiring premarket ap-

proval for a device, section 501(f)(1)(A) of the act applies to the device.

(b) Any new, not substantially equivalent, device introduced into commercial distribution on or after May 28, 1976, including a device formerly marketed that has been substantially altered, is classified by statute (section 513(f) of the act) into class III without any grace period and FDA must have issued an order approving a PMA or declaring completed a PDP for the device before the device is commercially distributed unless it is reclassified. If FDA knows that a device being commercially distributed may be a "new" device as defined in this section because of any new intended use or other reasons, FDA may codify the statutory classification of the device into class III for such new use. Accordingly, the regulation for such a class III device states that as of the enactment date of the amendments, May 28, 1976, the device must have an approval under section 515 of the act before commercial distribution.

(c) A device identified in a regulation in this part that is classified into class III and that is subject to the transitional provisions of section 520(1) of the act is automatically classified by statute into class III and must have an approval under section 515 of the act before being commercially distributed. Accordingly, the regulation for such a class III transitional device states that as of the enactment date of the amendments, May 28, 1976, the device must have an approval under section 515 of the act before commercial distribution.

§ 872.9 Limitations of exemptions from section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act).

The exemption from the requirement of premarket notification (section 510(k) of the act) for a generic type of class I or II device is only to the extent that the device has existing or reasonably foreseeable characteristics of commercially distributed devices within that generic type or, in the case of in vitro diagnostic devices, only to the extent that misdiagnosis as a result of using the device would not be associated with high morbidity or mortality. Accordingly, manufacturers of any commercially distributed class I or II