

S 4473

Critical Medical Infrastructure Right-to-Repair Act of 2020

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Aug 6, 2020

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Aug 6, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/4473>

Sponsor

Name: Sen. Wyden, Ron [D-OR]

Party: Democratic • **State:** OR • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Van Hollen, Chris [D-MD]	D · MD		Sep 8, 2020

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Aug 6, 2020

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
116 HR 7956	Related bill	Aug 7, 2020: Referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Critical Medical Infrastructure Right-to-Repair Act of 2020

This bill removes certain intellectual property-related restrictions on repairing or maintaining critical medical infrastructure (i.e., a device or product used to provide medical services).

During the declared COVID-19 (i.e., coronavirus disease 2019) emergency, it shall not be copyright infringement for an owner or licensee of service materials (such as manuals or computer diagnostic software) to copy such materials if (1) the copying is incidental to the repair or maintenance of critical medical infrastructure, and (2) such repair or maintenance is in response to the emergency.

Similarly, during the emergency, the prohibition against circumventing technology to control access to a work (or trafficking in circumvention tools) shall not apply to an owner or licensee of critical medical infrastructure if the circumvention is done to repair or maintain critical medical infrastructure in response to the emergency.

During the emergency, it shall also not be design patent infringement if the owner or licensee of critical medical infrastructure fabricates a patented part on a noncommercial basis in order to repair or maintain the infrastructure in response to the emergency.

The bill also nullifies any contract provision that restricts the ability of the owner or licensee of critical medical infrastructure to repair or maintain such infrastructure in response to the emergency.

The manufacturer of critical medical infrastructure shall (1) offer for sale on reasonable terms any tool or information for servicing or repairing such infrastructure, and (2) provide information for making such tools to aftermarket tool manufacturers. The Federal Trade Commission shall have the authority to enforce these requirements.

Actions Timeline

- **Aug 6, 2020:** Introduced in Senate
- **Aug 6, 2020:** Read twice and referred to the Committee on the Judiciary.