

**§ 864.3260**

EFFECTIVE DATE NOTE: At 65 FR 18234, Apr. 7, 2000, §864.3250 was amended by adding a sentence to the end of paragraph (a), effective Apr. 9, 2001. At 66 FR 17359, Mar. 30, 2001, the effective date was delayed until June 8, 2001. For the convenience of the user, the added text is set forth as follows:

**§ 864.3250 Specimen transport and storage containers.**

(a) \* \* \* This section does not apply to specimen transport and storage containers that are intended for use as part of an over-the-counter test sample collection system for drugs of abuse testing.

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**§ 864.3260 OTC test sample collection systems for drugs of abuse testing.**

(a) *Identification.* An over-the-counter (OTC) test sample collection system for drugs of abuse testing is a device intended to: Collect biological specimens (such as hair, urine, sweat, or saliva), outside of a medical setting and not on order of a health care professional (e.g., in the home, insurance, sports, or workplace setting); maintain the integrity of such specimens during storage and transport in order that the matter contained therein can be tested in a laboratory for the presence of drugs of abuse or their metabolites; and provide access to test results and counseling. This section does not apply to collection, transport, or laboratory testing of biological specimens for the presence of drugs of abuse or their metabolites that is performed to develop evidence for law enforcement purposes.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification requirements in part 807, subpart E of this chapter subject to the limitations in §864.9 if it is sold, distributed, and used in accordance with the restrictions set forth in §809.40 of this chapter. If the device is not labeled or otherwise represented as sterile, it is exempt from the current good manufacturing practice regulations in part 820 of this chapter, with the exception of §820.198 of this chapter with respect to complaint files.

[65 FR 18234, Apr. 7, 2000]

EFFECTIVE DATE NOTE: At 65 FR 18234, Apr. 7, 2000, §864.3260 was added to subpart D, effective Apr. 9, 2001. At 66 FR 17359, Mar. 30,

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2001, the effective date was delayed until June 8, 2001.

**§ 864.3300 Cytocentrifuge.**

(a) *Identification.* A cytocentrifuge is a centrifuge used to concentrate cells from biological cell suspensions (e.g., cerebrospinal fluid) and to deposit these cells on a glass microscope slide for cytological examination.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60588, Sept. 12, 1980, as amended at 54 FR 25044, June 12, 1989]

**§ 864.3400 Device for sealing microsections.**

(a) *Identification.* A device for sealing microsections is an automated instrument used to seal stained cells and microsections for histological and cytological examination.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60589, Sept. 12, 1980, as amended at 54 FR 25044, June 12, 1989]

**§ 864.3600 Microscopes and accessories.**

(a) *Identification.* Microscopes and accessories are optical instruments used to enlarge images of specimens, preparations, and cultures for medical purposes. Variations of microscopes and accessories (through a change in the light source) used for medical purposes include the following:

(1) Phase contrast microscopes, which permit visualization of unstained preparations by altering the phase relationship of light that passes around the object and through the object.

(2) Fluorescence microscopes, which permit examination of specimens stained with fluorochromes that fluoresce under ultraviolet light.

(3) Inverted stage microscopes, which permit examination of tissue cultures or other biological specimens contained in bottles or tubes with the light source mounted above the specimen.

(b) *Classification.* Class I. These devices are exempt from the premarket

notification procedures in subpart E of part 807 of this chapter. The devices are also exempt from the current good manufacturing practice regulations in part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

[45 FR 60590, Sept. 12, 1980, as amended at 54 FR 25044, June 12, 1989]

**§ 864.3800 Automated slide stainer.**

(a) *Identification.* An automated slide stainer is a device used to stain histology, cytology, and hematology slides for diagnosis.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60591, Sept. 12, 1980, as amended at 54 FR 25044, June 12, 1989]

**§ 864.3875 Automated tissue processor.**

(a) *Identification.* An automated tissue processor is an automated system used to process tissue specimens for examination through fixation, dehydration, and infiltration.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60591, Sept. 12, 1980, as amended at 54 FR 25045, June 12, 1989]

## Subpart E—Specimen Preparation Reagents

**§ 864.4010 General purpose reagent.**

(a) A general purpose reagent is a chemical reagent that has general laboratory application, that is used to collect, prepare, and examine specimens from the human body for diagnostic purposes, and that is not labeled or otherwise intended for a specific diagnostic application. It may be either an individual substance, or multiple substances reformulated, which, when combined with or used in conjunction with an appropriate analyte specific reagent (ASR) and other general purpose reagents, is part of a diagnostic test procedure or system constituting a finished in vitro diagnostic (IVD) test. General purpose reagents are appro-

priate for combining with one or more than one ASR in producing such systems and include labware or disposable constituents of tests; but they do not include laboratory machinery, automated or powered systems. General purpose reagents include cytological preservatives, decalcifying reagents, fixative and adhesives, tissue processing reagents, isotonic solutions and pH buffers. Reagents used in tests for more than one individual chemical substance or ligand are general purpose reagents (e.g., *Thermus aquaticus* (TAQ) polymerase, substrates for enzyme immunoassay (EIA)).

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter. If the device is not labeled or otherwise represented as sterile, it is exempt from the current good manufacturing practice regulations in part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

[45 FR 60592, Sept. 12, 1980, as amended at 54 FR 25045, June 12, 1989; 62 FR 62260, Nov. 21, 1997]

**§ 864.4020 Analyte specific reagents.**

(a) *Identification.* Analyte specific reagents (ASR's) are antibodies, both polyclonal and monoclonal, specific receptor proteins, ligands, nucleic acid sequences, and similar reagents which, through specific binding or chemical reaction with substances in a specimen, are intended for use in a diagnostic application for identification and quantification of an individual chemical substance or ligand in biological specimens. ASR's that otherwise fall within this definition are not within the scope of subpart E of this part when they are sold to:

(1) In vitro diagnostic manufacturers; or

(2) Organizations that use the reagents to make tests for purposes other than providing diagnostic information to patients and practitioners, e.g., forensic, academic, research, and other nonclinical laboratories.

(b) *Classification.* (1) Class I (general controls). Except as described in paragraphs (b)(2) and (b)(3) of this section,