

GUIDE.SUMMARY

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olor.jpg"> Medical devices that require a prescription can't be sold on eBay. Listings for other prescription devices must follow our policy. Any medical device that requires a prescription can't be sold on eBay, including:

- Continuous Positive Airway Pressure machines (CPAP)
- Electrical Muscle Stimulation (EMS) units and any accessories that require a prescription
- Transcutaneous Electrical Nerve Stimulators (TENS) and any accessories that require a prescription
- Oxygen concentrators, compressors, or conservers, and any accessories that require a prescription
- Nebulizers and their accessories
- Pulse oximeters that require a prescription
- Implantable devices such as pacemakers, heart valves, vascular grafts, ventricular bypass devices, and implantable infusion pumps

For Canada: contact lenses and prescription eyewear

Needles, with or without a disposable syringe, and items that have passed their expiration date are also prohibited. There are restrictions on the sale of the following items:

- Listings must state in the item description if the device has been opened or used
- Used items must be properly cleaned
- Used items must not be altered in any way that changes the performance or safety specifications of the device

The item description should clearly state the product expiration date

- Items must reach the buyer before the expiration date

Some medical devices can only be sold with government authorization. Listings for these items must follow the rules below:

- Items must be listed in the Business & Industrial>>>Healthcare, Lab & Dental category

The following information must be included in the item description:

- The seller's name, city, state, and telephone number
- The seller's business name, if applicable
- A statement that the item has been cleaned and handled in accordance

with the manufacturers instructions A copy of the following statement:

"The sale of this item may be subject to regulation by the U.S. Food and Drug Administration and state and local regulatory agencies. If so, do not bid on this item unless you are an authorized purchaser. If the item is subject to FDA regulation, I will verify your status as an authorized purchaser of this item before shipping of the item."

 The following items can be sold: Over-the-counter (OTC) medical devices Vintage or collectible medical devices, but listings must state that these are not intended for use New disposable syringes can be listed, but needles cannot be included

Why does eBay have this policy? This policy helps to protect the safety of our members while ensuring that important government regulations are followed. </h2></h2>GUIDE.RELATED_LINKS Related help pages Medical drugs and devices policy

http://pages.ebay.com/help/policies/medical-devices.html

Food and Healthcare
 http://pages.ebay.com/help/policies/food.html

Related articles Listing policies - item ended, removed, or not renewed by eBay (seller)

Related email templates Policy info: Medical &

Prescription items Policy info: Drugs &

Drug Paraphernalia Used Medical Devices Policy

External links U.S. Food & Drug Administration (FDA)
 http://www.fda.gov/

GUIDE.TALKING_POINTS			
General	Questions about medical devices	Questions about contact lenses	Questions about prescription eyewear
Questions about medical devices	Questions about contact lenses	Questions about prescription eyewear	Questions about CPAP
Questions about contact lenses	Questions about prescription eyewear	Questions about CPAP	Questions about prescription materials
Questions about CPAP	Questions about prescription materials	Questions about the Healthcare category	

General Item removed because referred by third party Internal Information

- The landscape for prescription devices changes every day. We have engaged a third party vendor for their expertise in identifying prescription devices. Therefore, the item or ingredient identified by this third party vendor may not be found within the CSKB, but you should still decline any appeals. These items must be admin ended.

Why was my item removed (referred by a third party)?

 We do not allow the sale of products that have been classified by the FDA as a prescription medical device. Why is my item down and others are up (referred by a third party)? We use a combination of machine detection, manual site reviews, and community reports to find violating listings that don't follow our policy. It is an ongoing process. We will continue to remove listings that don't follow this policy. You can report any listing that doesn't follow policy by clicking the "Report this item" link on the listing page. Legal obligations We cannot offer legal advice. If you have questions about your legal obligations regarding sales of medical devices, you should consult with the FDA's Center for Devices and Radiological Health (Device Advice or Industry Support; phone: 800.638.2041; email: dsmica@cdrh.fda.gov). License required? It's up to the seller to know the requirements and comply with all relevant laws and regulations. Deeper why of policy eBay urges its sellers and buyers to comply with all governmental laws and regulations. Because the sale of used medical devices is regulated, sellers must meet the requirements outlined to list such devices on eBay. Because the sale of prescription medical devices is regulated, sellers must meet the requirements outlined to list such devices on eBay. Our sellers and buyers must comply with all federal and state laws and regulations. Because the sale of healthcare items is highly regulated or may cause harm to eBay or its members, you're responsible for learning the related laws and regulations. eBay does not permit items that could violate the law. Contact lenses Non-prescription contact lenses Because the item is placed inside the body, eBay considers it an implantable device. As

such, we do not allow any contact lenses to be sold on eBay. This includes cosmetic/colored or novelty lenses.

- Novelty colored contact lenses

eBay doesn't allow the sale of any contact lenses, prescription or non-prescription.

- CPAP CPAP mask

A healthcare professional needs to ensure that the mask is fitted correctly and used properly, so we do not allow CPAP masks that require a prescription to be listed on the site.

- Healthcare category Permitted vs. not permitted devices

Non-OTC versions of some devices are still restrictive prescription Class II devices.

These devices do not fit the profile of a device we would make an exception for in the Business & Industrial category.

- Permitted device

Some examples of regulated/prescription items that need to be listed in the Business & Industrial & Healthcare, Lab & Dental categories include:

- External infusion pumps, IV/IVAC pumps
- Bone-growth stimulator

These are not commercial devices meant to be sold from business to business.

These end-user medical devices require a physician to prescribe for a specific person.

Therefore, bone-growth stimulators are not allowed on the site.

- Fetal heart-rate monitor

Devices that monitor the heartbeat of an unborn infant in the hospital are regulated by the FDA. These must be listed in the Business & Industrial & Healthcare, Lab & Dental categories with disclaimer.

The most appropriate category for fetal heart monitors is Business & Industrial & Healthcare, Lab & Dental & Medical Equipment & Monitoring Systems & Prenatal Heart Monitors.

Because we are not experts in which are the actual regulated devices, eBay allows only fetal Doppler devices that are approved by the FDA as OTC to be listed outside the B&I category and without the disclaimer.

- Ventilators

Ventilators are allowed only if listed in B&I category under Ventilators and must include the disclaimer and sellers contact information.

- Disclaimer: The sale of this item

may be subject to regulation by the U.S. Food and Drug Administration and state and local regulatory agencies. If so, do not bid on this item unless you are an authorized purchaser. If the item is subject to FDA regulation, I will verify your status as an authorized purchaser of this item before shipping of the item.

- Medical devices
 - In-home test kit
 - Only test kits that are approved by the FDA for marketing in the U.S. are permitted. Other home test kits are unapproved, so we don't allow them.
 - EMS unit
 - Some EMS units are regulated by the FDA as medical devices that require a prescription. As such, most devices that deliver a shock to the body are not permitted on eBay. This includes many accessories for these devices.
 - While some items may not require a prescription, because we do not handle the actual merchandise being offered, we cannot confirm if an item is regulated by the FDA as a medical device. This is why most items that deliver a shock to the body are not permitted on the site.
 - Because these items deliver a shock to the body and the risk of heart failure or other serious conditions can occur, we don't allow most items that deliver electric current to the body to be listed. This may include items like
 - muscle stimulators, TENS units, electric ab cruncher devices, and muscle toners.
 - TENS unit
 - Some TENS units are regulated by the FDA as medical devices that require a prescription. As such, most devices that deliver a shock to the body are not permitted on eBay. This includes many accessories for these devices.
 - Because we cannot tell the difference between a medical and an OTC TENS unit, eBay only allows those approved by the FDA as an OTC medical-grade TENS unit to be listed.
 - Because these items deliver a shock to the body and the risk of heart failure or other serious condition can occur, we don't allow most items that deliver electric current to the body to be listed. This may include items like
 - muscle stimulators, TENS units, electric ab cruncher devices, and muscle toners.
 - Pulse oximeter
 - Pulse oximeters generally measure the amount of oxygen in the blood. There are several types of pulse oximeters for a variety of uses. The reason

eBay does not allow most pulse oximeters is because the medical pulse oximeter is controlled by the FDA.

- Only certain pulse oximeters are approved for OTC sale as a "medical pulse oximeter."
- Because we cannot tell the difference between a medical and a sport or other variety pulse oximeter, eBay only allows those approved by the FDA as an OTC medical-grade pulse oximeter to be listed.

Prescription materials Item does not require a prescription

- Because we are not experts in prescription materials and medical devices, there may be some items that do not require a prescription but are still not allowed on eBay.
- In order to enforce the policy as consistently as possible, some items that do not require a prescription may not be allowed on eBay.

- Syringes with needles
- Syringes with needles are not allowed because they require a prescription in some jurisdictions.
- Dentures, regardless of age
- Dentures are not allowed because they are prescription-only devices that require special fitting from your doctor.
- Oxygen concentrators vs. oxygen regulators
- Currently, oxygen concentrators and oxygen regulators are not regulated in the same way by the FDA.
- Oxygen concentrators are prescription-only devices, while oxygen regulators are not.
- Therefore, oxygen concentrators are not allowed, but oxygen regulators are allowed.