VIRGINIA COMMONWEALTH UNIVERSITY

Flowchart: Drugs (isotopes not addressed)

Is this study subject to FDA regulations under 21 CFR 312?

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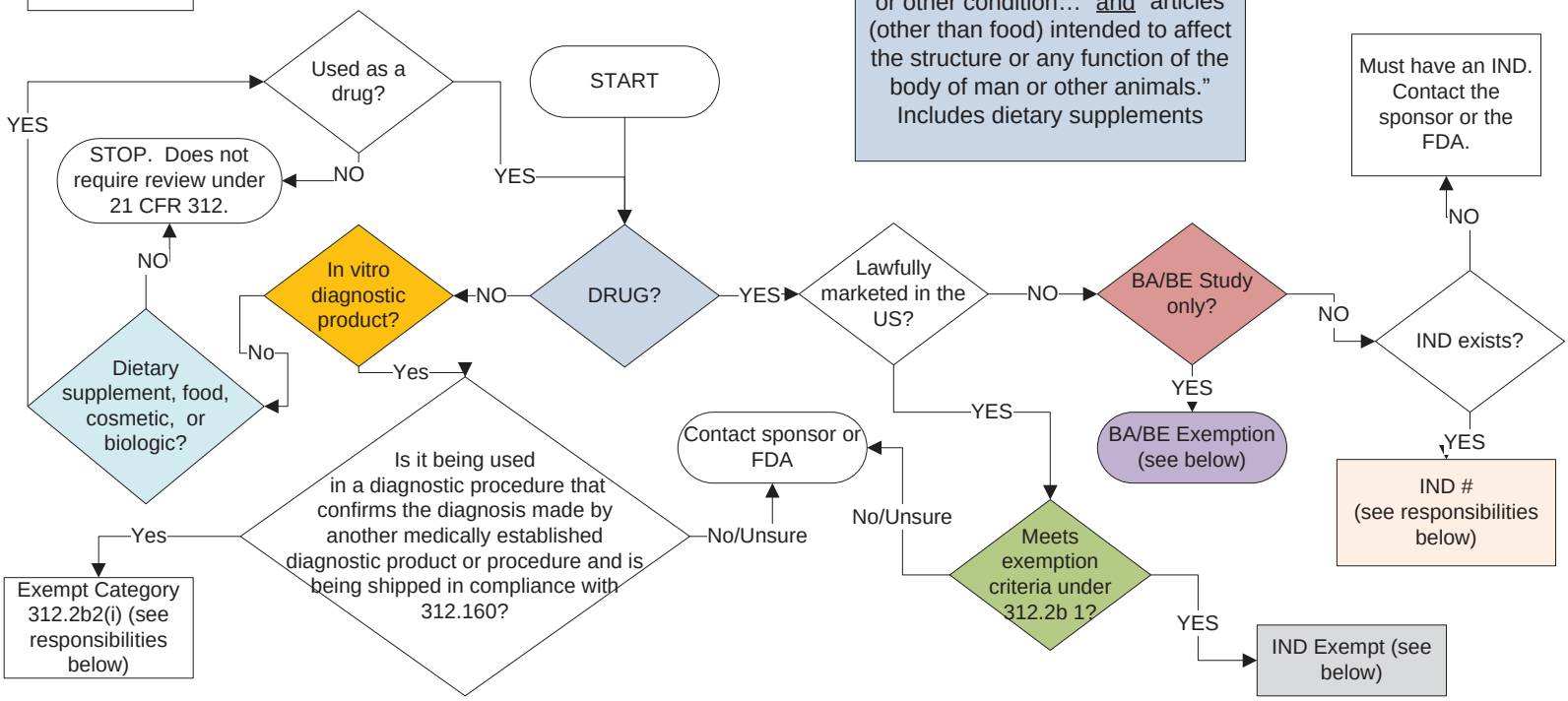
Understanding the Guidelines for FDA Regulations for Drug and Device Determinations: A Visual Learner's Approach.

Is this study subject to FDA regulations under 21 CFR 312? DRUGS*

*Isotopes not addressed

Drug Definition:
"articles intended for the use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other condition…" and "articles (other than food) intended to affect the structure or any function of the body of man or other animals."
Includes dietary supplements

Revised March 2014



Dietary Supplement Definition: A product taken by mouth that is intended to supplement the diet and that contain a dietary ingredient. Can include vitamins, minerals, herbs, and other botanicals, or amino acids. Includes concentrates, metabolites, constituents, extracts, or combinations of the above ingredients.

Food definition: (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

Cosmetic definition:"(1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

Biologic Definition: a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein (except any chemically synthesized polypeptide), or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound)

Bioavailability or Bioequivalence Studies (BA/BE)
- The drug product does not contain a new chemical entity (21 CFR 314.108), is not radioactively labeled, and is not cytotoxic.
- The dose (single dose or total daily dose) does not exceed the dose specified in the labeling of the approved version of the drug product.

BA/BE Exemption
- The investigation is conducted in compliance with the requirements for review by an IRB (21 CFR part 56) and with the requirements for informed consent (21 CFR part 50).
- The sponsor meets the requirements for retention of test article samples (21 CFR 320.31(d)(1)) and safety reporting (21 CFR 320.31(d)(3)).

Reference:
http://www.fda.gov/downloads/Drugs/Guidances/UCM229175.pdf Sep 2013

In Vitro diagnostic Biologic Product:
A. blood grouping serum
B. reagant red blood cells
C. anti-human globulin

Exemption Criteria 312.2 b 1: **ALL** conditions must be met:
1. No intent to report the investigation to FDA as a well controlled study in support of a new indication and no intent to use it to support any other significant change in the labeling of the drug.
2. In the case of a prescription drug, the investigation is not intended to support a significant change in the advertising of the drug.
3. The investigation does not involve a route of administration, dose, patient population, or other factor that significantly increases the risk (or decreases the acceptability of the risk) associated with the use of the drug.
4. The investigation is conducted in compliance with the requirements for review by an IRB and with the requirements of informed consent.
5. The investigation is conducted in compliance with the requirements of 312.7 (the investigation is not intended to promote or commercialize the drug product.)

Responsibilities if IND exists:
1. Document IND #
2. Ensure protocol contains FDA required monitoring plan
3. Ensure protocol addresses product labeling
4. Ensure 1571/1572 is completed and on file
5. IRB must review under 45 CFR 46 and 21 CFR 50,21 CFR 56, 21 CFR 312.
6. Start letter should clearly define reporting requirements
7. Best practice to have investigator with Good Clinical Practice (GCP) training conduct the study.
8. IRB must review investigator brochure or package insert

Responsibilities if IND Exempt:
- IRB must review Investigator brochure or package insert
- IRB must concur with exemption determination by FDA. If no FDA determination, review sponsor determination and concur. If IRB disagrees with sponsor determination must refer to FDA.
- IRB must review under 45 CFR 46, 21 CFR 50/56, 21 CFR 312.
- Start letter should clearly define reporting requirements
- Best practice to have investigator with Good Clinical Practice (GCP) training conduct the study.