is received within 30 days of the date of the receipt of the findings. The revocation of any product license shall not prevent the continued use of any licensed biological product which has been sold and delivered by the licensee unless the biological product is subject to recall under subsection (d).

"(B) If at any time before the Secretary has taken final action to revoke a license, the licensee requests an inspection by the Secretary to determine whether the licensee is in compliance with applicable standards, the Secretary shall conduct an inspection within 30 days of the date of the request. If the requested inspection confirms that the licensee is not in compliance with applicable standards, the 30-day requirement for inspection shall not apply to any subsequent request by the licensee under this subparagraph for inspection. If the inspection confirms that the licensee is in compliance with all applicable requirements, the Secretary shall withdraw any proposed action within 30 days of the inspection.

"(C) If the Secretary determines that grounds for license revocation exist that constitute a danger to health, the Secretary shall suspend the license, notify the licensee that the licensee's license is suspended, and require notification of the suspension to any consignee. Within 30 days

thereafter, the Secretary shall initiate the hearing process under subparagraph (A).

"(6) The requirements of paragraph (1) do not apply to a biological product for which there is in effect an investigational new drug application under section 505(i) of the Federal Food, Drug, and Cosmetic Act.".

(b) DELETION OF ELA REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(1) by striking "(d)(1)" and all that follows through "of this section.";

(2) by redesignating paragraph (2)(A) as subsection (d)(1);

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) in paragraph (2) (as so redesignated) by striking "subparagraph (A)" and inserting "paragraph (1)".

(c) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container so as to falsify the label or mark.".

NOT TAKEN

(d) INSPECTION.—Section 351(e) of the Public Health Service Act (42 U.S.C. 262(e)) is amended by striking "virus, serum," and all that follows through "other product aforesaid" and inserting "biological product".

(e) DEFINITION; APPLICATION.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end thereof the following new subsections:

"(i) For purposes of this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic ~~biologic~~ product, or arsphenamine or its derivative (or any other analogous biological product) applicable to the prevention, treatment, or cure of diseases or conditions of human beings.

"(j)(1) Sections 505(i), 903, and 904 of the Federal Food, Drug, and Cosmetic Act shall apply to all biological products, and references in such sections to new drug applications shall be deemed to include product license applications for biological products.

"(2) Requirements involving labeling or advertising for biological products shall be established in accordance with sections 201(m) and 502(n) of the Federal Food, Drug, and Cosmetic Act.".

NOT TAKEN

Insert Coats Amendment

O:\RDB\RDB96.117 S.L.C.

Passed by Voice Vote

Gregg-radiopharm-Contrals (2)

AMENDMENT NO. #18 Calendar No. ____

Purpose: To provide for requirements for the approval of radiopharmaceuticals.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. GREGG

Viz:

On page 4, line 4, strike "or".

On page 4, line 6, insert after the semicolon "or".

On page 4, between lines 6 and 7, insert the following:

"(III) provides a tool for diagnosis or monitoring;".

On page 64, between lines 7 and 8, insert the following:

SEC. 608. REQUIREMENT OF RADIOPHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall establish proposed regulations governing the approval of radiopharmaceutical articles designed for diagnosis and monitoring that shall assess the safety and effectiveness of the articles taking into account the appropriate use of such articles in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical, and the estimated absorbed radiation dose of the product. Not later than one year after the date of enactment of this Act, the Secretary shall issue final regulations.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical intended to be used for diagnostic purposes, the indications for which such radiopharmaceutical is approved under this section may refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to or present in one or more dis-

case states, or may refer to a diagnostic procedure used in the diagnosis of one or more diseases or conditions.

(b) APPROVAL.—All applications or petitions requesting approval of a radiopharmaceutical and all other matters relating to such radiopharmaceutical shall be reviewed and acted upon [redacted] by a single office in the Center for Drug Evaluation and Research [redacted], and that office shall report directly to the center director. A single scientific review group may provide conclusions and recommendations regarding any such matter relating to the approval of a radiopharmaceutical. Such group shall be appointed and administered pursuant to section 904 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 394), as amended by section 106.

(c) DEFINITION.— The term "radiopharmaceutical" shall refer to—

(1) an article intended for use in vivo in the diagnosis, cure, mitigation, treatment or prevention of a disease or a manifestation of disease in man, and that exerts its primary effect by the spontaneous disintegration of unstable nuclei with the emission of ionizing radiation; or

(2) a reagent kit or nuclide generator that is intended to be used in the preparation of any such product.

(d) APPROVAL ASSESSED UNDER PERFORMANCE STANDARDS.—The approval of radiopharmaceuticals shall be assessed under quantifiable performance standards established by the Secretary under section 903(b)(3) of the Federal Food, Drug, and Cosmetic Act, as added by section 103.

Gregg - Non Rx Drugs

O:\RDB\RDB96.164

Coats

Jeffords Kassebaum S.L.C.
Coats Dodd. Kennedy
Gregg Hatch. Pell
Frist Mikulski Simon
DeWine Wellstone
Ashcroft
Abraham
Gorton

Med Gentle

AMENDMENT NO. 9 Calendar No. ____

Purpose: To provide for the development of a long-range comprehensive plan to assess effective methods for the provision of oral and written prescription information to consumers.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food. drugs, devices, and biological products. and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COATS

Viz:

On page 86, between lines 12 and 13, insert the following:

SEC. 607. EFFECTIVE MEDICATION GUIDES.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 108, is further amended by adding at the end thereof the following new section:

SEC. 908. EFFECTIVE MEDICATION GUIDES.

"(a) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall re-

quest that national organizations representing health care professionals, consumer organizations, voluntary health agencies, the pharmaceutical industry, drug wholesalers, patient drug information database companies, and other relevant parties collaborate to develop a long-range comprehensive action plan to achieve goals consistent with the goals of the Food and Drug Administration's proposed rule on 'Prescription Drug Product Labeling: Medication Guide Requirements (60 Fed. Reg. 44182; relating to the provision of oral and written prescription information to consumers).

"(b) PLAN.—The plan described in subsection (a) shall—

"(1) identify the plan goals;

"(2) assess the effectiveness of the current private-sector approaches used to provide oral and written prescription information to consumers;

"(3) develop guidelines for providing effective oral and written prescription information consistent with the findings of any such assessment;

"(4) develop a mechanism to assess periodically the quality of the oral and written prescription information and the frequency with which the information is provided to consumers; and

"(5) provide for compliance with relevant State board regulations.

"(c) LIMITATION ON THE AUTHORITY OF THE SECRETARY.—The Secretary shall have no authority to ~~develop or implement any new regulation, rule, or other policy statement or guideline related in any manner to~~

~~"(1) medication guide or patient package insert requirements;~~

~~"(2) an affirmative obligation to provide written information about prescription drugs to consumers;~~

~~"(3) a specified uniform content, format, or any other policy statements or guidelines for written information provided to consumers about prescription drugs,~~

~~including the implementation of~~ implement the proposed rule described in subsection (a), if, not later than 120 days after the date of enactment of this section, the national organizations described in subsection (a) develop and begin to implement a comprehensive, long-range action plan (as described in subsection (a)) regarding the provision of oral and written prescription information.

"(d) SECRETARY REVIEW.—Not later than January 1, 2001, the Secretary shall review the status of private-sector initiatives designed to achieve the goals of the plan described in subsection (a), and if such goals are not

OR TO DEVELOP ANY SIMILAR REGULATION, POLICY STATEMENT OR OTHER GUIDELINE SPECIFYING A UNIFORM CONTENT OR FORMAT FOR WRITTEN INFORMATION VOLUNTARILY PROVIDED TO CONSUMERS ABOUT PRESCRIPTION DRUGS

achieved, shall seek public comment on other initiatives that may be taken to meet such goals. The Secretary shall not delegate such review authority to the Commissioner.".

the limitation in subsection (c) shall not apply, and the Secretary

TITLE VII—DEVICE REGULATORY REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the "Medical Device Reform Act of 1996".

SEC. 702. PREMARKET NOTIFICATION.

(a) EXEMPTION OF CERTAIN DEVICES.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k), by striking "intended for human use" and inserting " intended for human use (except a device that is classified into class I or class II and has been exempted by the Secretary ~~under section 513 or 520, or a device that is classified into class II under section 513 or 520 that is exempt from the requirements of this subsection under subsection (l))~~";

NOT TAKEN

that is not listed by the Secretary under subsection (l),

(2) by adding at the end of subsection (k) (as amended by paragraph (1)) the following: "The Secretary shall review the notification required by this subsection and make a determination under section 513(f)(1)(A) within 90 days of receiving the notification."; and

(3) by adding at the end thereof the following new subsections:

"(l) Within 30 days of the date of enactment of this subsection, the Secretary shall publish in the Federal Reg-

NOT TAKEN

ister a list of each type of class I or II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class I or II device so identified by the Secretary not to require the report shall be exempt from the requirement to file a report under subsection (k) as of the date of the publication of the list in the Federal Register. Beginning on the date that is 1 day after the date of the publication of a list under this subsection, any person may petition the Secretary to exempt a type of class I or II device from subsection (k). The Secretary shall respond to the petition within 120 days of the receipt of the petition and determine whether or not to grant the petition in whole or in part.

"(m) The Secretary may not withhold a determination of the initial classification of a device under subsection 513(f)(1) because of a failure to comply with any provision of this Act unrelated ~~to a substantial equivalent decision.~~ including a failure to comply with good manufacturing practices under section 520(f).".

NOT TAKEN to the device but is subject to the initial classification

changed

new language

(b) INITIAL CLASSIFICATION.—Section 513(f)(1) (21 U.S.C. 360c(f)(1)) is amended in the second sentence, by striking the period at the end thereof and inserting the following: ", unless within 30 days of receiving an order classifying the device into class III, the individual who submits a notification under section 510(k) requests an

NOT CHANGED We offered a similar

Title VII, Sec. 702(b), PG 88, Line 16

(b) INITIAL CLASSIFICATION -- Section 513(f)(1) (21 U.S.C. 360c(f)(1)) is amended by changing the last sentence to add "or (3)" following "paragraph (2)" and by adding a new paragraph (2) and redesignating "(2)" as "(3)" and "(3)" as "(4)." New paragraph (2) shall read as follows: "Within 30 days of receiving an order finding a device not substantially equivalent under section 513(i), the individual who submitted a notification under section 510(k) may request a de novo classification of the device and an order of classification from the Secretary if the device that has been determined to be not substantially equivalent under section 513(i) has risks that appear to be commensurate with other Class I and Class II devices and the submission has addressed new issues of safety and effectiveness, if any, in sufficient detail for the ~~committee~~ Secretary to apply the classification criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). If the Secretary concludes that the device should be classified into Class I or II, the Secretary shall issue an order of that classification. In lieu of issuing an order that classifies the device into Class I or II, the Secretary may, within 120 days, request an advisory committee review and recommendation with respect to the classification of the device. An advisory committee shall review the request with respect to the classification for the device based on the classification criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). Following the committee's recommendation, the Secretary shall have 90 days to make a final

classification determination by applying the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1).

Med Device Mods 7/27(C)

advisory committee review and recommendation with respect to the classification of the device and a final order of classification from the Secretary. After the request, a device classified into class III under this paragraph shall not be deemed to be finally classified until an advisory committee established under subsection (b) reviews the request with respect to the classification of the device and, within 60 days of the date of receiving the request, recommends to the Secretary a classification for the device based on the classification criteria set forth in subparagraphs (A) through (C) of subsection(a)(1). Thereafter, the Secretary shall have 10 days to determine by order the final classification of the device by applying the classification criteria set forth in subparagraphs (A) through (C) of subsection(a)(1).

Kennedy amendment (#10)

(c) SUBSTANTIAL EQUIVALENCE.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end thereof the following new subparagraph: add "as determined by the Secretary"

"(C) For the purpose of determining the intended use of a predicate device under paragraph (A), each use reasonably included within a general use for the predicate device shall be a legally marketed use of the predicate device for purposes of premarket notifications required under subsection 510(k), except that each person who relies upon this provision to establish a predicate device must dem-

changed

replaced to

AMENDMENT NO_____ Calendar No____

Purpose: To clarify the meaning of substantial equivalence ~~improve the regulation of food and cosmetics.~~

IN THE SENATE OF THE UNITED STATE--104th Cong., 2d Sess.

An Amendment to the amendment offered by Mrs. Kassebaum to S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. Kennedy

On page 92, strike line 16 through line 25 and on page 93, strike line 1 through line 4 and replace with:

"(c) Section 513(i)(1)(A)(21 U.S.C. 360c(i)(1)(A)) is amended by inserting after "intended use":

add to bill

"which, as determined by the Secretary, shall include each use reasonably included within a general use".

onstrate to the Secretary that the device subject to the premarket notification under section 510(k) is substantially equivalent to such predicate device within the meaning of this section.".

(d) DEVICE MODIFICATION.—Section 513(i) (21 U.S.C. 360c(i)) is amended by adding at the end thereof the following new paragraph:

"(4) Any change or modification to a device initially classified under section 513(f), other than a major change (including any major modification or significant change in operating principles) in the intended use, shall not require an additional submission under section 510(k) if such change or modification is supported by appropriate data or information, including data or information satisfying requirements under section 520(f), and the change or modification ~~can be~~ is shown by such data or information to not adversely affect the safety or effectiveness of the device. All data or information relied upon to document that a change to (including any modification of) the device does not require an additional notification under section 510(k) shall be made available to the Secretary upon request and shall be maintained, at least for a period of time equal to the expected life of the device or two years, whichever is greater.".

"(4) Any change or modification to a **LEGALLY MARKETED** device

which is not intended to affect the device's safety or effectiveness and for which routine quality assurance testing establishes that the safety or effectiveness of the device has not been **SIGNIFICANTLY** affected, shall not require a notification under section 510(k) if the following requirements are met:

(A) such change or modification is made and validated in accordance with the requirements of the good manufacturing practice regulations promulgated under section 520(f) **PRIOR TO ANY COMMERCIAL DISTRIBUTION**; and

(B) all data and information relied upon to document that the requirements of subparagraph (A) have been met **ARE** made part of the device master records required under the good manufacturing practice regulations promulgated under section 520(f).

All data or other information relied upon to document that a change or modification does not require a notification under section 510(k) shall be made available to the Secretary upon request and shall be maintained **FOR A PERIOD OF TIME EQUIVALENT TO THE DESIGN AND EXPECTED LIFE OF THE DEVICE, BUT IN NO CASE LESS THAN 2 YEARS FROM THE DATE OF RELEASE FOR COMMERCIAL DISTRIBUTION BY THE MANUFACTURER.**

SEC. 703. MEDICAL DEVICE APPROVAL STANDARDS.

(a) DEVICE CLASSES.—Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended—

(1) by striking "well-controlled" and inserting "one or more well-controlled"; and

(2) by striking "clinical investigations" and inserting one or more clinical investigations".

(b) SUPPLEMENT TO APPLICATION.—Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end thereof the following new subparagraphs:

"(C) The Secretary shall accept, for the purpose of facilitating a review of a premarket application, a supplement to a premarket application, or a premarket notification of a device, retrospective or historical clinical data as a control or for use in determining whether there is a reasonable assurance of effectiveness of a device if ~~sufficient valid data are available~~ the data are sufficient to demonstrate such assurances and the effects of the device on the cure, mitigation, treatment, or prevention of a disease are clearly defined and well understood.

"(D) The Secretary may not require the sponsor of an application to conduct clinical trials for use in determining whether there is a reasonable assurance of effectiveness for a device, or whether a device is substantially equivalent to a predicate device, using prospective concurrent controls ~~unless~~—

"(i)(I) the effects of the device on the cure, mitigation, treatment, or prevention of a disease or condition are not clearly defined and well understood as determined by the Secretary; or

"(II) retrospective or historical data are not available that meet the standards of the Secretary for quality and completeness; or

"(ii) there is a compelling public health reason to not rely on retrospective or historical data as a control.

SEC. 704. TRACKING.

Section 519(e) (21 U.S.C. 360i(e)) is amended to read as follows:

"DEVICE TRACKING

"(e) The Secretary may by regulation require a manufacturer to adopt a method of tracking a class II or class III device—

changed

"(1) the failure of which would be reasonably likely to be life-threatening or have serious adverse health consequences; and

"(2) which is—

longer than 30 days

"(A) ~~permanently~~ implantable; or

NOT TAKEN

"(B) life sustaining or life supporting and used outside a device user facility.

Any patient receiving a device subject to tracking under this section may refuse to release or refuse permission to

New

release the patient's name, address, social security number, or other identifying information for the purpose of tracking.". New

SEC. 705. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360*l*) is amended to read as follows:

"SEC. 522. POSTMARKET SURVEILLANCE.

"(a) IN GENERAL.—The Secretary may require a manufacturer to conduct postmarket surveillance for any device of the manufacturer that— our change taken

"(1) is a permanent implant the failure of which may cause serious, adverse health consequences or death;

"(2) is intended for a use in supporting or sustaining human life; or

"(3) potentially presents a serious risk to human health or creates public health concerns that justify surveillance under this section. new

"(b) SURVEILLANCE APPROVAL.—Each manufacturer required to conduct a surveillance of a device under subsection (a) shall, within 30 days of receiving notice from the Secretary that the manufacturer is required under this section to conduct the surveillance, submit for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the date of

the receipt of the protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct the surveillance and if the protocol will result in collection of useful data or other information necessary to protect the public health and to provide safety and effectiveness information for the device. The Secretary may not approve the protocol until the protocol has been reviewed by a qualified scientific and technical review committee established by the Secretary.".

SEC. 706. DEVICE DISTRIBUTOR REPORTING.

Section 519 (21 U.S.C. 360i) is amended—

(1) by striking ", importer, or distributor" each place it appears and inserting "or importer";

(2) in subsection (a)—

(A) in paragraph (8), by striking "; and" and inserting a period; and

(B) by striking paragraph (9)~~; and~~

~~(3) by striking subsection (f)~~.

Kennedy amendment

SEC. 707. PREMARKET APPROVAL.

(a) ACTION ON APPLICATION.—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (4)";

Kennedy

AMENDMENT NO 11 Calendar No____

Purpose: To ensure reinstate requirement that device companies report removals and corrections.

IN THE SENATE OF THE UNITED STATE--104th Cong., 2d Sess.

An Amendment to the amendment offered by Mrs. Kassebaum to S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. Kennedy

On page ~~93~~ 97, line ~~15~~ 18, strike "; and" and insert a period; and

strike line ~~16~~ 19.

Agreement to work w/ FDA to

(2) in paragraph (1)(B), by adding at the end thereof the following new clause:

"(iii) The Secretary shall accept and review data and any other information from investigations conducted under the authority of regulations required by section 520(g) to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations, and the modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information on a device approved under this section is available for use under this Act and is relevant to the design and intended use of the device subject to the pending application.";

(3) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) Each application received under section 515(e) shall be reviewed in the following manner to achieve final action on the application within 180 days of the receipt of the application:

"(A) The Secretary shall meet with an applicant within 90 days of the receipt of the application to discuss the review status of the application. If the application does not appear in a form that would ~~require an approval~~ warrant review under subsection (d), the Secretary shall in writing, and prior to the meeting, present to the applicant a description of any deficiencies in the application identified to date, and what information ~~is required to bring the application into a form that would require an approval~~ would be necessary to remedy them.

NOT TAKEN

"(B) The Secretary shall refer an application to a panel established under section 513 for review and ~~an approval~~ recommendation, unless a panel is not required under subsection (e)(2), within 30 days of the date of the meeting referred to in subparagraph (A) or at the next scheduled panel meeting following the meeting referred to in subparagraph (A), whichever occurs later.

"(C) The Secretary shall meet with the applicant within 15 days of the date of the panel review to discuss the status of the application, including a

NOT TAKEN

discussion on what action is necessary to bring the application into a form that would ~~require~~ warrant approval under this subsection. Prior to the meeting, the Secretary shall in writing shall set forth an agenda for the meeting (including a complete description of the subject matter to the discussed at the meeting), and a full description of the additional information necessary to bring the application into a form that would ~~require~~ warrant an approval under subsection (d). Participation of the applicant at such a meeting shall be at the discretion of the applicant.

"(D) The Secretary shall meet with the applicant not later than 135 days after the receipt of an application under subsection (c), if an advisory panel is not required under subsection (c)(2), and inform the applicant whether or not the application is in a form that would ~~require~~ warrant approval under subsection (d). If the application is in such form, the Secretary shall, at or prior to the meeting, present in writing to the applicant a description of all additional information necessary to ~~require~~ warrant an approval of the application under subsection (d). If the application is not in such form, the Secretary shall deny approval of the application and prior to the meeting, present in writing to the applicant each basis for denying ap-

proval of the application and the additional information required to bring the application into a form that would ~~require~~ warrant approval.

"(E) The Secretary shall issue an order approving or denying an application within 180 days of the receipt of the application under subsection (c) or within ~~120~~ 180 days for an application subject to an expedited review under paragraph (1)(A).

"(3)~~(A) Except as provided in subparagraph (B),~~ the time for the review of an application by the Secretary under this subsection shall not take more than 180 days ~~and such time may not be extended if the application is amended~~.

~~"(B) The Secretary shall not take more than 120 days for the review of an application subject to an expedited review under paragraph (1)(A) and may not extend the 120-day period if the application is amended.~~".

(b) REVISIONS OF REGULATIONS.—

(1) PREMARKET APPROVAL OF APPLICATIONS.—The Secretary of Health and Human Services shall revise through notice and comment procedures the regulations set forth in part 814 of title 21 of the Code of Federal Regulations, to conform to the amendment made by subsection (a).

(2) PREMARKET APPROVAL OF SUPPLEMENTS.—The Secretary of Health and Human Services shall revise regulations relating to premarket approval of devices to eliminate premarket approval of supplements that relate to manufacturing or product changes (excluding changes in intended use) of a device that have been demonstrated through appropriate data or information to not adversely affect safety or effectiveness. The Secretary shall require the manufacturer of a device to notify the Secretary of significant manufacturing or other changes not subject to a supplement under section 515 within 10 days of implementing such changes. All information relied upon in making such changes shall be made a part of the device master record. The information shall be maintained for a period of time equal to the period of time for the design and expected life of the device, but not less than 2 years after the date of release of the device for commercial distribution by the manufacturer.

SEC. 708. DEVICE PERFORMANCE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end thereof the following new subsection:

"PRODUCT REVIEW

"(c)(1) For the purpose of facilitating a review of a device under sections 510(k), 515, or 520, the Secretary ~~shall~~ may recognize appropriate medical device performance standards developed by organizations accredited by the American National Standards Institute (ANSI), the International Standards Organization (ISO), the International Electrotechnical Commission (IEC) and any other organization certified by the Secretary pursuant to paragraph (2)(B).

NOT TAKEN

"(2)(A) The Secretary shall establish a procedure governing the certification by the Food and Drug Administration of the competence of any national or international standards-setting organization not identified in paragraph (1) to develop standards for medical devices.

"(B) Certifications of standards-setting organizations not identified in paragraph (1) shall be based on formal, written criteria that include, but are not limited to, the role of the organization in the scientific community, scientific or medical expertise, standard writing experience, conflict of interest considerations, and the openness of the standard setting process of the organization.

"(C) The Secretary may impose a reasonable one-time fee on the standard-setting organization for ~~each~~

certification
~~ing standard-setting organizations~~ pursuant to subparagraph (B).

"(D) Upon being notified by a designated standard-setting organization that a standard has been adopted, the Secretary shall review and may recognize the standard by publishing a notice in the Federal Register listing the name of the standard. our change taken

"(E) The Secretary shall promulgate regulations under which the Secretary may withdraw the certification of a standard-setting organization, including an organization described in paragraph (1), if the Secretary determines that the standard-setting organization does not meet the requirements of subparagraph (B) or should otherwise no longer be designated. Such regulation shall also address the effect on standards of any withdrawal of a designation. for purposes of this Act New

"(3) As provided for in section 514, the Secretary may promulgate performance standards for medical devices that differ from or are not established by organizations recognized in paragraph (1) or (2).

"(4) The Secretary shall not require, as a condition for approving an application under section 510(k), 515, or 520, conformity with a medical device standard recognized under this section if the sponsor of the application submits evidence to demonstrate a reasonable assurance

that the device is substantially equivalent to a legally marketed predicate device or provides reasonable assurance that the device is safe and effective.

"(5) The Secretary may withdraw recognition of the performance standards recognized pursuant to paragraph (1) or (2) if, in the discretion of the Secretary, the Secretary determines the standard is no longer adequate insufficient to facilitate a review. The Secretary shall notify the standard-setting organization and specify the basis for the withdrawal.

"(6) A performance standard recognized pursuant to paragraph (1) or (2) for a medical device—

NOT TAKEN

~~"(A) shall include provisions to provide reasonable assurance of the safe and effective performance of the device~~;

"(A) shall, where necessary to provide reasonable assurance of the safe and effective performance of the device, include—

"(i) provisions with respect to the construction, components, ingredients, and properties of the device and the compatibility of the device with power systems and connections to the systems;

"(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the device or, if it is determined that

no other more practicable means are available to the Secretary to assure the conformity of a device to the standard, provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the device by the Secretary or by another person at the direction of the Secretary;

"(iii) provisions for the measurement of the performance characteristics of the device; and

"(iv) provisions requiring that the results of each or certain of the tests of the device required to be made under clause (ii) demonstrate that the device is in conformity with those portions of the standard for which the test or tests were required; and

"(B) shall, where appropriate, require the ~~use and prescribe the form and content of labeling~~ clearance for the proper installation, maintenance, operation, and use of the device.

"(7) The Secretary, ~~in lieu of requiring data demonstrating conformity with a standard recognized under this section,~~ may accept a certification by an independent third party competent to certify conformance to standards ~~applicant who has made a submission pursuant to sections 510(k), 515, or 520~~ that the device conforms with each standard

NOT TAKEN

NOT TAKEN

identified in the ~~certification~~ submission pursuant to section 520. Where appropriate, the Secretary may require data demonstrating conformity with a standard recognized under paragraph (1) or (2).

"(8) The Secretary shall require an applicant who certifies that a device conforms to an applicable performance standard recognized under pursuant to paragraph (1) or (2) or established under section 514 to maintain data demonstrating conformance for a period of time equal to the period of time for the design and expected life of the device. Such data shall be made available to the Secretary upon request.".

(b) ADULTERATED DEVICE.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)";

(2) by striking "section 514" and inserting "section 514(b)"; and

(3) by inserting at the end thereof the following:

"(2) If it is, or purports to be or is represented as, a device which is certified to be in compliance with any voluntary standard recognized under section 514(c), unless such a device is in all respects in conformity with such a standard.".

Insert amendment #1

Coats

Kennedy Harkin Pell Simon

Amendment No. 1 Agreed to

Gregg Jeffords Frist Domenici Ashcroft Abraham Grams

Dole Burns Warner

AMENDMENT NO. 1 Calendar No. ____

Purpose: To provide for an accredited-party pilot under the direction and review of the Secretary exclude class III

IN THE SENATE OF THE UNITED STATES -- 104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes. # must be approved by the Secretary

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COATS

Coats 3rd Party Pilot

Viz:

On page 103, after line 23, insert the following:

SECTION 709. ACCREDITED-PARTY PARTICIPATION.

Chapter V, as amended, is further amended by adding at the end thereof the following new section:

"SECTION 523. ACCREDITED-PARTY PARTICIPATION.

(a) In General.-- Within 1 year after the enactment of this section, the Secretary shall accredit persons, including any individual or entity, who is not an employee of the United States Department of Health and Human Services to review and initially classify devices under subsection 513(f)(1) of the Act that are subject to a report under subsection 510(k) and to review and recommend to the Secretary approval or denial of applications submitted under subsection 515(c)(1). CPMA class III p. 149

(b) Accreditation.-- Within 6 months of the enactment of this section, the Secretary shall establish and publish in the Federal Register requirements to accredit or deny accreditation to

persons who request to perform the duties specified in subsection (a). The Secretary shall respond to a request for accreditation within 60 days of its receipt. The accreditation of such person shall specify the activities under subsection (a) for which such person is authorized to act in the place of the Secretary. Such requirements shall, at a minimum, advise such persons how to become accredited, and set forth criteria for accreditation including criteria to avoid conflicts of interest and to ensure that persons to be accredited are capable of maintaining the confidentiality of submissions consistent with 5 U.S.C. 552 and the regulations of the Food and Drug Administration.

(c) Withdrawal of Accreditation.-- The Secretary may suspend or withdraw accreditation of any person accredited under this section, after providing notice and an opportunity for an informal hearing, when such person acts or fails to act in a manner that is substantially inconsistent with the purposes of this section, including the failure to avoid conflicts of interest, the failure to protect confidentiality of information, or the failure to competently review premarket submissions for devices.

(d) Selection and Compensation.-- A person who submits a premarket submission to the Secretary for review and classification or approval shall have the option to select an accredited person to review such submission. The Secretary shall identify for such person no less than 2 accredited persons from whom the selection may be made. Compensation for accredited persons shall be determined by agreement between the accredited person and the person who engages the services of the accredited person.

(e) Review by Secretary.-- (1) When a person exercises the option to obtain review of a premarket submission by an accredited person, the Secretary shall complete a filing review for premarket approval applications under section 515(c)(1) no later than 30 days after receipt of such application or shall ensure the completeness of premarket notification submissions under

section 510(k) no later than 15 days after receipt of such submission, prior to referring the premarket submission for review by the accredited person selected by the person submitting the premarket submission.

(2) The Secretary shall require an accredited person, upon recommending a classification of a device or approval or denial of an application, to report to the Secretary its reasons for such classification or approval or denial. For devices reviewed and initially classified under subsection 513(f)(1) of the Act and subject to a report under subsection 510(k), the Secretary shall have no more than 15 days to review the submission. For applications submitted under subsection 515(c)(1), the Secretary shall have no more than 45 days to review the application. The Secretary may change the classification under section 513(f)(1), or the approval or disapproval of the application under section 515(d), that is recommended by the accredited person, and in such case shall notify the person making the submission of detailed reasons for the change.

(f) Duration.-- This section shall remain in force for a period of 3 years from the date of the first accreditation of a person to conduct initial classifications under subsection 513(f)(1) and to conduct premarket approval reviews under section 515.

(g) Reports.-- (1) Within 1 year after the enactment of this section, the Secretary shall report in writing to the Committees of Congress with oversight authority over the Food and Drug Administration each action the Secretary has taken to implement the accreditation of persons to undertake the activities under subsection (a). Within 2 years after the accreditation of a person to conduct initial classifications under subsection 513(f)(1) and to conduct premarket approval reviews under section 515, the Secretary shall contract with an independent research organization to submit a written report examining the use of accredited persons under this section. Such report shall be submitted to such Committees no later than 30 months after the accreditation of a

person to conduct initial classifications under subsection 513(f)(1) and to conduct premarket approval reviews under section 515.

(2) The report by such independent research organization shall identify the benefits or detriments to public and patient health of using accredited persons to conduct such reviews, and shall summarize all relevant data, including data on the accredited person's review (including review times, recommendations, and compensation), and data on the Secretary's review (including review times, changes, and reasons for changes).".

TITLE VIII—ANIMAL DRUG REGULATORY REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Animal Drug Regulatory Reform Act of 1996".

SEC. 802. EVIDENCE OF EFFECTIVENESS.

(a) SUBSTANTIAL EVIDENCE.—Section 512(d) (21 U.S.C. 360b(d)) is amended by striking paragraph (3) and by adding at the end the following:

"(4)(A) As used in this subsection and subsections (e)(2)(F)(iii) and (e)(1)(C), the term 'substantial evidence' means evidence from 1 or more scientifically sound studies, including as appropriate in vitro studies, studies in laboratory animals (including a target species), bioequivalence studies, and any studies voluntarily undertaken by or for the applicant, that taken together provide reasonable assurance that the drug will have the claimed or intended effect of the drug.

"(B) For purposes of subparagraph (A), a study shall be considered to be scientifically sound if the study is designed and conducted in a manner that is consistent with generally recognized scientific procedures and principles.".

(b) COMBINATION OF DRUGS.—Section 512(d) (21 U.S.C. 360b(d)) is amended by inserting before paragraph

NOT CHANGED we offered substitute language Substantial Evidence on Combination of Drugs

AMENDMENT 1

Section 802(a) - EVIDENCE OF EFFECTIVENESS

Page 104, strike line 7 through line 22 and replace it with the following langauge:

" Substantial Evidence - Section 512(d) (21 U.S.C. 360b(d)) is amended by striking paragraph (3) and replacing it with the following new paragraph:

> '(3) As used in this **section**, the term 'substantial evidence' means evidence consisting of **one or more** adequate and well-controlled investigations, including field investigations **where appropriate**, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and reasonably be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.'"

AMENDMENT 2

Section 802 (b) COMBINATION OF DRUGS

Strike Page 104, line 23 through Page 105, line 20 and insert:

"(b) Concurrent Use of Animal Drugs in Animal Feed - Section 512(d)(1)(E) is amended by inserting after "thereof;", the following:

> 'but, if the drug contains multiple active ingredients and is intended for use in animal feed or the drug is intended for concurrent use with other drugs in animal feed, each of the active ingredients or drugs to be used concurrently have been previously approved individually for the particular indications and conditions of use for which they are intended to be used concurrently, and each of the active ingredients or drugs to be used concurrently is intended for at least one indication differing from any of the other active ingredients or drugs, the Secretary in determining the effectiveness of the drug shall consider only whether the drug when used in such manner represents appropriate concurrent therapy for the identified target population;'"

studies) and" and inserting "substantial evidence of effectiveness as defined in subsection (d)(3), any study of animal safety, or"; and

(2) by striking "essential to" and inserting ", required for".

~~(d) MINOR SPECIES AND USES.—Section 512(d)(1) (21 U.S.C. 360b(d)(1))~~ is amended by adding at the end the following new sentence: "Subparagraph (E) shall not apply to a claim for use of the drug described in subparagraph (E) in a minor species, or for a minor use of the drug, as the terms 'minor species' and 'minor use' are defined in regulations issued by the Secretary, if there is an application filed under subsection (b) for the drug, and the application is approved, prior to the submission of the claim.".

NOT CHANGED We wanted deleted

(e) WITHDRAWAL OF APPROVAL.—Section 512(e)(1)(C) (21 U.S.C. 360b(e)(1)(C)) is amended by inserting after "substantial evidence" the following: "(as defined in subsection (d)(4))".

(f) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than ~~6~~ 18 months after the date of enactment of this Act, the Secretary shall issue proposed regulations implementing the amendments made by this section. Not later than ~~18~~ 30 months after the date of enactment of this

NOT TAKEN

(4) (as added by subsection (a)) the following new paragraph:

NOT CHANGED We offered a substitute

"(3) In a case in which a new animal drug contains more than 1 active ingredient, or the labeling of the drug prescribes, recommends, or suggests use of the drug in combination with another animal drug, and the active ingredients or drugs in the combination have been separately approved for particular uses and species prior to the approval of the application for the same uses and species in combination (or, in the absence of such approvals, after evaluating the safety and efficacy of the combination itself), the Secretary may only consider with respect to the combination whether any of the active ingredients or any of the drugs in the combination, respectively, at the longest withdrawal time of any of the active ingredients or drugs in the combination, respectively, is above its safe concentration (such as exceeding its established tolerance, as measured by its marker residue), or interferes with the methods of analysis for another of the active ingredients or drugs in the combination, respectively.".

(c) SUPPLEMENTAL APPLICATIONS.—Section 512(c)(2)(F)(iii) (21 U.S.C. 360b(c)(2)(F)(iii)) is amended—

(1) by striking "reports of new clinical or field investigations (other than bioequivalence or residue

Act, the Secretary shall issue final regulations implementing the amendments.

(2) CONTENTS.—In issuing regulations implementing the amendments made by this section, and in taking an action to review an application for approval of a new animal drug under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b), or a request for an investigational exemption for a new animal drug under subsection (j) of such section, that is pending or has been submitted prior to the effective date of the regulations, the Secretary shall—

(A) further define the term "substantial evidence", as defined in subsection (d)(4) of such section, in a manner that encourages the submission of applications for production drugs that conserve food resources, of applications for veterinary prescription drugs whose use is designed to rely on the experience and training of practitioners in establishing effective doses for such drugs, and of supplemental applications, including applications seeking approval for uses of animal drugs in minor species, for minor uses of such drugs, and for permitted unlabeled uses of such drugs;

(B) take into account the proposals contained in the citizen petition (FDA Docket No. 91P–0434/CP) jointly submitted by the American Veterinary Medical Association and the Animal Health Institute, dated October 21, 1991;

(C)(i) provide for the opportunity for a conference prior to the submission of an application for approval of a new animal drug under such section, and prior to the submission of a request for an investigational exemption under subsection (j) of such section, to make a decision establishing a submission or an investigational requirement ~~(which decision shall bind the Secretary and the applicant or requester unless the Secretary by order determines that a documented scientific requirement essential to the determination of safety or effectiveness of the animal drug involved has appeared after the conference)~~; and

NOT TAKEN We offered substitute language

(ii) not later than ~~10~~ 30 days after each such conference, ~~by written order, provide a scientific justification specific to the animal drug and intended uses under consideration for requiring studies of types other than the types of studies~~

(B) take into account the proposals contained in the citizen petition (FDA Docket No. 91P–0434/CP) jointly submitted by the American Veterinary Medical Association and the Animal Health Institute, dated October 21, 1991;

(C)(i) provide for the opportunity for a conference prior to the submission of an application for approval of a new animal drug under such section, and prior to the submission of a request for an investigational exemption under subsection (j) of such section, to make a decision establishing a submission or an investigational requirement ~~(which decision shall bind the Secretary and the applicant or requester unless the Secretary by order determines that a documented scientific requirement essential to the determination of safety or effectiveness of the animal drug involved has appeared after the conference)~~; and

(ii) not later than ~~10~~ 30 days after each such conference, ~~by written order, provide a scientific justification specific to the animal drug and intended uses under consideration for requiring studies of types other than the types of studies~~ FDA shall provide a written statement regarding what studies, including field investigations, are necessary to establish the safety and effectiveness of the new animal drug and how such studies are to be interpreted. Should more than one field investigation be necessary to establish substantial evidence for effectiveness for the intended uses of the drug, FDA will provide written scientific justification specific to the animal drug and the intended uses under consideration as to why more than one field investigation is needed.

~~specified in subsection (d)(4) of such section, as being essential to provide substantial evidence of effectiveness for the intended uses of the drug.~~

SEC. 803. LIMITATION OF RESIDUES.

Section 512(d)(1)(F) (21 U.S.C. 360b(d)(1)(F)) is amended to read as follows:

"(F) on the basis of information submitted to the Secretary as part of the application or any other information before the Secretary with respect to such drug, any use prescribed, recommended, or suggested in labeling proposed for such drug will result in a residue of such drug in excess of a tolerance found by the Secretary to be safe for such drug;".

SEC. 804. ADULTERATED DRUGS.

NOT CHANGED We suggested 1) Strike the section 2) Substitute language

Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended—

(1) in subparagraph (A), by striking "health; or" and inserting "health;"; and

(2) in subparagraph (B), by striking "possess:" and inserting the following: "possess; or (C) if it is a drug intended for use by animals other than man and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or

AMENDMENT 5

Section 804 - ADULTERATED DRUGS

Strike this section. (Page 109, line 16 - Page 110, line 9)
(See Talking Point)

Or, Alternatively, offer the following Amendment:

Strike Page 109, line 21 through Page 110, line 9, and insert the following:

"(2) in subparagraph (B), by striking 'if it is a drug' and inserting 'if it is a drug intended for use in man'.

(3) in subparagraph (B) by striking 'possess;' and inserting the following: 'possess; or (C) if it is a drug intended for use in animals other than man and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess;"

Report language could also be drafted to make it clear (1) that FDA has regulations at 21 C.F.R. Parts 210 and 211 setting forth current good manufacturing practice requirements for human and animal drugs, (2) that those regulations continue to apply to both human and animal drugs, (3) that by letter dated February 16, 1996, FDA asked members of the animal industry and professional medical organizations to participate in a workshop to discuss whether current good manufacturing practice requirements are a significant obstacle to animal drug availability; (4) that through such workshops, FDA will determine whether the existing regulations need to be revised or clarified with respect to their application to animal drugs, and (5) that FDA will by notice and comment rulemaking propose any revisions or clarifying language to the existing regulations it finds appropriate to ensure animal drug availability and the manufacture of animal drug products that are safe and have the identity and strength, and meet the quality and purity characteristics, they are purported or represented to possess.

holding do not conform to or are not operated or administered in conformity with current good manufacturing practice requirements (appropriate for animal drugs) adopted pursuant to regulations issued by the Secretary to ensure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess for use in animals other than man:".

SEC. 805. VETERINARY FEED DIRECTIVES.

(a) WRITTEN OR ORAL ORDERS.—Section 503(f)(1)(A) (21 U.S.C. 353(f)(1)(A))is amended by striking "other than man" and inserting the following: "other than man, other than a veterinary feed directive drug intended for use in animal feed or an animal feed bearing or containing a veterinary feed directive drug,".

(b) GENERAL REQUIREMENTS.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 503 the following new section:

"VETERINARY FEED DIRECTIVES DRUGS

"SEC. 504. (a)(1) A drug intended for use in or on animal feed which is limited by an approved application filed pursuant to section 512(b) to use under the professional supervision of a licensed veterinarian is a veterinary feed directive drug. Any animal feed bearing or containing a veterinary feed directive drug shall be fed to animals

only by or upon the lawful veterinary feed directive issued by a licensed veterinarian in the course of the veterinarian's professional practice. When labeled, distributed, held, and used in accordance with this section, a veterinary feed directive drug and any animal feed bearing or containing a veterinary feed directive drug shall be exempt from section 502(f).

"(2) A veterinary feed directive is lawful if it—

"(A) contains such information as the Secretary may, by general regulation or by order, require; and

"(B) is in compliance with the conditions and indications for use of the drug set forth in the notice published pursuant to section 512(i).

"(3)(A) Any persons involved in the distribution or use of animal feed bearing or containing a veterinary feed directive drug and the licensed veterinarian issuing the veterinary feed directive shall maintain a copy of the veterinary feed directive applicable to each such feed, except in the case of a person distributing such feed to another person for further distribution, such person distributing the feed shall maintain a written acknowledgment from the person to whom the feed is shipped stating that that person shall not ship or move such feed to an animal production facility without a veterinary feed directive or ship such feed to another person for further distribution unless

that person has provided the same written acknowledgment to its immediate supplier.

"(B) Every person required under the subparagraph (A) to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(C) Any person who distributes animal feed bearing or containing a veterinary feed directive drug shall upon first engaging in such distribution notify the Secretary of that person's name and place of business. The failure to provide such notification shall be deemed to be an act which results in the drug being misbranded.

"(b) A veterinary feed directive drug and any feed bearing or containing a veterinary feed directive drug shall be deemed to be misbranded if the drug ~~and~~ or feed labeling fails to bear such cautionary statement and such other information as the Secretary may, by general regulation or by order, prescribe, or the drug ~~and~~ or feed advertising fails to conform to the conditions and indications for use published pursuant to section 512(i) or fails to contain the general cautionary statement prescribed by the Secretary.

NOT TAKEN

"(c) Neither a drug subject to this section, nor animal feed bearing or containing such a drug, shall be

deemed to be a prescription article under any Federal or State law.".

(c) CONFORMING AMENDMENTS.—Section 512 (21 U.S.C. 360b) is amended—

(1) in subsection (i), by striking "requirements)" and inserting "requirements and any requirement that an animal feed bearing or containing the new animal drug be limited to use under the professional supervision of a licensed veterinarian)";

(2) in subsection (a)(2)(C) by striking "its labeling" and inserting "its labeling, its distribution, its holding,"; and

(3) in subsection (m)(4)(B)(i)—

(A) by striking "paragraph (5)(A) of this subsection" and inserting "paragraph (5)(A) or under section 504(a)(3)(A)"; and

(B) by striking "subparagraph (B) of such paragraph" and inserting "subparagraph (B) of such paragraph or section 504(a)(3)(B)".

(d) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended—

(1) by striking "section 412" and inserting "section 412, 504,"; and

(2) by striking "under section 412," and inserting "under section 412, 504,".

FEED MILL LICENSING & IMPORT TOLERANCES

NOT CHANGED We suggested striking this section and adding Feed Mill licensing and Import Tolerances

~~SEC. 806. TIMEFRAMES FOR APPROVAL.~~

~~The first sentence of section 512(c)(1) (21 U.S.C. 360b(c)(1)) is amended by striking "one hundred and eighty" and inserting "90".~~

TITLE IX—FOOD REGULATORY REFORM

SEC. 901. SHORT TITLE.

This title may be cited as the "Food Regulatory Reform Act of 1996".

FOOD CONTACT SUBSTANCES

SEC. 902. ~~INDIRECT FOOD ADDITIVES~~.

NOT CHANGED We suggested deleting and substituting language

(a) APPROVAL.—Section 409 (21 U.S.C. 348) is amended by adding at the end thereof the following new subsection:

"ALTERNATIVE APPROVAL PROCEDURE

"(j)(1) As an alternative to the approval procedure established under subsection (b), any person may submit a notification for an indirect food additive under this subsection.

"(2) Any person who proposes to begin the introduction or delivery for introduction into interstate commerce of a product intended for use as an indirect food additive may submit to the Secretary, at least 90 days prior to making such introduction or delivery, a notification containing information demonstrating that the labeled use of the product is safe.

"(3)(A) Within 90 days after the receipt of the notification by the Secretary, the Secretary shall either—

"(i)(I) approve the notification if the article is safe for its intended use; or

"(II) disapprove the notification if the article has not been shown to be safe for its intended use; and

"(B) publish a notice of this determination in the Federal Register and, if the notification is approved, promulgate an appropriate regulation pursuant to subsection (e).".

(b) DEFINITION.—Section 201 (21 U.S.C. 321), as amended by section 409, is further amended by adding at the end thereof the following new subsection:

"(ii) The term 'indirect food additive' means a food additive that is intended to contact food but that is not intended for consumption as a food ingredient.".

Insert Gray Amendment -
Insert First Amendment -

AMENDMENT 8 - FEED MILL LICENSING

This is a new provision that is not currently found in S. 1477. It is one of the President's NPR Reinventing Government Initiatives.

FDA's Proposed Legislative Language to Implement the NPR on Feed Mill Licensing

1. Section 512(a) of the Federal Food, Drug, and Cosmetic Act (Act) is amended as follows:

   (a) Section 512(a) is amended by striking section 512(a)(1)(i) and inserting "(i) holds a license issued under subsection (m) of this section and has in his possession current approved labeling for such drug in animal feed; or"

   (b) Section 512(a)(1)(ii) is amended by striking "an approved application" and inserting "a license issued".

   (c) Section 512(a)(2) is amended by striking 512(a)(2)(B) and inserting "(B) such animal feed is manufactured at a site for which there is in effect a license issued pursuant to subsection (m)(1) of this section to manufacture such animal feeds; and"

   (d) Section 512(a)(2)(C) is amended by
   (1) striking ", its labeling and such" and inserting ", bears approved labeling and its"; and
   (2) striking " and to the application with respect thereto approved under subsection (m) of this section"

2. Section 512(m) of the Federal Food, Drug, and Cosmetic Act (Act) is amended as follows:

   (a) Section 512(m) is amended by striking 512(m)(1) and inserting "(m)(1) Any person may filed with the Secretary an application for a license to manufacture animal feeds bearing or containing new animal drugs. Such person shall submit to the Secretary as part of the application: (A) a full statement of the business name, location of the specific site at which the manufacturing is to take place, including the street, city, state, zip code, and FDA registration number; (B) the name and signature of the responsible persons at that facility; (C) certification that animal feed or feeds bearing or containing a new animal drug or drugs shall be manufactured and labeled in accordance with the regulation or regulations (relating to the new animal drug or drugs to be used in feed or feeds) published pursuant to subsection (i) of this section; and (D) certification that the methods used in, and the facilities and controls used for the manufacture, processing, packing, and holding of such animal feed or feeds are adequate to preserve the

identity, strength, quality, and purity of the new animal drug or drugs therein."

(b) Section 512(m)(2) is amended by striking "(c)" and inserting "(c)(1)".

(c) Section 512(m)(3) is amended as follows:

(1) by inserting after "part of the application" the following: ", on the basis of a preapproval inspection,";

(2) by striking 512(m)(3)(A), (B), and (D), moving 512(m)(3)(C) to 512(m)(3)(B), and inserting "(A) that the application is incomplete, false, or misleading in any particular;" and "(C) that the applicant manufactures animal feeds containing animal drugs in a manner that does not accord with the specifications for manufacture, or labels the animal feeds containing animal drugs in a manner that does not accord with the conditions or indications of use, that are published pursuant to subsection (i) of this section;"

(3) by striking in the paragraph following 512(m)(3)(C) "(A) through (D)" and inserting "(A) through (C)"; and

(4) by striking in the paragraph following 512(m)(3)(C) "with respect to an animal feed bearing or containing a new animal drug shall be effective only while there is in effect a regulation pursuant to subsection (i), on the basis of which such application (or a supplement thereto) was approved, relating to the use of such drug in or on such feed" and inserting "for a license to manufacture animal feeds bearing or containing a new animal drug or drugs shall permit a site to manufacture only those animal feeds containing new animal drugs for which there are in effect regulations pursuant to subsection (i) relating to the use of such drugs in or on such animal feed".

(d) Section 512(m)(4) is amended as follows:

(1) 512(m)(4)(A) is amended by striking "issue an order withdrawing approval of an application with respect to any animal feed" and inserting "revoke a license to manufacture animal feeds bearing or containing new animal drugs";

(2) 512(m)(4)(A)(ii) is amended by striking "any changes from the standpoint of safety or effectiveness beyond the variations provided for in the application" and inserting "changes that would cause the application to contain any untrue statements of material fact or that would affect the safety or effectiveness of the animal feeds manufactured at the site"; and

(3) 512(m)(4)(A)(ii) is amended by striking the last sentence;

(4) 512(m)(4)(A) is amended by striking "he may suspend the approval of such

application" and inserting "he may suspend the site's license" and replacing the word "applicant" with the word "licensee";

(5) 512(m)(4)(B) is amended by striking "issue an order withdrawing the approval of an application with respect to any animal feed" and inserting "revoke a license to manufacture animal feed";

(6) 512(m)(4)(B)(ii) is amended by striking "when such application was approved" and inserting "when such license was issued" and striking "processing, and packing" and inserting "processing, packing, and holding" and striking "or" at the end of (ii);

(7) 512(m)(4)(B)(iii) by striking "when the application was approved, the labeling of such animal feed" and inserting "when such license was issued, the labeling of any animal feeds" and striking the period at the end of the sentence and inserting "; or";

(8) inserting 512(m)(4)(B)(iv): "(iv) that on the basis of new information before him, evaluated together with the evidence before him when the license was issued, the firm has manufactured, processed, packed, or held animal feed bearing or containing a new animal drug adulterated under section 501(a)(6), and the licensee did not discontinue the manufacturing, processing, packing or holding of such animal feed within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of."; and,

(9) redesignating 512(m)(4)(C) as 512(m)(4)(D) and inserting "(C) The Secretary may also revoke a license to manufacture animal feeds under this subsection if a licensee gives notice to the Secretary of intention to discontinue the manufacture of all animal feed covered under this subsection, and waves an opportunity for a hearing on the matter."

(e) Section 512(m)(5) is amended by striking "of any animal feed for which an approval of an application filed pursuant to this subsection is in effect" and inserting "a license to manufacture animal feeds bearing or containing new animal drugs has issued" and by striking in 512(m)(5)(A) "applicant" and inserting "licensee".

(f) Section 512(m) is amended by inserting 512(m)(6) as follows: "(6) To the extent consistent with public health, the Secretary may promulgate regulations for exempting from the operation of this section sites that manufacture, process, pack, or hold animal feeds bearing or containing new animal drugs."

AMENDMENT 9 - IMPORT TOLERANCES

This is a new provision that is not currently found in S. 1477. It is one of the President's NPR Reinventing Government Initiatives.

FDA's Proposed Legislative Language to Implement the NPR on Import Tolerances

The statutory change would add a new section 512(a)(6) which provides as follows:

For purposes of section 402(a)(2)(D), a use or intended use of a new animal drug shall not be deemed unsafe under section 512 if the Secretary establishes a tolerance for such drug and any portion of any animal imported into the United States does not contain residues exceeding such tolerance.

In establishing such tolerance, the Secretary shall rely on data sufficient to demonstrate that a proposed tolerance is safe based on similar food safety criteria used by the Secretary to establish tolerances for applications for new animal drugs filed under subsection (b)(1). The Secretary may consider and rely on data submitted by the manufacturer, including data submitted to appropriate regulatory authorities in any country where the new animal drug is lawfully used, or data available from a relevant international organization, to the extent such data is not inconsistent with the criteria used by the Secretary to establish a tolerance for applications for new animal drugs filed under subsection (b)(1). For purposes of this paragraph, relevant international organization means the Codex Alimenterius Commission or other international organization deemed appropriate by the Secretary.

The Secretary may, under procedures specified by regulation, revoke such tolerances if information demonstrates that the use of the new animal drug under actual use conditions results in foods being imported into the United States with residues exceeding such tolerances.

This language was last updated on 3/21/96

TITLE IX -- FOOD REGULATORY REFORM

Sec. 901. Short Title.

This title may be cited as the "Food Regulatory Reform Act of 1996".

Sec. 902. Food Contact Substances

(a) Approval. -- Section 409 (21 U.S.C. 348) is amended by redesignating Subsection (h) as Subsection (j) and adding new Subsection (h) as follows:

"NOTIFICATION PROCEDURE FOR FOOD CONTACT SUBSTANCES".

"(h)(1) As an alternative to the procedure established under subsection (b), any person may submit a notification for a food contact substance under this subsection. For purposes of this subsection, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use may reasonably be expected to result in such substance becoming a component of food, and is not intended to have any technical effect in such food."

(2) Any person who proposes to begin the introduction or delivery for introduction into interstate commerce of an article intended for use as a food contact substance may submit to the Secretary, at least 90 days prior to making such introduction or delivery, a notification that such person has determined that the labeled use of the article is safe. Such notification shall contain the data and information forming the basis for such determination.

(3) Within 90 days after the receipt of a notification by the Secretary, the Secretary may object to the notification if, on the basis of the data and information submitted, as well as other information available to the Secretary, the substance has not been shown to be safe for its labeled use under the standard of subsection (c)(3)(A), including the proviso thereof. In the absence of an objection, the article may be lawfully marketed for its labeled use on the 91st day after receipt of the notification, unless the Secretary objects to the notification.

(4) The Secretary shall publish on a quarterly basis a list of all food contact substances for which a notification has been received and to which the Secretary has not objected in the 90 day time period specified in Subsection (3). Such list shall include the identity of and specifications for use of each such substance."

(5) An objection by the Secretary under subsection (h)(3) shall be considered final agency action for the purposes of 5 U.S.C. § 706.

(b) Conformity With Adulteration Exemption. -- Section 409 (21 U.S.C. 348 (a)) is amended --

(1) in paragraph (1) by striking "or" at the end thereof;

(2) in paragraph (2) by striking the period at the end thereof and inserting "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) It is a food contact substance and more than 90 days have passed since the receipt of a notification under subsection (h) covering the use of such sustance and the Secretary has not objected to such notification under subsection (h)(3).

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Gregg

Jeffords Abraham
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Frist Hatfield
Divine
Ashcroft

Kennedy
Pell
Dodd
Simon
Mikulski
Wellstone

Hatfield
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1/30/96

AMENDMENT NO. 8 Calendar No. ____

Purpose: To modify the food health claim provisions of the Federal Food, Drug, and Cosmetic Act relating to claim requirements and authorization for use of a claim.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GREGG

Viz:

On page 115, insert after line 17, the following:

SEC. 903. HEALTH CLAIMS OF FOOD PRODUCTS.

(a) AUTHORIZATION OF HEALTH CLAIMS BY AUTHORITATIVE GOVERNMENT SCIENTIFIC BODY.—Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraphs (A)(i) and (B), a claim of the type described in paragraph (1)(B) which is not authorized by the Secretary

in a regulation promulgated in accordance with subparagraph (B) shall be authorized and may be made if—

"(i) an authoritative scientific body of the United States Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention), the National Academy of Sciences, or subdivisions of the scientific body or the National Academy of Sciences, have published statements, conclusions, or recommendations currently in effect recognizing that the relationship between the nutrient and disease or health-related condition to which the claim refers is supported by the pertinent scientific evidence; and

"(ii) the manufacturer or distributor of the food for which such claim is made has submitted to the Secretary at least 90 days before the first introduction of such food into interstate commerce a notice of claim, including a concise description of the basis upon which such manufacturer or distributor relied for determining that the requirements of clause (i) have been satisfied.".

(b) DIETARY SUPPLEMENTS.—Section 403(r)(5)(D) (21 U.S.C. 343(r)(5)(D)) is amended to read as follows:

"(D) Notwithstanding subparagraph 403(r)(6), a subparagraph (1)(B) claim made with respect to a dietary supplement within the meaning of section 201(ff) shall be subject to section 403(r)(3) to the same extent as other foods.".

(c) CONFORMING AMENDMENT.—Section 403(r)(1)(B) (21 U.S.C. 343(r)(1)) is amended by inserting a period after "subparagraph (3)" and striking "or 5(D).".

Talking Points on Problems Created by Proposed Health Claims Amendment

- The proposed amendment fundamentally alters the criteria for health claims that were so carefully worked out in the Nutrition Labeling and Education Act of 1990. It will likely lead to increased consumer confusion and could lead to consumer deception.

- Though superficially attractive, the proposed allowances of claims derived from government reports without review by FDA opens the door to abuse. It could result in the use of individual statements from reports that are several hundred pages long being used on food labels out of context.

- As drafted, the amendment would also allow positive claims relative to some aspects of a product without disclosing other negative public health aspects of the product. This could potentially work to the public health detriment of some consumers.

- This amendment could complicate the development of appropriate reports relative to the diet by causing other agencies to worry about how label designers might misuse some of the information.

O:\RDB\RDB96.158 S.L.C

Frist Passed Subject to The Appropriator City Zoo...

AMENDMENT NO. 4 Calendar No. ____

Purpose: To provide for the establishment of a consortium of centers for research and education on drugs, devices, and biological products.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FRIST

Viz:

1 At the end of the bill, add the following:

TITLE X—ESTABLISHMENT OF CENTERS FOR EDUCATION AND RESEARCH ON DRUGS, DEVICES, AND BIOLOGICAL PRODUCTS

SEC. 1001. CENTERS FOR EDUCATION AND RESEARCH ON DRUGS, DEVICES, AND BIOLOGICAL PRODUCTS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 108, is further amended by adding at the end thereof the following new section:

"SEC. 908. CENTERS FOR EDUCATION AND RESEARCH ON DRUGS, DEVICES, AND BIOLOGICAL PRODUCTS.

"(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a consortium of 3 or more centers for research and education on drugs, devices, and biological products in accordance with subsection (b).

"(b) GRANT AUTHORITY.—The Secretary, acting through the Commissioner, shall make grants to 3 or more private entities to assist each of the entities in the establishment and operation of a center for research and education on drugs, devices, and biological products. In awarding a grant under this subsection, the Secretary shall use a peer-review selection procedure.

"(c) AUTHORIZED GRANT ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—A grant awarded under subsection (b) shall be used to—

"(A) conduct state-of-the-art clinical and laboratory research that—

"(i) increases awareness of new uses of drugs, devices, or biological products and the unforeseen risks of new uses of drugs, devices, or biological products;

"(ii) provides objective clinical information to—

"(I) health care practitioners or other providers of health care goods or services;

"(II) pharmacy benefit managers;

"(III) health maintenance organizations or other managed health care organizations; and

"(IV) health care insurers or governmental agencies; and

"(iii) improves the quality of health care while reducing the cost of health care through the prevention of adverse effects of drugs, devices, or biological products

and the consequences of such effects, such as unnecessary hospitalizations; and

"(B) conduct research on the comparative effectiveness and safety of drugs, devices, or biological products.

"(2) DISCRETIONARY ACTIVITIES.—A grant awarded under subsection (b) may be used to conduct—

"(A) surveillance of the adverse effects of drugs, devices, or biological products;

"(B) a study of new or unapproved uses for marketed drugs, devices, or biological products; and

"(C) a study of the therapeutic characteristics of clinically special populations, such as children, women, and elderly individuals.

"(3) LIMITATION.—A grant awarded under subsection (b) may not be used to assist the Secretary in the review of new drugs.

"(d) APPLICATION.—An entity that desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(e) ESTABLISHMENT OF AN OVERSIGHT COMMITTEE.—The Secretary shall establish within the Food and

Drug Administration a committee to provide oversight of the research and educational activities of the consortium of centers described in subsection (a). The committee shall be composed of—

"(1) a representative from each of the centers;

"(2) a representative from the Center for Drug Evaluation and Research of the Food and Drug Administration;

"(3) a representative from consumer advocacy groups; and

"(4) a representative from the pharmaceutical industry.

"(f) REPORT.—Not later than September 30, 1999, the Secretary shall prepare and submit to the Chairmen and Ranking Members of the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report on the activities of the consortium of centers established pursuant to this section. The report shall include an analysis on the impact of the centers on the safe use of drugs, devices, and biological products and recommendations on whether the funding for the centers should be extended and increased.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section

$9,000,000 for fiscal year 1997, $12,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, and $15,000,000 for fiscal year 2000.".

Set aside

Senator Simon reserves the right to offer to S. 1477 an amendment to extend authorization for a pilot program for the training of clinical pharmacologists.

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Coats

Set aside

AMENDMENT NO. 6 Calendar No. ____

Purpose: To promote increased accountability of the Commissioner of Food and Drugs of the Food and Drug Administration by providing for a limited term of appointment for the Commissioner of Food and Drugs.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COATS

Viz:

On page 12, between lines 18 and 19, insert the following:

SEC. 108. APPOINTMENT AND TERM OF THE COMMISSIONER OF FOOD AND DRUGS.

(a) PURPOSE.—The purpose of this section is to promote increased accountability of the Commissioner of Food and Drugs of the Food and Drug Administration by providing for a limited term of appointment for the Commissioner of Food and Drugs.

(b) LIMITATION.-- Section 903(b)(1) (21 U.S.C. 393(b)(1)) is amended by striking "the Senate." and inserting "the Senate for a term of 5 years. The Commissioner shall be appointed to serve 1 term. An individual serving in the office of Commissioner may be removed from office only pursuant to a finding by the President of neglect of duty or malfeasance in office.".

(c) APPLICABILITY.-- The amendment made by subsection (b) shall not apply to the tenure of the individual who is serving as the Commissioner of Food and Drugs of the Food and Drug Administration on the date of enactment of this Act.

withdrawn

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Gregg

AMENDMENT NO. 3 Calendar No. ____

Purpose: To modify the provisions of the Federal Food, Drug, and Cosmetic Act to require the Secretary to apply a negligible or insignificant risk standard in making a safety determination on whether an animal drug, food additive, or color additive induces cancer.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. 1477

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. GREGG

Viz:

On page 114, between lines 4 and 5, insert the following:

SEC. 807. ANIMAL DRUG SAFETY.

Section 512(d)(1)(I) (21 U.S.C. 360b(d)(1)(I)) is amended by striking "if the Secretary finds that," and all that follows through "derived from the living animals;" and inserting the following: "if such drug presents, taking

INCENTIVES TO SUBMIT EFFICACY SUPPLEMENTS

- Safe harbors to dissemination restrictions (see below)

- Period of exclusivity following approval of efficacy supplement. A prohibition on substitution of drugs for these new indications. Physicians would be required to indicate that a drugs is being dispensed for the specific indication, pharmacists would be prohibited from substituting, and reimbursement for substituted products would be denied.

IMPROVING THE EFFICACY SUPPLEMENT PROCESS

- Develop performance standards for prompt and efficient review.

- Develop guidance to industry to clarify requirements for efficacy supplements and to facilitate the submission of data to support approval of supplemental applications. Such guidance will clarify the circumstances in which published articles may be the basis for approval, specify data requirements that will avoid duplication by recognizing the availability of data previously submitted, and define supplemental applications that are eligible for priority review.

- Designate an individual in each Center who is responsible for encouraging the prompt review of efficacy supplements and works with sponsors to facilitate the development and submission of data to support efficacy supplements.

- Implement programs and policies to foster collaboration between FDA, NIH, professional medical and scientific societies and others to identify published and unpublished studies that could support a supplemental application and to encourage sponsors to conduct research or submit applications.

OPTIONAL FORM 99 (7-90)

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To Mike Fitzpatrick	From Bill Schultz
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Fax # 395-3047	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

TYING DISSEMINATION TO SUBMISSION OF EFFICACY SUPPLEMENTS

- A sponsor submits an efficacy supplement to FDA. If FDA does not act on the efficacy supplement within 90 days, the sponsor may start to disseminate journal articles re: off label uses, provided the journal articles meet AMA definition and the articles present a balanced view.

- If FDA subsequently denies the supplement, the sponsor must immediately stop disseminating articles on off label uses and under appropriate circumstances may be required to undertake corrective advertising.

INFORMATION SYSTEMS

- Expand section 2317 of the PHS Act to include all serious and life threatening illnesses

- The AIDS Clinical trial Information Service (ACTIS) is a cooperative effort by CDC, NIAID, NLM, and FDA. The Clinical Trials Information Service provides information about clinical trials that evaluate treatments for HIV and AIDS.

- There is a drug database file, complied by NIAID, which contains information about AIDS drugs.