DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration


Guidance Documents Related to Coronavirus Disease 2019 (COVID-19); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of FDA guidance documents related to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). This notice of availability (NOA) is pursuant to the process that FDA announced, in the Federal Register of March 25, 2020, for making available to the public COVID-19-related guidances. The guidances identified in this notice address issues related to the COVID-19 PHE and have been issued in accordance with the process announced in the March 25, 2020, notice. The guidances have been implemented without prior comment, but they remain subject to comment in accordance with the Agency’s good guidance practices.

DATES: The announcement of the guidances is published in the Federal Register on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The guidances have been implemented without prior comment, but they remain subject to comment in accordance with the Agency’s good guidance practices.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

This document is scheduled to be published in the Federal Register on 05/26/2020 and available online at federalregister.gov/d/2020-11238, and on govinfo.gov
Federal eRulemaking Portal:  https://www.regulations.gov. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to https://www.regulations.gov will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on https://www.regulations.gov.

If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the name of the guidance(s) that the comments address and the docket number for the guidance (see table 1). Received comments
will be placed in the docket(s) and, except for those submitted as “Confidential Submissions,”
publicly viewable at https://www.regulations.gov or at the Dockets Management Staff between 9
a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions--To submit a comment with confidential information that you
do not wish to be made publicly available, submit your comments only as a written/paper
submission. You should submit two copies total. One copy will include the information
you claim to be confidential with a heading or cover note that states “THIS DOCUMENT
CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy,
including the claimed confidential information, in its consideration of comments. The
second copy, which will have the claimed confidential information redacted/blacked out,
will be available for public viewing and posted on https://www.regulations.gov. Submit
both copies to the Dockets Management Staff. If you do not wish your name and contact
information to be made publicly available, you can provide this information on the cover
sheet and not in the body of your comments and you must identify this information as
“confidential.” Any information marked as “confidential” will not be disclosed except in
accordance with 21 CFR 10.20 and other applicable disclosure law. For more
information about FDA’s posting of comments to public dockets, see 80 FR 56469,
September 18, 2015, or access the information at:

Docket: For access to the docket to read background documents or the electronic and
written/paper comments received, go to https://www.regulations.gov and insert the docket
number, found in brackets in the heading of this document, into the “Search” box and follow
prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of any of these guidances to the addresses noted in table 1. Send two self-addressed adhesive labels to assist that office in processing your requests. See the SUPPLEMENTARY INFORMATION section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Stephen Ripley, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7268, Silver Spring, MD 20993-0002, 240-402-7911; Erica Takai, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5456, Silver Spring, MD 20993-0002, 301-796-6353; Kimberly Thomas, Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6220, Silver Spring, MD 20993-0002, 301-796-2357; Phil Chao, Center for Food Safety and Applied Nutrition (CFSAN), CPK1 Rm 1C001, HFS-024, Food and Drug Administration, College Park, MD 20740, 240-402-2112.

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 2020, as a result of confirmed cases of COVID-19, and after consultation with public health officials as necessary, Alex M. Azar II, Secretary of Health and Human Services, pursuant to the authority under section 319 of the Public Health Service Act (42 U.S.C. 247d) (PHS Act), determined that a PHE exists and has existed since January 27, 2020,
nationwide. On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020.²

In the Federal Register of March 25, 2020 (the March 25, 2020, notice) (available at: https://www.govinfo.gov/content/pkg/FR-2020-03-25/pdf/2020-06222.pdf), FDA announced procedures for making available FDA guidances related to the COVID-19 PHE. These procedures, which operate within FDA’s established good guidance practices regulations, are intended to allow FDA to rapidly disseminate Agency recommendations and policies related to COVID-19 to industry, FDA staff, and other stakeholders. The March 25, 2020, notice stated that due to the need to act quickly and efficiently to respond to the COVID-19 PHE, FDA believes that prior public participation will not be feasible or appropriate before FDA implements COVID-19-related guidances. Therefore, FDA will issue COVID-19-related guidances for immediate implementation without prior public comment (see section 701(h)(1)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 371(h)(1)(C) and 21 CFR 10.115(g)(2) (§ 10.115(g)(2))). The guidances are available at FDA’s webpage entitled “COVID-19-Related Guidance Documents for Industry, FDA Staff, and Other Stakeholders” (https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/covid-19-related-guidance-documents-industry-fda-staff-and-other-stakeholders) and through FDA’s webpage entitled “Search for FDA Guidance Documents” available at https://www.fda.gov/regulatory-information/search-fda-guidance-documents.

The March 25, 2020, notice further stated that, in general, rather than publishing a separate NOA for each COVID-19-related guidance, FDA intends to publish periodically a

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¹ On April 21, 2020, the PHE Determination was extended, effective April 26, 2020. These PHE Determinations are available at https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx.
consolidated NOA announcing the availability of certain COVID-19-related guidances FDA issued during the relevant period, as included in table 1. This notice announces COVID-19-related guidances that are posted on FDA’s website.

II. Availability of COVID-19-Related Guidances

Pursuant to the process described in the March 25, 2020, notice, FDA is announcing the availability of the following COVID-19-related guidances:

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Center/Office</th>
<th>Title of Guidance</th>
<th>Contact Information to Request Single Copies</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDA-2020-D-1137</td>
<td>CBER</td>
<td>Investigatory COVID-19 Convalescent Plasma (April 2020) (Updated May 1, 2020)</td>
<td>Office of Communication, Outreach and Development, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002, 1-800-835-4709 or 240-402-8010, email <a href="mailto:ocod@fda.hhs.gov">ocod@fda.hhs.gov</a></td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Clinical Electronic Thermometers During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 4, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Infusion Pumps and Accessories During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 5, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Remote Ophthalmic Assessment and Monitoring Devices During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 6, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Extracorporeal Membrane Oxygenation and Cardiopulmonary Bypass Devices During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 6, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Digital Health Devices for Treating Psychological Disorders During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 14, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Telethermographic Systems During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 16, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Non-Invasive Fetal and Maternal Monitoring Devices Used to Support Patient Monitoring During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (April 23, 2020)</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a> Please include the document number 20014 and complete title of the guidance in the request.</td>
</tr>
<tr>
<td>FDA-2020-D-1138</td>
<td>CDRH</td>
<td>Enforcement Policy for Imaging Systems</td>
<td><a href="mailto:CDRH-Guidance@fda.hhs.gov">CDRH-Guidance@fda.hhs.gov</a></td>
</tr>
<tr>
<td>Document Number</td>
<td>Agency</td>
<td>Guidance Title</td>
<td>Contact Email</td>
</tr>
<tr>
<td>-----------------</td>
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</tr>
<tr>
<td>FDA-2020-D-1136</td>
<td>CDER</td>
<td>Policy for the Temporary Use of Portable Cryogenic Containers Not in Compliance With 21 CFR 211.94(e)(1) For Oxygen and Nitrogen During the COVID-19 Public Health Emergency (April 20, 2020)</td>
<td><a href="mailto:druginfo@fda.hhs.gov">druginfo@fda.hhs.gov</a></td>
</tr>
<tr>
<td>FDA-2020-D-1136</td>
<td>CDER</td>
<td>Temporary Policy for Compounding of Certain Drugs for Hospitalized Patients by Outsourcing Facilities During the COVID-19 Public Health Emergency (April 20, 2020) (Updated May 8, 2020)</td>
<td><a href="mailto:druginfo@fda.hhs.gov">druginfo@fda.hhs.gov</a></td>
</tr>
<tr>
<td>FDA-2020-D-1136</td>
<td>CDER</td>
<td>Temporary Policy for Compounding of Certain Drugs for Hospitalized Patients by Pharmacy Compounders not Registered as Outsourcing Facilities During the COVID-19 Public Health Emergency Guidance for Industry (April 20, 2020) (Updated May 8, 2020)</td>
<td><a href="mailto:druginfo@fda.hhs.gov">druginfo@fda.hhs.gov</a></td>
</tr>
<tr>
<td>FDA-2020-D-1136</td>
<td>CDER</td>
<td>Temporary Policy on Repackaging or Combining Propofol Drug Products During the COVID-19 Public Health Emergency (April 22, 2020)</td>
<td><a href="mailto:druginfo@fda.hhs.gov">druginfo@fda.hhs.gov</a></td>
</tr>
</tbody>
</table>

Although these guidances have been implemented immediately without prior comment,

FDA will consider all comments received and revise the guidances as appropriate (see § 10.115(g)(3)).

These guidances are being issued consistent with FDA’s good guidance practices regulation (§ 10.115). The guidances represent the current thinking of FDA. They do not
establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

A. CBER

The guidance indicated below refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521) (PRA). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

<table>
<thead>
<tr>
<th>COVID-19 Guidance Title</th>
<th>CFR Cite Referenced in COVID-19 Guidance</th>
<th>Another Guidance Title Referenced in COVID-19 Guidance</th>
<th>OMB Control No(s.)</th>
</tr>
</thead>
</table>

B. CDRH

The guidances listed below refer to previously approved collections of information. These collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------|
| Enforcement Policy for Clinical Electronic Thermometers During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency | 21 CFR part 807, subpart E  
21 CFR part 806  
21 CFR part 807, subparts A through D  
21 CFR parts 830 & 801.20  
21 CFR parts 800, 801, 809  
21 CFR part 820                                                                 | Emergency Use Authorization of Medical Products and Related Authorities; Guidance for Industry and Other Stakeholders | 0910-0120  
0910-0359  
0910-0625  
0910-0720  
0910-0485  
0910-0073 |
| Enforcement Policy for Infusion Pumps and Accessories During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency | 21 CFR part 807, subpart E  
21 CFR part 807, subparts A through D  
21 CFR part 820  
21 CFR part 806  
21 CFR parts 830 and 801.20  
21 CFR parts 800, 801, and 809  
21 CFR part 803                                                                 |                                                                                                               | 0910-0595  
0910-0120  
0910-0625  
0910-0073  
0910-0359  
0910-0720  
0910-0485  
0910-0437 |
21 CFR part 807, subparts A through D  
21 CFR part 822  
21 CFR part 820  
21 CFR part 806  
21 CFR parts 830 and 801.20  
21 CFR parts 800, 801, and 809  
21 CFR part 803                                                                 |                                                                                                               | 0910-0120  
0910-0625  
0910-0449  
0910-0073  
0910-0359  
0910-0720  
0910-0485  
0910-0437 |
21 CFR part 814, subparts A through E  
21 CFR parts 800, 801, and 809  
21 CFR part 820  
21 CFR part 803                                                                 | Emergency Use Authorization of Medical Products and Related Authorities; Guidance for Industry and Other Stakeholders | 0910-0595  
0910-0120  
0910-0231  
0910-0485  
0910-0073  
0910-0437 |
21 CFR part 806  
21 CFR part 807, subparts A through D  
21 CFR parts 830 and 801.20  
21 CFR parts 800, 801, and 809  
21 CFR part 803                                                                 |                                                                                                               | 0910-0120  
0910-0359  
0910-0625  
0910-0720  
0910-0485 |

C. CDER

The guidances listed below refer to previously approved collections of information.

These collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and guidances have been approved by OMB as listed in the following table:
The guidance indicated below refers to previously approved collections of information. These collections of information are subject to review by OMB under the PRA. The collections
of information in the following FDA regulations and guidance have been approved by OMB as listed in the below table. This guidance also contains a new collection of information not approved under a current collection. This new collection of information has been granted a PHE waiver from the PRA by HHS on March 19, 2020, under section 319(f) of the PHS Act. Information concerning the PHE PRA waiver can be found on the HHS website at https://aspe.hhs.gov/public-health-emergency-declaration-pra-waivers.

Table 5.--New PRA Information Collection

|----------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------|

D. CFSAN

The guidance indicated below refers to previously approved collections of information. These collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:
### Table 6.--CFSAN Guidance

<table>
<thead>
<tr>
<th>COVID-19 Guidance Title</th>
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<table>
<thead>
<tr>
<th>CFR Cite Referenced in COVID-19 Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 CFR part 118</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Another Guidance Title Referenced in COVID-19 Guidance</th>
<th>OMB Control No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0910-0660</td>
</tr>
</tbody>
</table>

### IV. Electronic Access

Persons with access to the internet may obtain COVID-19-related guidances at:

- the FDA webpage entitled “Search for FDA Guidance Documents,” available at https://www.fda.gov/regulatory-information/search-fda-guidance-documents; or


Lowell J. Schiller,

Principal Associate Commissioner for Policy.

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