FDA Drug Topics:
Enhanced Drug Distribution Security 2023 and Beyond

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Objectives

- Summarize updates on implementation of supply chain security requirements under the Drug Supply Chain Security Act (DSCSA)
- Describe requirements that go into effect in 2023 for enhanced drug distribution security
- Explain how enhanced drug distribution security will help protect patients from exposure to drugs that may be counterfeit, stolen, contaminated, or otherwise harmful

Counterfeit version of Symtuza in the U.S.

Symtuza tablets (Janssen/Johnson & Johnson)

- Symtuza (darunavir/cobicistat/emtricitabine/ tenofovir alafenamide) is indicated for the treatment of HIV in adults and adolescents aged 12 or over.
- Three pharmacies involved bought counterfeit versions from distributors that had not been authorized by Janssen.
- Janssen Symtuza should be purchased from ***authorized distributors*** to ensure authentic and safe drugs are received.
- HIV patients that receive a counterfeit are at risk of treatment failure.

Threats to the Supply Chain

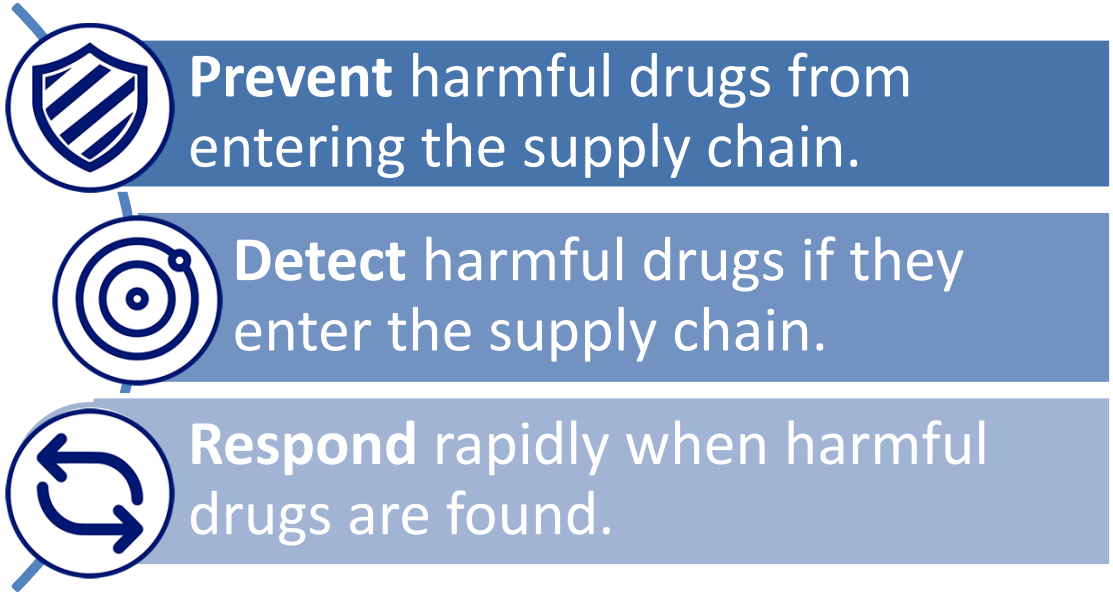
The Drug Supply Chain Security Act (DSCSA) Goals

1. Implement interoperable, electronic tracing of products at the package level by 2023 that will:

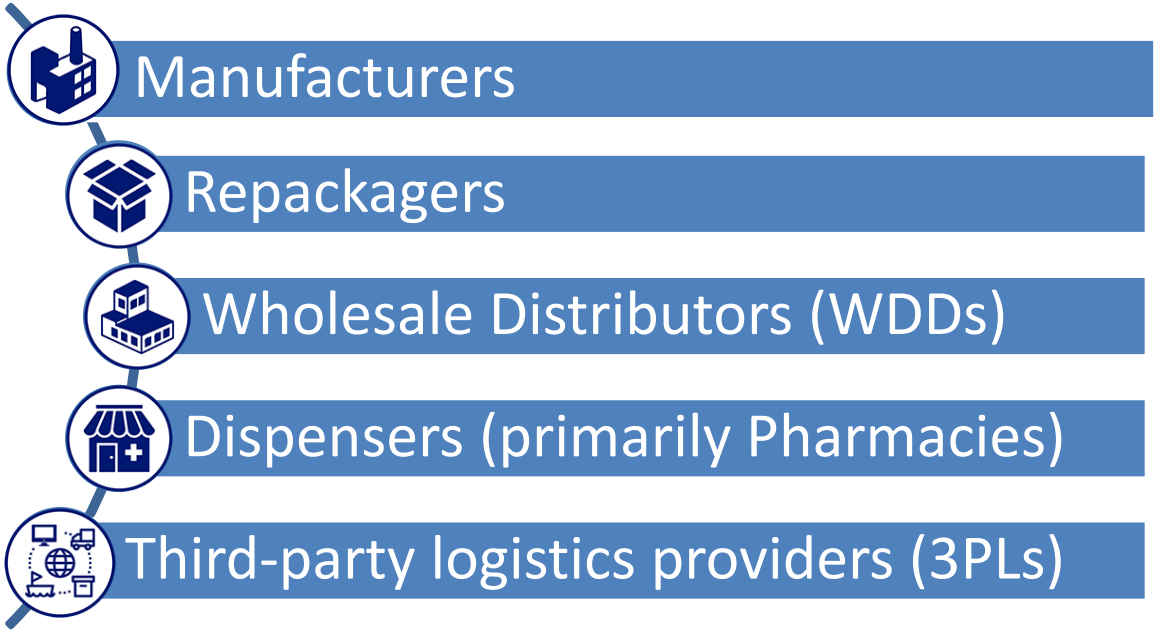
- Enable secure tracing of product at the package level
- Use product identifiers to verify product at the package level
- Enable prompt response to suspect and illegitimate products when found
- Improve efficiency of recalls

2. Establish national standards for licensure for wholesale distributors and third-party logistics providers (3PLs)

How DSCSA Protects Patients



Trading Partners under DSCSA



Products

- What's covered:
  - Prescription drug in finished dosage form for administration to a patient without further manufacturing (such as capsules, tablets, lyophilized products before reconstitution)
- What's not covered:
  - Blood or blood components intended for transfusion
  - Radioactive drugs or biologics
  - Imaging drugs
  - Certain IV products
  - Medical gas
  - Homeopathic drugs
  - Lawfully compounded drugs

Refer to the definition for "product" in section 581(13) of the FD&C Act for specific information regarding exceptions.

Transactions

- Involve transfers of product where a *change of ownership* occurs
- Excludes:
  - Intracompany distributions
  - Distribution among hospitals under common control
  - Public health emergencies
  - Dispensed pursuant to a prescription
  - Product sample distribution
  - Blood and blood components for transfusion
  - Minimal quantities by a licensed pharmacy to a licensed practitioner
  - Certain activities by charitable organizations
  - Distributions pursuant to a merger or sale
  - Certain combination products
  - Certain medical kits
  - Certain IV products
  - Medical gas distribution
  - Approved animal drugs

Refer to the definition for "transaction" in section 581(24) of the FD&C Act for specific information regarding exclusions.

Investigate and properly handle suspect and illegitimate products

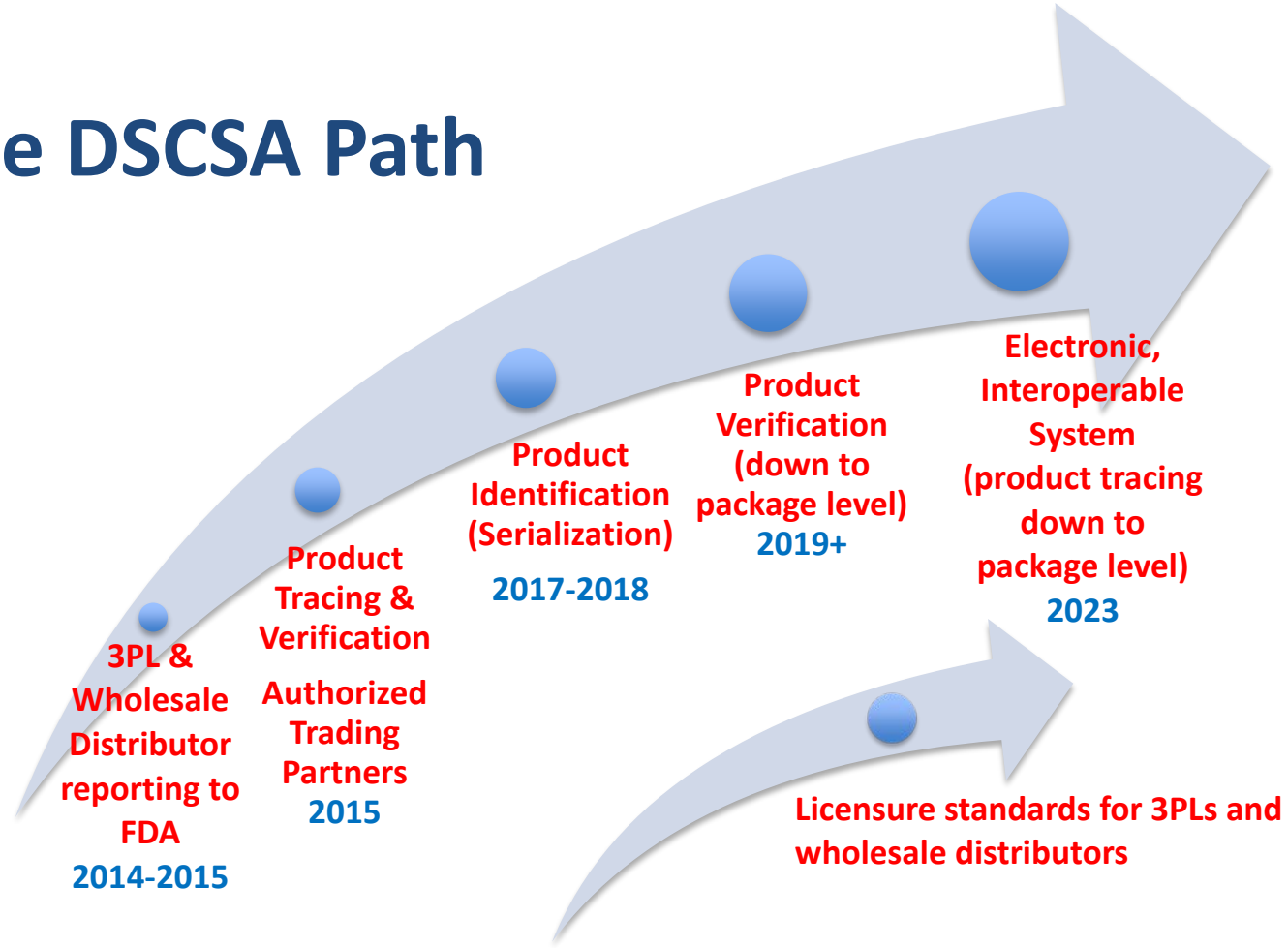
Suspect Product: ***reason to believe*** that product potentially is:

- counterfeit, diverted, stolen
- subject of fraudulent transaction
- intentionally adulterated or appears otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans

Illegitimate Product: ***credible evidence*** shows that the product is:

- counterfeit, diverted, stolen
- subject of fraudulent transaction
- intentionally adulterated or appears otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans

The DSCSA Path



Key DSCSA Requirements*

2015

Authorized Trading Partners

- Manufacturers and Repackagers: valid registration with FDA
- WDDs & 3PLs: valid State or Federal license and compliance with reporting requirements
- Dispensers: valid State license

2015

Verification

- Quarantine and investigate suspect product
- Investigation illegitimate product
- Notify FDA and trading partners of illegitimate product
- Response to verification requests
- Store records

2015

Product Tracing

- Lot-level
- Provide and received transaction documentation with each sale
- Respond to request for information
- Store records
- Paper and electronic formats

2018

Product Identification (Serialization)

- Manufacturers & repackagers encode product identifiers on prescription drug packages on the smallest individual saleable unit
- Product Identifier (*National Drug Code (NDC), Serial Number, Lot, Expiration Date)*

*The requirements under section 582 of the FD&C Act apply to manufacturers, repackagers, wholesale distributors, and dispensers (pharmacies).

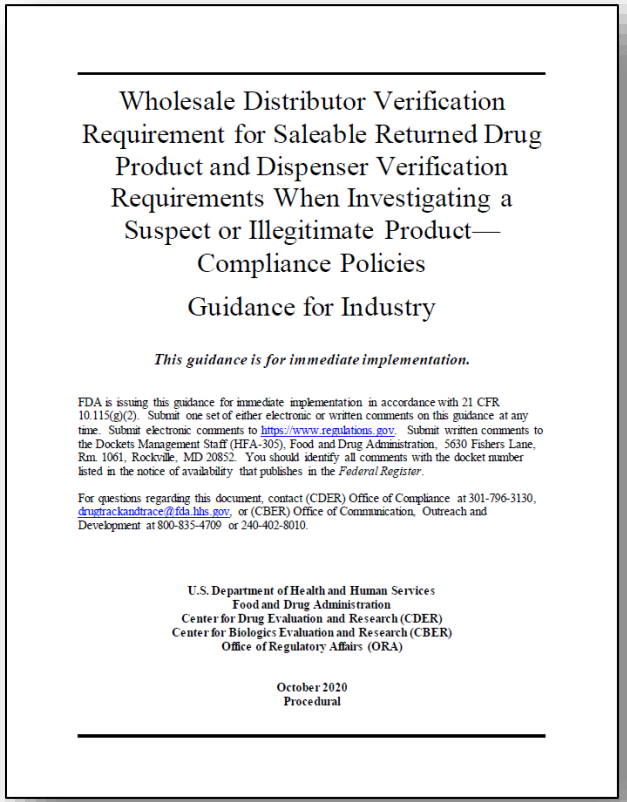
Trading Partners must be *Authorized*

Manufacturers and Repackagers	WDDs and 3PLs	Dispensers (Pharmacies)
• Have valid registration with FDA • Check FDA's drug establishment current registration site database (DECRS)	• Have valid State or Federal license and compliance with reporting requirements • Check FDA's WDD/3PL database	• Have valid State license • Check respective state authorities

Verification Requirements

Quarantine and Investigate	Suspect prescription drugs to determine if illegitimate
Investigation	- Must include validating applicable transaction information and transaction history - Once product is serialized, trading partners will need to verify lot number and product identifier
Notify	If the product is illegitimate, notify FDA and certain immediate trading partners within 24 hours
Respond	If the product is illegitimate, work with manufacturer to take steps to prevent it from reaching patients
Store	Store records of investigation of suspect product and the disposition of illegitimate product for at least 6 years

Compliance Policies Guidance



Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies

Guidance for Industry

This guidance is for immediate implementation.

FDA is issuing this guidance for immediate implementation in accordance with 21 CFR 10.115(g)(2). Submit one set of either electronic or written comments on this guidance at any time. Submit electronic comments to https://www.regulations.gov. Submit written comments to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. You should identify all comments with the docket number listed in the notice of availability that publishes in the *Federal Register*.

For questions regarding this document, contact (CDER) Office of Compliance at 301-796-3130, drugtrackandtrace@fda.hhs.gov, or (CBER) Office of Communication, Outreach and Development at 800-835-4709 or 240-402-8010.

U.S. Department of Health and Human Services
Food and Drug Administration
Center for Drug Evaluation and Research (CDER)
Center for Biologics Evaluation and Research (CBER)
Office of Regulatory Affairs (ORA)

October 2020
Procedural

- Published October 2020
- Provided **three** additional years to comply with these requirements
- Aligns with statutory requirements for all trading partners effective November 27, 2023, for secure, interoperable, electronic tracing of products at the package level

Verification Requirements

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Notify	If the product is illegitimate, notify FDA and certain immediate trading partners within 24 hours
Respond	If the product is illegitimate, work with manufacturer to take steps to prevent it from reaching patients
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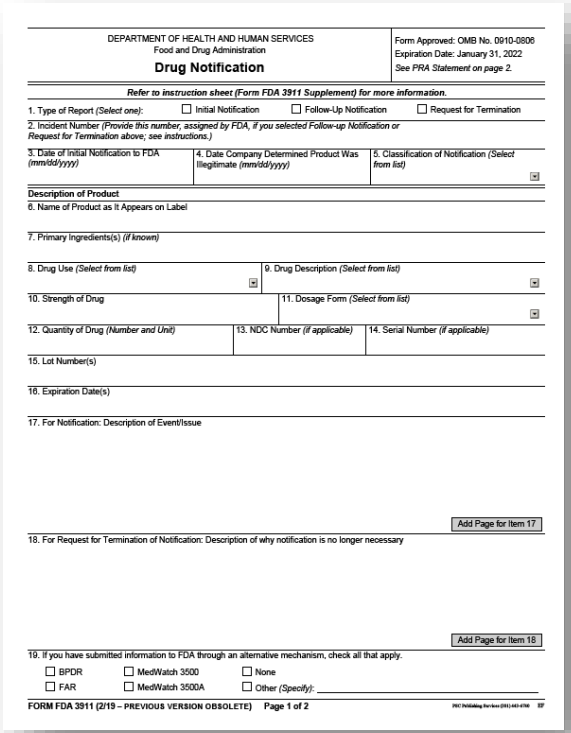
Notify FDA if you have Illegitimate Product



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

Drug Notification

Form Approved: OMB No. 0910-0806
Expiration Date: January 31, 2022
See PRA Statement on page 2.

Refer to instruction sheet (Form FDA 3911 Supplement) for more information.

1. Type of Report *(Select one)*: ☐ Initial Notification ☐ Follow-Up Notification ☐ Request for Termination

2. Incident Number *(Provide this number, assigned by FDA, if you selected Follow-up Notification or Request for Termination above; see instructions.)*

3. Date of Initial Notification to FDA *(mm/dd/yyyy)* | 4. Date Company Determined Product Was Illegitimate *(mm/dd/yyyy)* | 5. Classification of Notification *(Select from list)*

Description of Product

6. Name of Product as It Appears on Label

7. Primary Ingredients(s) *(if known)*

8. Drug Use *(Select from list)* | 9. Drug Description *(Select from list)*

10. Strength of Drug | 11. Dosage Form *(Select from list)*

12. Quantity of Drug *(Number and Unit)* | 13. NDC Number *(if applicable)* | 14. Serial Number *(if applicable)*

15. Lot Number(s)

16. Expiration Date(s)

17. For Notification: Description of Event/Issue

Add Page for Item 17

18. For Request for Termination of Notification: Description of why notification is no longer necessary

Add Page for Item 18

19. If you have submitted information to FDA through an alternative mechanism, check all that apply.

☐ BPDR ☐ MedWatch 3500 ☐ None
☐ FAR ☐ MedWatch 3500A ☐ Other *(Specify)*: _____

FORM FDA 3911 (2/19 – PREVIOUS VERSION OBSOLETE) Page 1 of 2

Notify FDA within 24 hours using Form FDA 3911

Notify other trading partners within 24 hours

Request notification termination using Form FDA 3911

https://www.accessdata.fda.gov/scripts/cder/email/drugnotification.cfm

Product Tracing Requirement

Receive	When buying, only accept prescription drugs with product tracing information: (1) Transaction Information (TI) (2) Transaction History (TH) (3) Transaction Statement (TS)
Provide	Generate and provide product tracing information with each transaction if you sell a prescription drug to another trading partner.
Respond	Respond to a request for information in the event of a recall or to investigate a suspect or illegitimate product.
Store	Store product tracing information you receive in paper or electronic format for at least 6 years.
Return	Return product to the trading partner that you bought the drug from.

CURRENTLY LOT-LEVEL AND IN PAPER OR ELECTRONIC FORMATS

IN 2023, CHANGES TO PACKAGE-LEVEL TRACING AND ALL ELECTRONIC

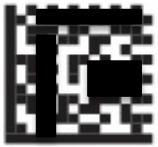
Product Identifier Requirement (Serialization)

Product Identifier

National Drug Code (NDC)
Serial Number
Lot Number
Expiration Date

- **Human and machine readable formats**
- **2D data matrix barcode for packages**
- **Linear or 2D data matrix barcode for homogenous cases**

NDC: XXXX-XXXX-XX
SERIAL: XXXXXXXX
LOT: XXXXXXX
EXP: YYYY-MM-DD



Manufacturers/Repackagers

- **Encode product identifiers on prescription drug packages (November 2018)**
- **Determine smallest individual saleable unit**

Verification requirements change once products are serialized with product identifier

Packages Without Product Identifiers

Excluded Products	Not all prescription drugs are required to have a product identifier and are excluded.
Grandfathered	Some products were in the supply chain before the product identifier requirement took effect.
Waiver, Exception, or Exemption	Some products were granted a waiver, exception, or exemption from the product identifier requirement.

If you are unsure whether a product should have a product identifier, verify with the manufacturer or repackager.

2023 Requirements

2018+

Verification

- Saleable returns
- Serialized product can be verified down to the package level using the product identifier
- Compliance policies issued that provides additional time

2023+

Enhanced Drug Distribution Security Requirements

- All electronic
- Enhanced verification at the package level using the product identifier
- Enhanced product tracing at the package level (i.e., includes product identifier)

2023 & Beyond

Enhanced System

- Enhanced drug distribution security
- Across the pharmaceutical supply chain
- Improved inspections and investigations
- Improved data analytics
- Continued compliance and enforcement

2023 Enhanced Drug Distribution Security Effective 11/27/2023

- TI and TS will be exchanged in a secure, interoperable, electronic manner…
- TI will include the product identifier at the package level for each package included in the transaction.
- Systems and processes for verification of product at the package level, including the standardized numerical identifier…which may include the use of aggregation and inference as necessary.
- Systems and processes necessary to promptly respond with the TI and TS for a product upon a request by FDA (or other appropriate Federal or State official) in the event of a recall or for investigating a suspect product or an illegitimate product
- Systems and processes necessary to promptly facilitate gathering the information necessary to produce the TI for each transaction going back to the manufacturer, as applicable (upon a request by FDA…or an authorized trading partner…)
- Systems and processes in place to allow acceptance of saleable returns and only if such person can associate the saleable return product with the TI and TS associated with that product.

Refer to section 582(g)(1)(A)-(F) of the FD&C Act for the full text of each provision.

Important Issues

- Interoperability
- System Architecture
- System Attributes
- Standards for Data Exchange
- Data Standards/ Data Quality
- Data and System Security
- Processes and Operations for Implementation
- Scalability

What's Next for FDA

Focus on 2023 Enhanced Drug Distribution Security (Effective 11/27/2023)

- **Develop the electronic, interoperable system ("Enhanced System") across the pharmaceutical distribution supply chain**
- **Guidances for Industry**
- **Regulations** *(Proposed Rule for Standards for Licensure for Wholesale Distributors/3PLs)*
- **Compliance and Enforcement**
- **Stakeholder Engagement**
  - DSCSA Pilot Project Program
  - Public Meeting – December 8-9, 2020
    Reminder: docket for public comment closes 6/22/2021
  - PDG Public Private Partnership
  - More public meetings

Updates: Guidances

- **New Draft or Revised Draft Guidances**
  - Wholesale Distributor Verification Requirements for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product – Compliance Policy
  - Definitions of Suspect Product and Illegitimate Product under the Drug Supply Chain Security Act; Revised Draft
  - Verification Systems Under the Drug Supply Chain Security Act for Certain Prescription Drugs; Revised Draft
  - Identifying Trading Partners under the Drug Supply Chain Security Act; Revised Draft
  - Enhanced Drug Distribution Security at the Package Level Under the Drug Supply Chain Security Act

  Source: CDER Guidance Agenda at https://www.fda.gov/media/134778/download

- **Finalize other draft guidances**

Trading Partner Readiness

Focus on 2023 Enhanced Drug Distribution Security (Effective 11/27/2023)

- **Develop the electronic, interoperable system ("Enhanced System") across the pharmaceutical distribution supply chain**
  - Review trading partners requirements in section 582 for enhanced product tracing and verification
  - Work towards enhanced system requirements that go into effect in 2023
  - Pilot, test and refine processes and systems
- **Stay Involved!**
  - Participate FDA public meetings
  - Attend trading partner and stakeholder conferences
  - Engage in trading partner and stakeholder working groups
  - Partner in supply chain coalitions

FDA Resources

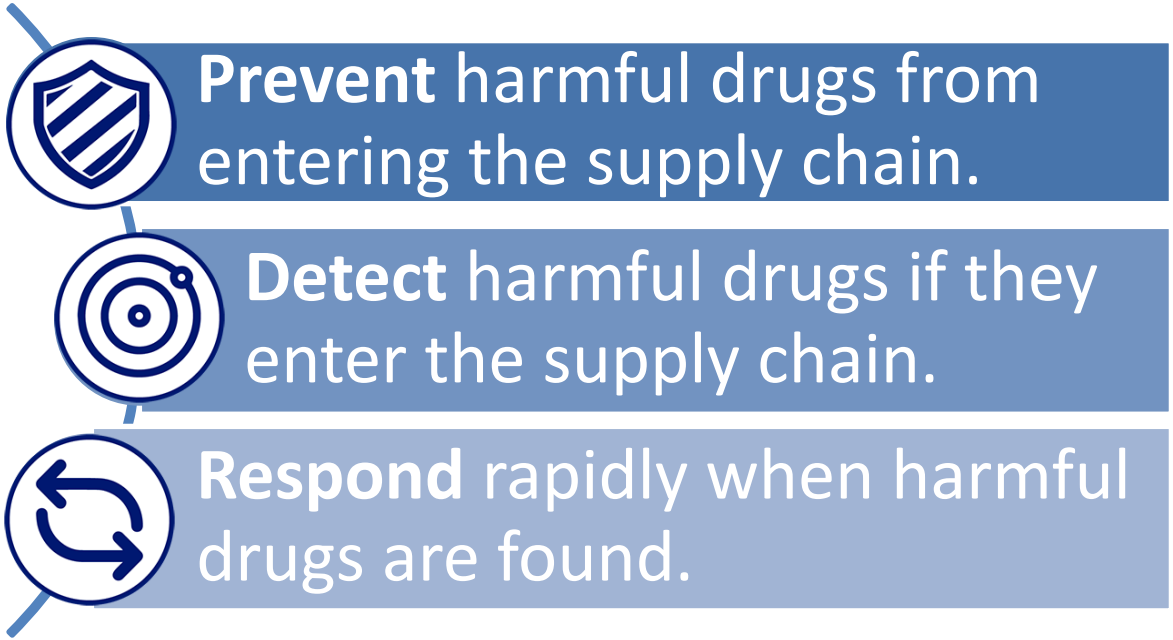
- DSCSA main webpage

  https://www.fda.gov/Drugs/DrugSafety/DrugIntegrityandSupplyChainSecurity/DrugSupplyChainSecurityAct/default.htm

- DSCSA regulatory documents (i.e., regulations, guidances, federal register notices)

  https://www.fda.gov/Drugs/DrugSafety/DrugIntegrityandSupplyChainSecurity/DrugSupplyChainSecurityAct/ucm424963.htm

How DSCSA Protects Patients



Questions?

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