March 30, 2023

VIA UPS EXPRESS MAIL

Kari Boudreau
Chief Executive Officer
Minneapolis Regenerative Medicine
505 1st Ave NE Ste 1
Minneapolis, MN 55413

Dear Ms. Boudreau:

The Office of Compliance and Biologics Quality in the Center for Biologics Evaluation and Research (CBER) of the United States Food and Drug Administration (FDA) has reviewed your firm's website available at mplsregenmed.com as well as other online sources described below.

Based on the materials reviewed, you and your firm market a cellular product derived from human umbilical cord, which you refer to as "regenerative therapy", "regenerative medicine", and "cell therapy", to consumers. You and your firm market this product to treat various diseases or conditions, such as osteoarthritis and rheumatoid arthritis. According to materials FDA reviewed, this product is intended for injection.

According to your website:

- "We utilize human umbilical cord tissue in our cell therapy… This tissue contains day 0 undifferentiated mesenchymal cells, meaning they have the potential to serve a variety of different functions based on the body's need for repair. For example, if you receive an injection of our medicine for a knee affected by osteoarthritis, the cells will differentiate to help rebuild the damaged cartilage tissue in the joint space."

- Under a title of "Joint Pain Treatments":

    - Under the subtitle, "Can We Help You?", is a list of "some of the common conditions that we help treat" that includes "osteoarthritis" and "rheumatoid arthritis."

    - Under the subtitle, "How Can You Avoid Joint Replacement Surgery?", the webpage states, "Our Minneapolis Regenerative Medicine clinic knows

> that proper cell-based therapies can address the root cause of the problem, do not mask the pain, and utilize your body's built-in repair system for a more natural way to address your pain…Whether its knee pain, arthritis, or a myriad of other conditions, Minneapolis Regenerative Medicine can help you overcome these issues naturally!"

- "Growth factors included in mesenchymal cell therapy as well as the non-invasive nature of the treatment can help make the healing process faster…"

According to your October 21, 2020 post on your firm's Facebook page, (www.facebook.com/people/Minneapolis-Regenerative-Medicine):

- "Here are some common conditions that we treat at Minneapolis Regenerative Medicine...Common Conditions treated with Regenerative Medicine…osteoarthritis…rheumatoid arthritis"

Your above-referenced product appears to be a human cell, tissue, or cellular or tissue-based product (HCT/P) as defined in 21 CFR 1271.3(d) that would be subject to regulation under 21 CFR Part 1271, issued under the authority of section 361 of the Public Health Service Act (PHS Act) [42 U.S.C. 264].

HCT/Ps that do not meet all the criteria in 21 CFR 1271.10(a), and when no exception in 21 CFR 1271.15 applies, are not regulated solely under section 361 of the PHS Act [42 U.S.C. 264] and the regulations in 21 CFR Part 1271. Such products are regulated as drugs, devices, and/or biological products under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and/or the PHS Act, and are subject to additional regulation, including appropriate premarket review.

Based on the review of the materials described above, it appears that your firm does not qualify for any exception in 21 CFR 1271.15, and that your above-referenced product is intended for non-homologous uses. Additionally, it appears that this product fails to meet other criteria in 21 CFR 1271.10(a). Accordingly, it appears that this product would be regulated as a drug as defined in section 201(g) of the FD&C Act [21 U.S.C. 321(g)] and a biological product as defined in section 351(i) of the PHS Act [42 U.S.C. 262(i)].

To lawfully market a drug that is also a biological product, a valid biologics license must be in effect [42 U.S.C. 262(a)]. Such licenses are issued only after a demonstration that the product is safe, pure, and potent. While in the development stage, such products may be distributed for clinical use in humans only if the sponsor has an investigational new drug application (IND) in effect as specified by FDA regulations [21 U.S.C. 355(i); 42 U.S.C. 262(a)(3); 21 CFR Part 312].

We direct your attention to FDA's comprehensive regenerative medicine policy framework for HCT/Ps, which is intended to spur innovation and efficient access to safe and effective regenerative medicine products. The policy framework is outlined in a suite of four guidance documents available on FDA's website at

www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/framework-regulation-regenerative-medicine-products.

Manufacturers and health care professionals who have any uncertainty regarding the regulatory status of their products are encouraged to contact FDA to obtain a recommendation or decision regarding the classification of an HCT/P. For more information in this regard, or to obtain further information about IND requirements for biological products, please see pages 24 and 25 of the guidance entitled, "Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use" at the link to FDA's webpage provided above.

This letter addresses certain issues regarding the above-described product and is not intended to be an all-inclusive review. You and your firm are responsible for ensuring that all your products fully comply with the FD&C Act and PHS Act and all applicable regulations. We request a written response within 30 days of your receipt of this letter. If you do not believe there is a basis for the regulatory issues raised in this letter, include your reasoning and any supporting information for our consideration.

Your response should be sent to the following address: U.S. Food and Drug Administration, Center for Biologics Evaluation and Research, 10903 New Hampshire Avenue, Bldg. 71, Silver Spring, MD 20993. In addition, you may also email a copy of your official, written response to CBERDCMRecommendations@fda.hhs.gov. If you have any questions regarding this letter, please contact the Division of Case Management, CBER at (240) 402-9156. Please be advised that only written communications are considered official.

Sincerely,

Melissa J. Mendoza
Director
Office of Compliance and Biologics Quality
Center for Biologics Evaluation and Research