

§ 310.502

§ 10.90(b)(9) of this chapter to provide assistance in meeting the requirements of this section. A request for a copy of the guidance texts should be directed to the Center for Drug Evaluation and Research, Division of Reproductive and Urologic Products, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002.

(f) *Requirement to supplement approved application.* Holders of approved applications for oral contraceptive drug products that are subject to the requirements of this section are required to submit supplements under § 314.70(c) of this chapter to provide for the labeling required by this section. Such labeling may be put into use without advance approval by the Food and Drug Administration.

[54 FR 22587, May 25, 1989, as amended at 74 FR 13113, Mar. 26, 2009]

§ 310.502 Certain drugs accorded new drug status through rulemaking procedures.

(a) The drugs listed in this paragraph have been determined by rulemaking procedures to be new drugs within the meaning of section 201(p) of the act. An approved new drug application under section 505 of the act and part 314 of this chapter is required for marketing the following drugs:

- (1) Aerosol drug products for human use containing 1,1,1-trichloroethane.
- (2) Aerosol drug products containing zirconium.
- (3) Amphetamines (amphetamine, dextroamphetamine, and their salts, and levamfetamine and its salts) for human use.
- (4) Camphorated oil drug products.
- (5) Certain halogenated salicylanilides (tribromsalan (TBS, 3,4',5'-tribromosalicylanilide), dibromsalan (DBS, 4', 5-dibromosalicylanilide), metabromsalan (MBS, 3, 5-dibromosalicylanilide), and 3,3', 4,5'-tetrachlorosalicylanilide (TC-SA)) as an ingredient in drug products.
- (6) Chloroform used as an ingredient (active or inactive) in drug products.
- (7) Cobalt preparations intended for use by man.
- (8) Intrauterine devices for human use for the purpose of contraception that incorporate heavy metals, drugs, or other active substances.

21 CFR Ch. I (4-1-11 Edition)

- (9) Oral prenatal drugs containing fluorides intended for human use.
- (10) Parenteral drug products in plastic containers.
- (11) Sterilization of drugs by irradiation.
- (12) Sweet spirits of nitre drug products.
- (13) Thorium dioxide for drug use.
- (14) Timed release dosage forms.
- (15) Vinyl chloride as an ingredient, including propellant, in aerosol drug products.
- (b) [Reserved]

[62 FR 12084, Mar. 14, 1997, as amended at 64 FR 401, Jan. 5, 1999]

§ 310.503 Requirements regarding certain radioactive drugs.

(a) On January 8, 1963 (28 FR 183), the Commissioner of Food and Drugs exempted investigational radioactive new drugs from part 312 of this chapter provided they were shipped in complete conformity with the regulations issued by the Nuclear Regulatory Commission. This exemption also applied to investigational radioactive biologics.

(b) It is the opinion of the Nuclear Regulatory Commission, and the Food and Drug Administration that this exemption should not apply for certain specific drugs and that these drugs should be appropriately labeled for uses for which safety and effectiveness can be demonstrated by new drug applications or through licensing under the Public Health Service Act (42 U.S.C. 262 *et seq.*) in the case of biologics. Continued distribution under the investigational exemption when the drugs are intended for established uses will not be permitted.

(c) Based on its experience in regulating investigational radioactive pharmaceuticals, the Nuclear Regulatory Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling. Such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Chromium 51 ...	Chromate	Spleen scans.

Food and Drug Administration, HHS

§ 310.503

Isotope	Chemical form	Use
Do .....	.....do	Placenta localization.
Do .....	.....do	Red blood cell labeling and survival studies.
Do	Labeled human serum albumin.	Gastrointestinal protein loss studies.
Do .....	.....do	Placenta localization.
Do	Labeled red blood cells.	Do.
Cobalt 58 or Cobalt 60.	Labeled cyanocobalamin.	Intestinal absorption studies.
Gold 198	Colloidal	Liver scans.
Do .....	.....do	Intracavitary treatment of pleural effusions and/or ascites.
Do .....	.....do	Interstitial treatment of cancer.
Iodine 131	Iodide	Diagnosis of thyroid functions.
Do .....	.....do	Thyroid scans.
Do .....	.....do	Treatment of hyperthyroidism and/or cardiac dysfunction.
Do .....	.....do	Treatment of thyroid carcinoma.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do .....	.....do	Cisternography.
Do .....	.....do	Brain tumor localization.
Do .....	.....do	Placenta localization.
Do .....	.....do	Cardiac scans for determination of pericardial effusions.
Do	Rose Bengal	Liver function studies.
Do .....	.....do	Liver scans.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetri-zoate, or sodium iothalamate.	Kidney function studies and kidney scans.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Do	Cholografin	Cardiac scans for determination of pericardial effusions.
Do	Macroaggregated iodinated human serum albumin.	Lung scans.
Do	Colloidal microaggregated human serum albumin.	Liver scans.
Iodine 125	Iodide	Diagnosis of thyroid function.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	Rose Bengal	Liver function studies.

Isotope	Chemical form	Use
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetri-zoate, or sodium iothalamate.	Kidney function studies.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Iron 59	Chloride, citrate and/or sulfate.	Iron turnover studies.
Krypton 85	Gas	Diagnosis of cardiac abnormalities.
Mercury 197 ...	Chlormerodrin	Kidney scans.
Do .....	.....do	Brain scans.
Mercury 203 ¹ ..	.....do	Kidney scans.
Do .....	.....do	Brain scans.
Phosphorus 32 ..	Soluble phosphate ..	Treatment of polycythemia vera.
Do .....	.....do	Treatment of leukemia and bone metastasis.
Do	Colloidal chromic phosphate.	Intracavitary treatment of pleural effusions and/or ascites.
Do .....	.....do	Interstitial treatment of cancer.
Potassium 42 ..	Chloride	Potassium space studies.
Selenium 75 ...	Labeled methionine	Pancreas scans.
Strontium 85 ...	Nitrate or chloride ...	Bone scans on patients with diagnosed cancer.
Technetium 99m.	Pertechnetate	Brain scans.
Do .....	.....do	Thyroid scans.
Do	Sulfur colloid	Liver and spleen scans.
Do	Pertechnetate	Placenta localization.
Do .....	.....do	Blood pool scans.
Do .....	.....do	Salivary gland scans.
Do	Diethylenetri-amine pentaacetic acid (DTPA).	Kidney scans.
Xenon 133	Gas	Diagnosis of cardiac abnormalities. Cerebral blood-flow studies. Pulmonary function studies. Muscle bloodflow studies.

¹This item has been removed from the AEC list for kidney scans but is included as the requirements of this order are applicable.

(d)(1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Nuclear Regulatory Commission and the Food and Drug Administration conclude that such isotopes should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(2) The exemption referred to in paragraph (a) of this section, as applied to

§ 310.503

21 CFR Ch. I (4-1-11 Edition)

any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the “chemical form” and intended for the uses stated, is terminated on March 3, 1972, except as provided in paragraph (d)(3) of this section.

(3) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the “chemical form” and intended for the uses stated, for which drug a new drug application or a “Investigational New Drug Application” was submitted prior to March 3, 1972, or for which biologic an application for product license or “Investigational New Drug Application” was submitted prior to March 3, 1972, is terminated on August 20, 1976, unless an approvable notice was issued on or before August 20, 1976, in which case the exemption is terminated either upon the subsequent issuance of a nonapprovable notice for the new drug application or on November 20, 1976, whichever occurs first.

(e) No exemption from section 505 of the act or from part 312 of this chapter is in effect or has been in effect for radioactive drugs prepared from accelerator-produced radioisotopes, naturally occurring isotopes, or nonradioactive substances used in conjunction with isotopes.

(f)(1) Based on its experience in regulating investigational radioactive pharmaceuticals, the Nuclear Regulatory Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Fluorine 18	Fluoride	Bone imaging.
Indium-113m ...	Diethylenetriamine pentaacetic acid (DTPA).	Brain imaging; kidney imaging.
Do	Chloride	Placenta imaging; blood pool imaging.
Technetium 99m.	Human serum albumin microspheres.	Lung imaging.
Do	Diethylenetriamine pentaacetic acid (Sn).	Kidney imaging; kidney function studies.

Isotope	Chemical form	Use
Do .....	.....do	Brain imaging.
Do	Polyphosphates	Bone imaging.
Do	Technetated aggregated albumin (human).	Lung imaging.
Do	Disodium etidronate	Bone imaging.

(2) In view of the extent of experience with the isotopes listed in paragraph (f)(1) of this section, the Nuclear Regulatory Commission and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(3) Any manufacturer or distributor interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (f)(1) of this section for any of the indications listed, shall submit, on or before August 25, 1975 to the Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, a new drug application or a “Investigational New Drug Application” for each such drug for which the manufacturer or distributor does not have an approved new drug application pursuant to section 505(b) of the act. If the drug is a biologic, a “Investigational New Drug Application” or an application for a license under section 351 of the Public Health Service Act shall be submitted to the Center for Biologics Evaluation and Research, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, in lieu of any submission to the Center for Drug Evaluation and Research.

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the “chemical form” and intended for the uses stated, is terminated on August 26, 1975 except as provided in paragraph (f)(5) of this section.

(5)(i) Except as provided in paragraph (f)(5)(ii) of this section, the exemption referred to in paragraph (a) of this section, as applied to any drug containing any of the isotopes listed in paragraph (f)(1) of this section, in the “chemical form” and intended for the uses stated, for which drug a new drug application

or "Investigational New Drug Application" was submitted to the Center for Drug Evaluation and Research on or before August 25, 1975 is terminated on August 20, 1976, unless an approvable notice was issued on or before August 20, 1976, in which case the exemption is terminated either upon the subsequent issuance of a nonapprovable notice for the new drug application or on November 20, 1976, whichever occurs first.

(ii) The exemption referred to in paragraph (a) of this section, as applied to any biologic containing any of the isotopes listed in paragraph (f)(1) of this section in the "chemical form" and intended for the uses stated, for which biologic an application for product license or "Investigational New Drug Application" was submitted to the Center for Biologics Evaluation and Research on or before August 25, 1975 is terminated on October 20, 1976, unless an approvable notice was issued on or before October 20, 1976, in which case the exemption is terminated either upon the subsequent issuance of a nonapprovable notice for the new drug application or on January 20, 1977, whichever occurs first.

(g) The exemption referred to in paragraph (a) of this section, as applied to any drug intended solely for investigational use as part of a research project, which use had been approved on or before July 25, 1975 in accordance with 10 CFR 35.11 (or equivalent regulation of an Agreement State) is terminated on February 20, 1976 if the manufacturer of such drug or the sponsor of the investigation of such drug submits on or before August 25, 1975 to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20857, the following information:

- (1) The research project title;
- (2) A brief description of the purpose of the project;
- (3) The name of the investigator responsible;
- (4) The name and license number of the institution holding the specific license under 10 CFR 35.11 (or equivalent regulation of an Agreement State);
- (5) The name and maximum amount per subject of the radionuclide used;
- (6) The number of subjects involved; and

(7) The date on which the administration of the radioactive drugs is expected to be completed.

(h) The exemption referred to in paragraph (a) of this section, as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated on August 26, 1975.

[39 FR 11680, Mar. 29, 1974, as amended at 40 FR 31307, July 25, 1975; 40 FR 44543, Sept. 29, 1975; 41 FR 35171, Aug. 20, 1976; 41 FR 42947, Sept. 29, 1976; 50 FR 8996, Mar. 6, 1985; 55 FR 11578, Mar. 29, 1990; 64 FR 56449, Oct. 20, 1999]

§ 310.509 Parenteral drug products in plastic containers.

(a) Any parenteral drug product packaged in a plastic immediate container is not generally recognized as safe and effective, is a new drug within the meaning of section 201(p) of the act, and requires an approved new drug application as a condition for marketing. An "Investigational New Drug Application" set forth in part 312 of this chapter is required for clinical investigations designed to obtain evidence of safety and effectiveness.

(b) As used in this section, the term "large volume parenteral drug product" means a terminally sterilized aqueous drug product packaged in a single-dose container with a capacity of 100 milliliters or more and intended to be administered or used intravenously in a human.

(c) Until the results of compatibility studies are evaluated, a large volume parenteral drug product for intravenous use in humans that is packaged in a plastic immediate container on or after April 16, 1979, is misbranded unless its labeling contains a warning that includes the following information:

- (1) A statement that additives may be incompatible.
- (2) A statement that, if additive drugs are introduced into the parenteral system, aseptic techniques should be used and the solution should be thoroughly mixed.
- (3) A statement that a solution containing an additive drug should not be stored.

(d) This section does not apply to a biological product licensed under the