# PMTA AND MRTPA REVIEW PROCESS

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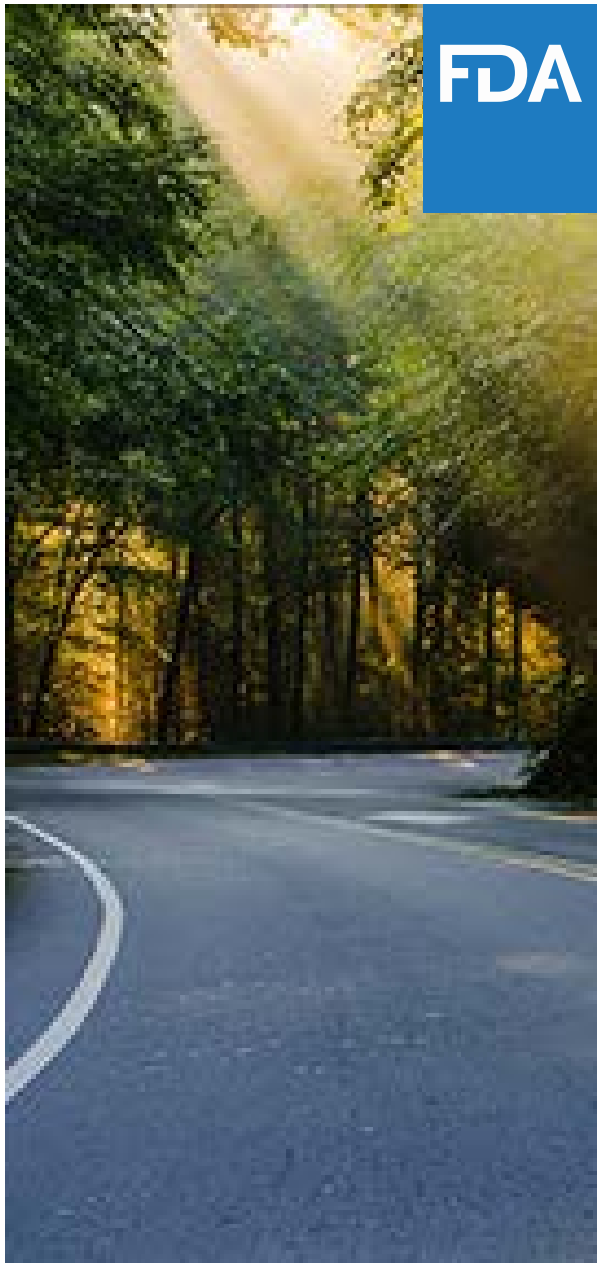
# DISCLAIMER

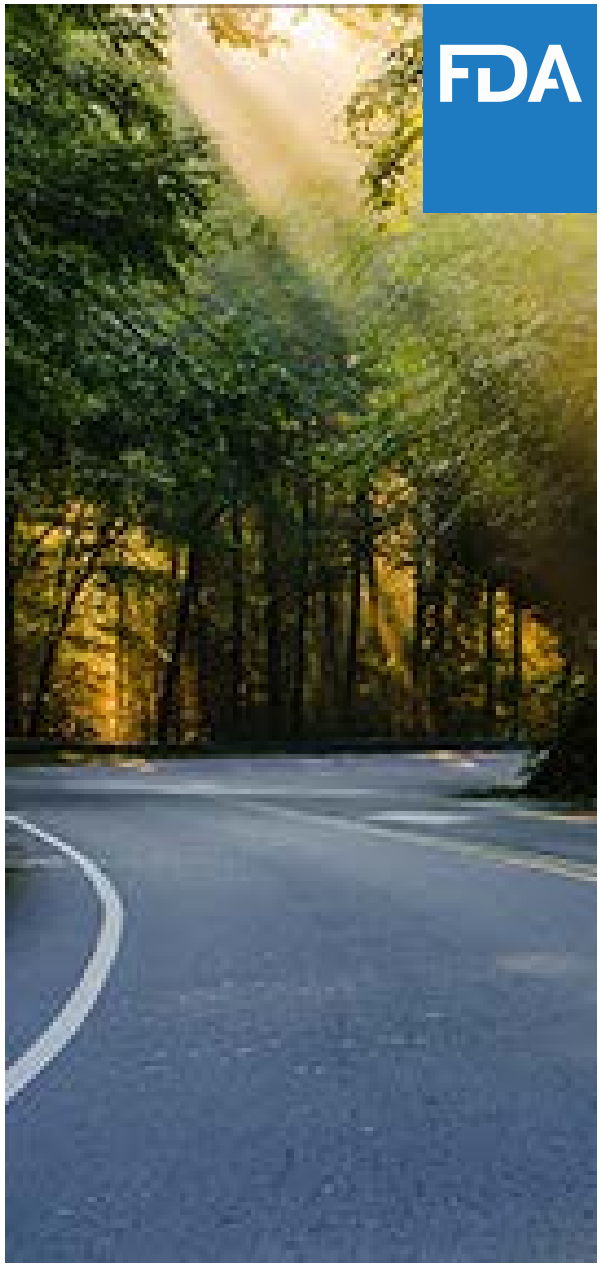
The information in these materials is not a formal dissemination of information by FDA and does not represent agency position or policy. This information is being provided to TPSAC to aid the committee in its evaluation of the issues and questions referred to the committee.



# AGENDA

- Premarket Tobacco Application (PMTA)
  - Background
  - Review Process
  - Metrics

- Modified Risk Tobacco Product Application (MRTPA)
  - Background
  - Key Features of an MRTPA
  - Review Process
  - Metrics



# PREMARKET TOBACCO APPLICATION (PMTA)

# BACKGROUND

- An order is required for a new tobacco product to be introduced and legally marketed in the United States,  FD& C Act 910 (a) (2)
- PMTA is the primary pathway for authorization of a new tobacco product
- PMTA does not require comparison to a predicate tobacco product
- 180 day review, FD& C Act 910 (c) (1)

# BACKGROUND

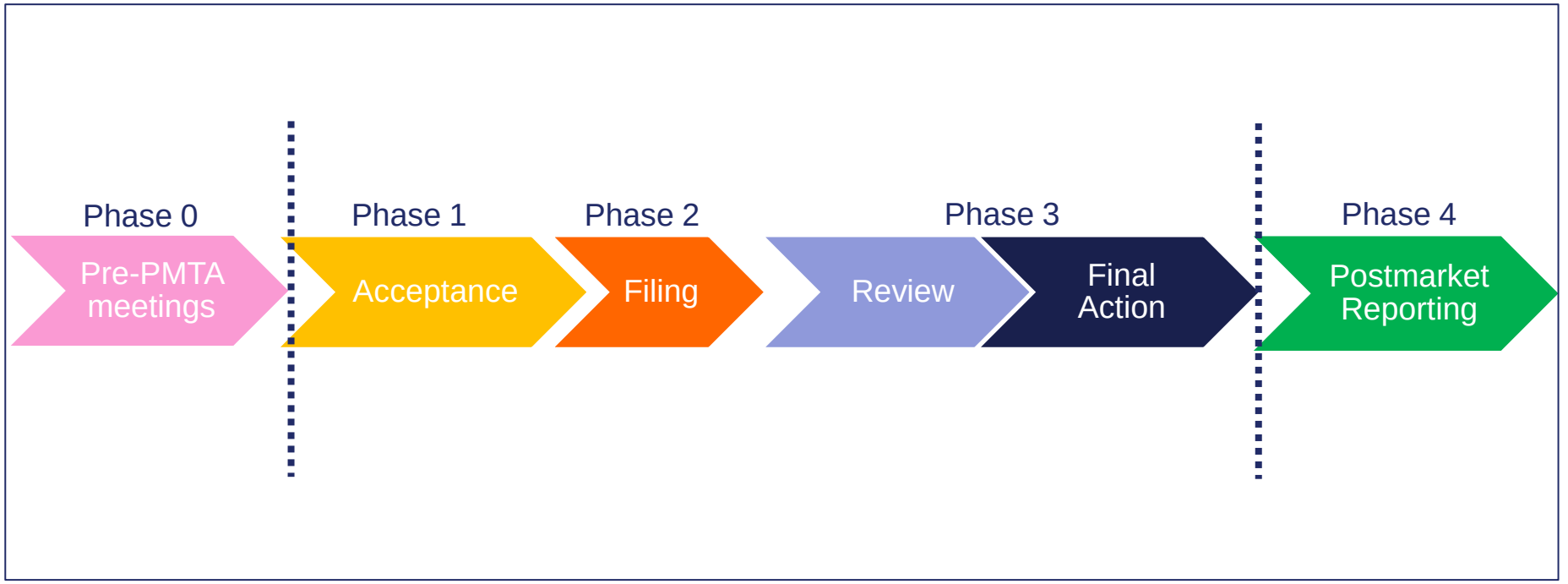
New tobacco product means—

any tobacco product introduced into the US Market after February 15, 2007;

or

any tobacco product modified after February 15, 2007

# PMTA REVIEW PROCESS



# PMTA- PRE-PMTA (PHASE 0)

## PRE-PMTA Meeting

- Guidance - Meetings with Industry and Investigators on the Research and Development of Tobacco Products (Revised July 2016)

Pre-PMTA meetings

# PMTA- ACCEPTANCE (PHASE 1)

## Acceptance

- Jurisdiction under Chapter IX of the FD&C Act
- The acceptance review confirms that basic elements are included for an application to be accepted

# PMTA- ACCEPTANCE (PHASE 1)

## Result from Acceptance

Accepted and Acknowledged

or

Refuse to Accept


Acceptance

# PMTA –FILING (PHASE 2)

## **IF** Accepted moves to Filing

- FDA may refer an application to Tobacco Products Scientific Advisory Committee (TPSAC) based upon FDA's own initiative or upon request of the applicant
- Samples will be requested

Filing

# PMTA – FILING (PHASE 2) (continued)

## An application under this section shall contain:

- Full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products, FD& C Act 910(b)(1)(A);

- A full statement of the components, ingredients, additives, properties, and of the principle or principles of operation, of such tobacco product, FD& C Act 910(b)(1)(B);

- A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and when relevant, packing and installation of such product, FD& C Act 910(b)(1)(C);

Filing

# PMTA – FILING (PHASE 2) (CONTINUED)

- An identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard, FD& C Act 910(b)(1)(D);

- Such samples of such tobacco product and of components thereof as the Secretary may reasonably require, FD& C Act 910(b)(1)(E); and

- Specimens of the labeling proposed to be used for such tobacco product, FD& C Act 910(b)(1)(F).

Filing

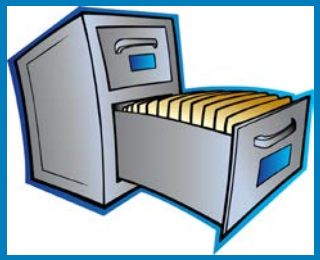
# PMTA – FILING (PHASE 2) (continued)

## Result from Filing

Application Filed

or

Refused to File (RTF)

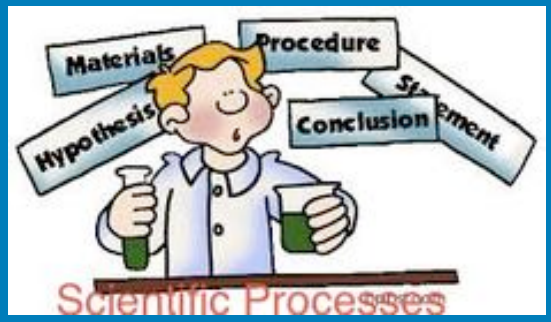


Filing

# PMTA – REVIEW (PHASE 3)

## Substantive Scientific Review

- Is a multi-disciplinary approach to determine if the new product can receive an order for commercial marketing
- Conduct inspections, as needed
  - Clinical/Non-clinical
  - Manufacturing
- Sample testing may be conducted




Review

# PMTA – FINAL ACTION (PHASE 3)

## Final Action result


Marketing Authorization

or

No Marketing Authorization (Denial)

Final Action

# PMTA – POST MARKET REPORTING (PHASE 4)

Post market reporting required and will be identified in a Marketing Authorization letter.

# WITHDRAWAL OF AN APPLICATION

- Applicants may withdraw an application at any time.
- If they withdraw the application, FDA issues a letter acknowledging that withdrawal.
- That ends the process, no matter what phase the application is in.

# PMTA METRICS

| | Cumulative (through March 31, 2017) |
|---|---|
| Received | 382 |
| Acknowledged | 14 |
| RTA | 366 |
| Filed | 8 |
| RTF | 4 |
| Marketing Authorization | 8 |
| No Marketing Authorization | 0 |
| Withdrawn | 0 |

# ADDITIONAL AVAILABLE PMTA GUIDANCES

Draft Guidance: Applications for Premarket Review of New Tobacco Products (September 2011)

Draft Guidance: Premarket Tobacco Product Applications for Electronic Nicotine Delivery Systems (ENDS) (May 2016)

Guidance: Tobacco Product Master Files (May 2016)

Guidance: National Environmental Policy Act; Environmental Assessments for Tobacco Products; Categorical Exclusions – Small Entity Compliance Guide (October 2015)

# MODIFIED RISK TOBACCO PRODUCT APPLICATION (MRTPA)

# BACKGROUND

Modified Risk Tobacco Products (MRTPs) are tobacco products sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products; this includes products whose label, labeling or advertising represents (explicitly or implicitly) that:

The product is less harmful or presents a lower risk of tobacco-related disease than other commercially marketed tobacco products

The product or its smoke contains a reduced level of, presents a reduced exposure to, or does not contain/is free of a substance

# BACKGROUND

**A tobacco product is also considered a Modified Risk Tobacco Product if:**

- The descriptors “light”, “mild,” “low” or similar descriptors are used in its label, labeling or advertising; or
- Its manufacturer has taken any action after June 22, 2009 directed to consumers through the media or otherwise, other than by means of label, labeling or advertising, that would be reasonably expected to result in consumers believing that the tobacco product may present a reduced risk of harm, tobacco-related disease, or exposure to a substance than commercially marketed tobacco products

# BACKGROUND

**In order for a Modified Risk Tobacco Product to be legally introduced or delivered for introduction into interstate commerce:**

- An application must be filed with FDA; and
- FDA must issue an order  per FD& C Act, section 911(g) with respect to such product allowing it to be introduced or delivered for introduction into interstate commerce.

# KEY FEATURES OF MODIFIED RISK APPLICATIONS AND ORDERS

FDA

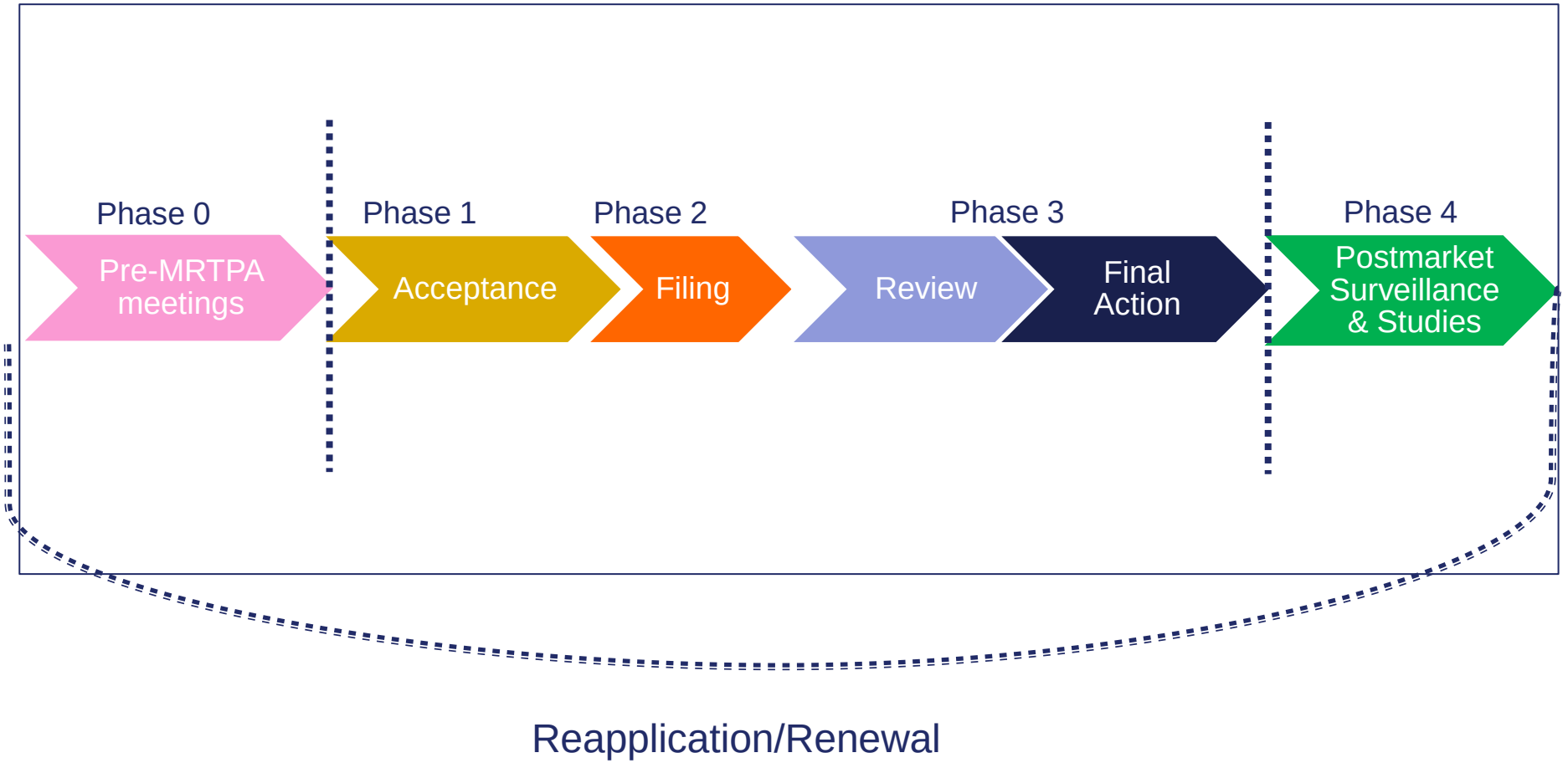
FDA:

- must make MRTPAs (except personal privacy, trade secrets or otherwise confidential commercial information) available for public comment.
- must refer MRTPAs to the TPSAC for recommendations.
- intends to make decision on the MRTPA within 360 days.

MRTPA orders are:

- issued for **individual products,** not for a class of tobacco products.
- are valid for a duration specified by FDA. An applicant may request renewal of the order.

# MRTPA REVIEW PROCESS



# MRTPA– FILING (PHASE 2)

**For filing, a Modified Risk Tobacco Product Application must include:**

- a description of the proposed product and any proposed advertising and labeling FD& C Act (911 (d) (1))
- the conditions for using the product FD& C Act (911 (d) (2))
- the formulation of the product FD& C Act (911 (d) (3))
- sample product labels and labeling FD& C Act (911 (d) (4))

Filing

# MRTPA– FILING (PHASE 2)

**For filing, a Modified Risk Tobacco Product Application must include (cont):**

- all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health FD& C Act (911 (d) (5))
- data and information on how consumers actually use the tobacco product FD& C Act (911 (d) (6))
- such other information as the Secretary may require FD& C Act (911 (d) (7))

Filing

# MRTPA – REVIEW (PHASE 3)

## Substantive Scientific Review

- Is a multi-disciplinary approach to determine if the product can receive an MRTP order
- Conduct inspections, as needed
  - Clinical/Non-clinical
  - Manufacturing
- TPSAC publically provides recommendations to FDA

# MRTPA– FINAL ACTION (PHASE 3)

## Decisions that may result

Modified Risk Order (MRO)

or

Denial

or

Response Letter

Final Action

# MRTPA– POSTMARKET SURVEILLANCE & STUDIES (PHASE 4)

## Postmarket surveillance & studies activities include:

- The applicant submits a postmarket surveillance protocol to FDA
- FDA reviews the applicant's proposed protocol and determines whether to approve the protocol
- FDA monitors and reviews data submitted as part of postmarket surveillance
- Applicants can seek renewal of the MRTP order

# MARKETING AUTHORIZATION

In order for an MRTP to be legally introduced or delivered for introduction into interstate commerce:

- An MRTP application (MRTPA) must be filed with FDA, and
- An order under section 911(g) with respect to such product allowing it to be introduced or delivered for introduction into interstate commerce must be in effect.

And

Applicants must also satisfy any applicable premarket requirements under section 910 of the FD&C Act. If an MRTP is a new tobacco product, it **MUST** be brought to market through any of the following pathways:

- Premarket Tobacco Product Application
- Substantial Equivalence (SE)
- Exemption from SE

Final Action

# MRTPA METRICS

| | Cumulative (through March 31, 2017) |
|---|---|
| Received | 36 |
| Acknowledged | 19 |
| RTA | 10 |
| Filed | 10 |
| RTF | 4 |
| Modified Risk Order | 0 |
| Denial | 8 |
| Response | 8 |
| Withdrawn | 5 |

# AVAILABLE GUIDANCES MRTP

Draft Guidance: Modified Risk Tobacco Product Applications (April 2012)

Guidance: Tobacco Product Master Files (May 2016)

Guidance: National Environmental Policy Act; Environmental Assessments for Tobacco Products; Categorical Exclusions – Small Entity Compliance Guide (October 2015)

# TAKE HOME POINTS

- **Premeetings**

  FDA is committed to working with applicants early in the process

- **Applicant responsible for submitting a complete application**

- **PMTA is for authorization of new product (main pathway)**

- **MRTP is an authorization to market the product as reducing the harm or risk of tobacco-related disease**

# QUESTIONS