SAHPRA
South African
Health Products
Regulatory Authority

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Communication to Stakeholders 15 July 2020

Alternative regulatory and licencing requirements for certain alcohol-based hand rubs

BACKGROUND

1. The Medicines and Related Substances Act, 1965 (Act 101 of 1965) (the Medicines Act), read in conjunction with the General Regulations, published in Government Gazette Notice 41064, No.859 of 25 August 2017, provides for the regulatory oversight of medicines in South Africa.

2. Provision is made within this legislative framework to define a medicine and medicine establishment as well as provide the definitions of a manufacturer, distributor and wholesaler.

3. In response to the anticipated shortage of alcohol-based hand sanitisers for use in the health care system as a result of the outbreak of the Covid-19 pandemic, the Minister of Health has, under specific conditions:
   a. excluded certain alcohol-based handrubs used or purporting to be suitable for use to prevent or treat infection within a clinical environment from the provisions of Section 14(1) of the Medicines and Related Substances Act, 1965 (Act 101 of 1965) (the Medicines Act) and regulations 11 and 12 of the General Regulations made in terms of the Act (Government Notice No. R. 859 of 25 August 2017) (the General Regulations), and
   b. excluded manufacturers licenced in terms of section 22C(1)(*b*) of the Medicines Act, of the mentioned alcohol-based handrubs from regulations 23(1)(c)(ii), 23(1)(c)(iv), and 23(2)(aa) of the General Regulations made in terms of the Act (Government Notice No. R. 859 of 25 August 2017) (the General Regulations).

4. The South African Health Products Regulatory Authority (the Authority) has drafted minimum licensing requirements for the manufacturers of said alcohol-based handrubs.

5. Section 14(1) of the Medicines Act prescribes that the sale of any medicine which is subject to registration by virtue of a declaration published, must be registered.

6. Any company or individual intending to manufacture, distribute (import/export) or wholesale a medicine is required, in terms of Section 22C(1)(b) of the Medicines Act to be licensed by SAHPRA.

7. Regulation 11 and 12 prescribes the requirement for inclusion of professional information and patient information leaflet with the medicine.

8. Regulation 23(1)(c)(ii) prescribes the requirement for a responsible pharmacist, registered with the South African Pharmacy Council.

9. Regulation 23(1)(c)(iv) prescribes the requirement for compliance with good manufacturing, wholesaling or distribution practices.

10. Regulation 23()(aa) prescribes the requirement for the appointment and designation of a responsible pharmacist.

11. Individuals/companies may not manufacture/ distribute medicines without a valid SAHPRA medicine establishment licence.

CONDITIONS OF THE EXCLUSION NOTICE

12. "The exclusion of certain alcohol-based hand rubs from the operation of specified provisions of the Medicines and Related Substances Act, 1965 (Act 101 of 1965) was published in Government Gazette Notice 43484, No.721 of 26 June 2020.

13. Any alcohol-based hand sanitiser manufactured or sold in terms of the exclusion notice must be:
    a. manufactured according to the WHO-recommended Handrub Formulations as provided for in the "Guide to Local Production: WHO-recommended Handrub Formulations" [1]; and
    b. labelled in accordance with regulation 10 of the General Regulations, including additional labelling requirements:
        i. "Prepared according to the Guide to Local Production: WHO-recommended Handrub Formulations";
        ii. if intended for surgical hand preparation, with the recommended method of application (including contact time, volume to be applied and application procedure); and
        iii. the disclaimer "This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use"

14. The manufacturer, importer or distributor of the mentioned alcohol-based handrubs must apply for a section 22C(1)(*b*) Licence in terms of the Act, however are excluded from specific regulations as mentioned in paragraph 3(b), provided that the application for a licence is accompanied by the following documentary evidence:
    i. Site Master File (SMF)
    ii. a manual of procedures and practices to be implemented to ensure the safety, efficacy and quality of the said handrubs; including procedures for the conduct of analytical tests;
    iii. an inventory of equipment to be used to manufacture said handrubs;
    iv. the master batch manufacturing record;
    v. certificate of analysis; and
    vi. a signed declaration by the responsible person of the holder of the licence: -

[1] WHO; Guide to Local Production: WHO-recommended Handrub Formulations
https://www.who.int/gpsc/5may/Guide_to_Local_Production.pdf?ua=1

(aa) that the hand rub is prepared according to the "Guide to Local Production: WHO-recommended Handrub Formulations";
(bb) that the hand rub is tested according to and compliant with the test methodology provided in the South African National Standard (SANS) 490:2013 "Disinfectant alcohol-based handrub";
(cc) that the concentration of ethyl alcohol or isopropyl alcohol used will be verified for each batch using gas chromatography, alcoholmeter, hydrometer, or other chemical analysis of equivalent or greater accuracy;
(dd) that the hand rub is manufactured under sanitary conditions using equipment that is well maintained, cleaned and fit for purpose;
(ee) that records relating to the manufacture of the hand rub will be kept by the manufacturer; and
(dd) that the hand rub is safe for its intended use.

15. The license holder is only permitted to manufacture the alcohol-based handrub according to the WHO-recommended Handrub Formulations as provided for in the "Guide to Local Production: WHO-recommended Handrub Formulations, and no other medicines or scheduled substance.

16. In order to continue to be manufactured and sold beyond the expiry of the licence, the licence holder will be required to meet all the requirements, including GMP compliance, and submit all documentary evidence as per the normal licensing process.

APPLICATION FOR A SAHPRA ESTABLISHMENT LICENCE

15. Any individual/company, located in South Africa may submit an application to SAHPRA to be licensed as a manufacturer/distributor/wholesaler of a medicine.

16. The application forms are available on the SAHPRA website (www.sahpra.org.za) :
    a. 6.21 Licence to Manufacture (Manufacture/Import/Export) http://www.sahpra.org.za/wp-content/uploads/2020/04/Licence-Application-for-Manufacture-to-import-and-export-V2.pdf
    b. 6.22 Licence to act as a wholesaler of medicine http://www.sahpra.org.za/wp-content/uploads/2020/05/Licence-Application-to-act-as-Wholesaler-of-Medicine.doc

17. Applications may be submitted via email to gmplicensing@sahpra.org.za. Applications submitted by any other means or to any other email address will not be processed.

18. The fee for a medicine establishment licence application (new/amendment) is payable upon application and proof of payment should be submitted together with the completed licence application.
    NOTE: Fees may be updated from time to time. The onus is on the applicant to ensure that payment is made in line with the current fees structures, as published in the Government Gazette.
    a. Fee for application for a new licence (Manufacturer): R 23 980
    b. Fee for application for a new licence (Distributor/Wholesaler): R 14 300
    c. Fee for application for licence amendment: R 5 000

d. Fee for licensing for any manufacturer, distributor, wholesale, the licence of which has been approved by SAHPRA in terms of Section 22(1)(b) of the Act: R 3 190
e. Annually, in respect of the retention of a licence issued in terms of Section 22C(1)(b) of the Act: R 4 000

DOCUMENTS TO BE SUBMITTED UPON APPLICATION

19. The following documents must be submitted upon application to SAHPRA for a medicine establishment licence:
    a. Cover letter on company letter indicating intention to apply for a new SAHPRA licence.
    NOTE: the subject of the letterhead should state: RE: Licence in terms of Section 36 Exclusion Notice for certain al
    b. Completed relevant licence Application form, including signed declaration
    c. Proof of Payment (Manufacturer: R 23 980 / Distributor or Wholesaler: R 14 300)
    d. Curriculum Vitae of the Authorised Person
    e. Site Master File (SMF)
    f. a manual of procedures and practices to be implemented to ensure the safety, efficacy and quality of the said handrubs; including procedures for the conduct of analytical tests;
    g. an inventory of equipment to be used to manufacture said handrubs;
    h. the master batch manufacturing record;
    i. certificate of analysis; and
    j. a signed declaration by the responsible person of the holder of the licence: -
    (aa) that the hand rub is prepared according to the "Guide to Local Production: WHO-recommended Handrub Formulations";
    (bb) that the hand rub is tested according to and compliant with the test methodology provided in the South African National Standard (SANS) 490:2013 "Disinfectant alcohol-based handrub";
    (cc) that the concentration of ethyl alcohol or isopropyl alcohol used will be verified for each batch using gas chromatography, alcoholmeter, hydrometer, or other chemical analysis of equivalent or greater accuracy;
    (dd) that the hand rub is manufactured under sanitary conditions using equipment that is well maintained and fit for purpose;
    (ee) that records relating to the manufacture of the hand rub will be kept by the manufacturer; and
    (dd) that the hand rub is safe for its intended use.

LICENCE APPLICATION PROCESS AND TIMELINES

20. An electronic letter of acknowledgment of receipt of the application will be sent to the applicant.

21. A desktop review of each application will be performed to determine if the relevant documentation and licensing criteria are met.

22. An observation letter identifying the deficiencies in the application will be issued to the applicant in the event that a licence application does not meet the criteria.

23. The applicant is required to respond to the deficiencies noted in the observation letter within two working days. NOTE: Only 2 cycles will be permitted. Failure to respond will result in the rejection of the licence application.

24. If the licensing criteria are not met the application will not be recommended

25. A notification of licence collection will be emailed to the applicant, once the licence application has been approved. The licence will be emailed to the applicant upon submission of proof of payment of R 3 190.

26. The licence application process will be expedited and will be completed within 10 – 15 working days provided that the applications submitted are complete and meet the requirements and that timeous responses are received from applicants where relevant.

ADDITIONAL CONDITIONS TO THE LICENCE

27. SAHPRA may attach additional conditions to the section 22C(1)(b) licence including:
    a. The licence holder has not been inspected or recognised as compliant to GMP;
    b. The license holder is only permitted to manufacture the alcohol-based handrub according to the WHO-recommended Handrub Formulations as provided for in the "Guide to Local Production: WHO-recommended Handrub Formulations, and no other medicines or scheduled substance;
    c. The licence will be valid for up to twelve (12) months, and may be withdrawn or extended by the SAHPRA at any time.
    d. The licence holder is required to provide full details to SAHPRA of all adverse incidents occurring in relation to the use of the alcohol-based handrub;
    e. In order to continue to be manufactured and sold beyond the expiry of the licence, the licence holder will be required to meet all the requirements, including GMP compliance, and submit all documentary evidence as per the normal licensing process.

DR B SEMETE-MAKOKOTLELA

CHIEF EXECUTIVE OFFICER OF SAHPRA

15 JULY 2020