and stakeholders developing technologies to assist in the development of such countermeasures with respect to how the Food and Drug Administration can advance the use of tools and technologies to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products, including through reliance on cross-referenced data and information contained within master files and submissions previously submitted to the Secretary as set forth in section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

''(d) GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall publish draft guidance about how reliance on cross-referenced data and information contained within master files under section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b) or submissions otherwise submitted to the Secretary may be used for specific tools or technologies (including platform technologies) that have the potential to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products. The Secretary, acting through the Commissioner of Food and Drugs, shall publish the final guidance not later than 3 years after the enactment of this Act.''

§ 360bbb–5. Critical Path Public-Private Partnerships

(a) Establishment

The Secretary, acting through the Commissioner of Food and Drugs, may enter into collaborative agreements, to be known as Critical Path Public-Private Partnerships, with one or more eligible entities to implement the Critical Path Initiative of the Food and Drug Administration by developing innovative, collaborative projects in research, education, and outreach for the purpose of fostering medical product innovation, enabling the acceleration of medical product development, manufacturing, and translational therapeutics, and enhancing medical product safety.

(b) Eligible entity

In this section, the term ''eligible entity'' means an entity that meets each of the following:

(1) The entity is—

(A) an institution of higher education (as such term is defined in section 1001 of title 20) or a consortium of such institutions; or

(B) an organization described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title.

(2) The entity has experienced personnel and clinical and other technical expertise in the biomedical sciences, which may include graduate training programs in areas relevant to priorities of the Critical Path Initiative.

(3) The entity demonstrates to the Secretary's satisfaction that the entity is capable of—

(A) developing and critically evaluating tools, methods, and processes—

(i) to increase efficiency, predictability, and productivity of medical product development; and

(ii) to more accurately identify the benefits and risks of new and existing medical products;

(B) establishing partnerships, consortia, and collaborations with health care practitioners and other providers of health care goods or services; pharmacists; pharmacy benefit managers and purchasers; health maintenance organizations and other managed health care organizations; health care insurers; government agencies; patients and consumers; manufacturers of prescription drugs, biological products, diagnostic technologies, and devices; and academic scientists; and

(C) securing funding for the projects of a Critical Path Public-Private Partnership from Federal and nonfederal governmental sources, foundations, and private individuals.

(c) Funding

The Secretary may not enter into a collaborative agreement under subsection (a) unless the eligible entity involved provides an assurance that the entity will not accept funding for a Critical Path Public-Private Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless the entity provides assurances in its agreement with the Food and Drug Administration that the results of the Critical Path Public-Private Partnership project will not be influenced by any source of funding.

(d) Annual report

Not later than 18 months after September 27, 2007, and annually thereafter, the Secretary, in collaboration with the parties to each Critical Path Public-Private Partnership, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) reviewing the operations and activities of the Partnerships in the previous year; and

(2) addressing such other issues relating to this section as the Secretary determines to be appropriate.

(e) Definition

In this section, the term ''medical product'' includes a drug, a biological product as defined in section 262 of title 42, a device, and any combination of such products.

(f) Authorization of appropriations

To carry out this section, there is authorized to be appropriated $1,380,822 for the period beginning on October 1, 2022 and ending on December 23, 2022.[1]

(June 25, 1938, ch. 675, § 566, as added Pub. L. 110–85, title VI, § 603, Sept. 27, 2007, 121 Stat. 898; amended Pub. L. 112–144, title XI, § 1102, July 9, 2012, 126 Stat. 1108; Pub. L. 115–52, title VI, § 602, Aug. 18, 2017, 131 Stat. 1048; Pub. L. 117–180, div. F, title V, § 5005, Sept. 30, 2022, 136 Stat. 2167; Pub. L. 117–229, div. C, title III, § 301, Dec. 16, 2022, 136 Stat. 2311; Pub. L. 117–328, div. FF, title III, § 3101, Dec. 29, 2022, 136 Stat. 5807.)

[1] See 2022 Amendment notes below.

Editorial Notes

AMENDMENTS

2022—Subsec. (f). Pub. L. 117–328, which directed the substitution of ''$6,000,000 for each of fiscal years 2023 through 2027'' for ''$1,265,753 for the period beginning on October 1, 2022 and ending on December 23, 2022'', could not be executed because ''$1,265,753'' did not appear after the intervening amendment by section 301 of Pub. L. 117–229. See below.

Pub. L. 117–229 substituted ''$1,380,822 for the period beginning on October 1, 2022 and ending on December 23, 2022'' for ''$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022''.

Pub. L. 117–180 substituted ''$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022'' for ''$6,000,000 for each of fiscal years 2018 through 2022''.

2017—Subsec. (f). Pub. L. 115–52 substituted ''2018 through 2022'' for ''2013 through 2017''.

2012—Subsec. (f). Pub. L. 112–144 amended subsec. (f) generally. Prior to amendment, text read as follows: ''To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''

§ 360bbb–5a. Emerging technology program

(a) Program establishment

(1) In general

The Secretary shall establish a program to support the adoption of, and improve the development of, innovative approaches to drug design and manufacturing.

(2) Actions

In carrying out the program under paragraph (1), the Secretary may—

(A) facilitate and increase communication between public and private entities, consortia, and individuals with respect to innovative drug product design and manufacturing;

(B) solicit information regarding, and conduct or support research on, innovative approaches to drug product design and manufacturing;

(C) convene meetings with representatives of industry, academia, other Federal agencies, international agencies, and other interested persons, as appropriate;

(D) convene working groups to support drug product design and manufacturing research and development;

(E) support education and training for regulatory staff and scientists related to innovative approaches to drug product design and manufacturing;

(F) advance regulatory science related to the development and review of innovative approaches to drug product design and manufacturing;

(G) convene or participate in working groups to support the harmonization of international regulatory requirements related to innovative approaches to drug product design and manufacturing; and

(H) award grants or contracts to carry out or support the program under paragraph (1).

(3) Grants and contracts

To seek a grant or contract under this section, an entity shall submit an application—

(A) in such form and manner as the Secretary may require; and

(B) containing such information as the Secretary may require, including a description of—

(i) how the entity will conduct the activities to be supported through the grant or contract; and

(ii) how such activities will further research and development related to, or adoption of, innovative approaches to drug product design and manufacturing.

(b) Guidance

The Secretary shall—

(1) issue or update guidance to help facilitate the adoption of, and advance the development of, innovative approaches to drug product design and manufacturing; and

(2) include in such guidance descriptions of—

(A) any regulatory requirements related to the development or review of technologies related to innovative approaches to drug product design and manufacturing, including updates and improvements to such technologies after product approval; and

(B) data that can be used to demonstrate the identity, safety, purity, and potency of drugs manufactured using such technologies.

(c) Report to Congress

Not later than 4 years after December 29, 2022, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing—

(1) an annual accounting of the allocation of funds made available to carry out this section;

(2) a description of how Food and Drug Administration staff were utilized to carry out this section and, as applicable, any challenges or limitations related to staffing;

(3) the number of public meetings held or participated in by the Food and Drug Administration pursuant to this section, including meetings convened as part of a working group described in subparagraph (D) or (G) of subsection (a)(2), and the topics of each such meeting; and

(4) the number of drug products approved or licensed, after December 29, 2022, using an innovative approach to drug product design and manufacturing.

(June 25, 1938, ch. 675, § 566A, as added Pub. L. 117–328, div. FF, title III, § 3203, Dec. 29, 2022, 136 Stat. 5814.)

§ 360bbb–6. Risk communication

(a) Advisory Committee on Risk Communication

(1) In general

The Secretary shall establish an advisory committee to be known as the ''Advisory Committee on Risk Communication'' (referred to in this section as the ''Committee'').

(2) Duties of Committee

The Committee shall advise the Commissioner on methods to effectively communicate risks associated with the products regulated by the Food and Drug Administration.