South African Health Products
Regulatory Authority
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GWP GUIDELINE FOR THE IMPORTERS AND DISTRIBUTORS OF SCHEDULED SUBSTANCES

Objective

This guideline is intended to provide recommendations to applicants wishing to submit an application for a licence to import and /or distribute substances listed in the schedules in terms of the Medicines Act intended for use in the manufacturing and/or compounding of medicines or scheduled substances. Furthermore, this guideline document does not provide a stand-alone guidance on GWP and GMP for importers and distributors of scheduled substances used in the manufacturing and/or compounding of medicines and related substances. It is also not intended as an exclusive approach leaflet and should thus not be taken as a complete or authoritative statement of the law. SAHPRA reserves the right to request any additional information to establish the safety, quality, and efficacy of any scheduled substance used in the manufacturing and/or compounding of medicines or related substances in keeping with the knowledge current at the time of evaluation. SAHPRA is committed to ensuring that any scheduled substance used in the manufacturing of all registered medicines will be of the required quality, safety, and efficacy and that the manufacturer of such scheduled substances complies with acceptable quality assurance principles and good manufacturing practices as determined by SAHPRA during the manufacturing and importation of such scheduled substances into the Republic of South Africa. It is important that applicants adhere to the administrative requirements to avoid delays in the processing and evaluation of their applications.

The guidance in this Guidelines and application forms are available from the Office of the SAHPRA Chief Executive Officer and the SAHPRA website: **www.sahpra.org.za** or **https://www.sahpra.org.za/inspectorate-pharma licencing-and-regulatory-compliance/**

Document History

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1	Date of Finalization/Implementation	April 2024

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Contents

Glossary

Abbreviation/ Term	Meaning
Act 53 of 1974	The Pharmacy Act 53 of 1974 as amended
Act 101 of 1965/Medicine Act	Medicines and Related Substances Act 101 of 1965 as amended
ASMF	Active Substance Master File
CAPA	Corrective And Preventive Actions
CEO	Chief Executive Officer
DMF	Drug Master File
EHD	Extended Health Detention
GDP	Good Distribution Practice
GMP	Good Manufacturing Practice
GMCP	Good Medicine Compounding Practice
GPP	Good Pharmacy Practice
GWP	Good Wholesaling Practice
NDOH	National Department of Health
QMS	Quality Management Systems
RP	Responsible Pharmacist
SAHPRA	South African Health Products Regulatory Authority (also known as The Authority)
SAPC	South African Pharmacy Council
SCHEDULED SUBSTANCE	https://www.sahpra.org.za/wp-content/uploads/2023/04/Consolidated-Schedules_24-March-2023.pdf
SMF	Site Master File

1. INTRODUCTION

The purpose of this guideline is to provide guidance for a wholesaler to import (or procure) and distribute scheduled substances used in the manufacturing of registered medicines and/or related substances for human and animal use that are controlled in terms of the provisions of the Medicines Act.

The South African Health Products Regulatory Authority (SAHPRA or The Authority) regulates medicines for human and animal use, in accordance with the provisions of the Medicines and Related Substances Act; (Act 101 of 1965) as amended and the relevant Regulations made thereunder. (Hereafter referred to as the Act 101 of 1965 or the Medicines Act.) Amongst other things, it is unlawful for medicines or scheduled substances to be imported, manufactured, distributed, and sold or supplied in the Republic of South Africa (RSA) and/or exported out of the Republic of South Africa except in accordance with the appropriate authorization, registration certificates, licences, clinical trial approvals or exemptions obtained from the Authority. The licensing system includes SAHPRA, the Chief Executive Officer of SAHPRA and the Program: Inspectorate and Regulatory Compliance, whose duties comprise the issue of licences to those engaged in the sale or supply of medicines and scheduled substances by way of wholesale dealing. Furthermore, the Good Wholesaling Practice (GWP), Good Manufacturing Practice (GMP) Inspectors and SAHPRA are responsible for ensuring that licence holders comply with the provisions and conditions of their licences. The importation and/or distribution of veterinary medicine or scheduled substances for animal use, registered with The Authority in terms of the provisions of the Medicines Act, are subject to the same legislation and the requirements are similar.

1.1 Purpose

This guideline addresses applicants who wish to apply for a wholesaling licence to only import and distribute scheduled substances for the manufacturing of registered medicines, and/or compounding in terms of the Pharmacy Act and the Medicines Act.

These guidelines complement the rules on distribution as set out in the SA Guide to GMP on Basic Requirements for Active Pharmaceutical Ingredients (including IPI) and apply to distributors of scheduled substances manufactured by themselves.

Any manufacturing activities in relation to the scheduled substances, including re-packaging, re-labelling, or dividing up, are subject to SA Guide to GMP on Basic Requirements for Active Pharmaceutical Ingredients (including IPI) and are thus not covered by this guideline document.

1.2 Scope

This document lays down guidelines of how to apply for a Wholesale licence to Import and distribute scheduled substances used in the manufacturing and compounding of Medicines and Related Substances and applies equally to products for human and for veterinary use as per Act 101 of 1965. The document further describes the process to be followed when importing a scheduled substances into the Republic of South Africa as per Regulation 6 of the general regulations of the Medicine Act, when it is intended to be used in the manufacturing or compounding of medicines or active pharmaceutical ingredients.

Although General Regulation 6 applies to “medicine of scheduled substance”, it also needs to be read with the preamble exception for industrial or analytical purposes.

In this Guideline, the word "should" indicates requirements that are expected to apply unless shown to not be applicable or unless replaced by an alternative demonstrated to provide at least an equivalent level of quality assurance. The scope also includes the following:

1.2.1 An active pharmaceutical ingredient is any substance or mixture of substances intended to be used in the manufacture or compounding of a medicinal product and/ or that, when used during production, becomes an active ingredient of that product intended to exert a pharmacological, immunological, or metabolic action functions or to make a medical diagnosis.

1.2.2 For the purpose of these guidelines, distribution of scheduled substances shall comprise all activities consisting of procuring, importing, holding, supplying, of these scheduled substances.

1.2.3 These guidelines also apply to intermediates (including precursors) of raw materials used to produce scheduled substances.

1.2.4 Any scheduled substance containing substances listed as specified schedule 5 and schedule 6 requires a permit in terms of Section 22A (9) or 22A (11) of the Medicines Act.

2. LEGAL PROVISION

These guidelines need to be applied in accordance with the relevant legislation applicable to each profession engaged in manufacturing and/or compounding of medicines and or related substances. Pharmacists (in the manufacturing, wholesaling, and/or compounding sites) and all the support personnel are bound by the Pharmacy Act (Act 53 of 1974) and the regulations and rules published in terms of that Act. All these personnel are also bound by the regulations and guidelines published in terms of the Medicine Act. Holders of a Section 22C(1)(b) licence of the Medicine Act are also subject to the Good Pharmacy Practice (GPP) Rules, as stipulated in the Section 22 of the Pharmacy Act. These provisions should all be read in conjunction, and not separately. Each instrument may be amended from time to time.

For ease of reference, the key provisions relating to importation and distribution of scheduled substances provided in the Medicines Act and the General Regulations published in terms of that Act are provided here:

Section 22C. Licensing.—(1) Subject to the provisions of this section—

> (b) the Authority may, on application in the prescribed manner and on payment of the prescribed fee, issue to a medical device or IVD establishment, manufacturer, wholesaler or distributor of a medicine, Scheduled substance, medical device or IVD a licence to manufacture, import, export, act as a wholesaler of or distribute, as the case may be, such medicine, Scheduled substance, medical device or IVD upon such conditions as to the application of such acceptable quality assurance principles and good manufacturing and distribution practices as the Authority may determine.

(6) No medical device or IVD establishment, manufacturer, wholesaler, or distributor referred to in subsection(1)(b) shall manufacture, act as a wholesaler of or distribute, as the case may be, any medicine, Scheduled substance, medical device or IVD unless he or she is the holder of a licence contemplated in the said subsection.

Section 22D. Period of validity and renewal of licence.

Section 22E. Suspension and cancellation of licence.

Section 22H. Purchase and sale of medicines, medical devices, IVDs and Scheduled substances by wholesalers.

The relevant Regulations are as follows:

General Regulation 23- Licence to Manufacture, Import, Export, Act as a Wholesaler of or Distribute Medicines or Scheduled Substances

General Regulation 24- Period of validity and renewal of Licence issued in terms of Regulation 23.

3. GUIDING PRINCIPLES

All parties involved in the supply chain dealing with the Importation and Distribution of Scheduled Substances used in the manufacturing or compounding of medicines and/ or related substances, are responsible for the effective, efficient, and safe handling, storage, and distribution of such Scheduled Substances in a manner that does not risk exposure to temperatures or any other condition that may have an adverse effect on the quality of the product and that it is not stored outside of their recommended storage conditions. They must prevent any excursions from the recommended storage conditions that could potentially affect the quality, safety, and effectiveness of the scheduled substance.

The principles of Good Manufacturing Practices and Good Wholesaling Practices are equally applicable to any Scheduled Substance moving through the supply chain from the manufacturer to the end user, as well as Scheduled Substances which are moving backwards in the supply chain because of the return or recall thereof.

The following are important in the guiding principles:

3.1 Quality Management System (QMS)

Importers and Distributors of scheduled substances should develop and maintain a quality management system setting out roles, responsibilities, processes, and risk management principles as per the S.A. Guide to Good Manufacturing Practice.

The Quality Management System (QMS) should be adequately resourced with qualified and competent personnel, and suitable and sufficient premises, equipment, and facilities. It should ensure that:

i.) Scheduled substances are procured, imported, stored, and distributed in a way that is compliant with the requirements of GMP and GWP of these scheduled substances;
ii.) management roles and responsibilities are clearly specified and defined;
iii.) scheduled substances are delivered to the right recipients within a satisfactory time period to avoid compromising their safety, quality, and efficacy;
iv.) records are made contemporaneously and stored for a period of five years as per General Regulations 35 and 36 of the Medicine Act;
v.) deviations from established procedures are documented and investigated;
vi.) appropriate corrective and preventive actions, commonly known as 'CAPA', are taken to correct deviations and prevent them in line with the principles of quality risk management;
vii.) changes that may affect the storage and distribution of scheduled substances are evaluated.

Furthermore, the size, the structure and complexity of the Importer and distributor's activities should be taken into consideration when developing or modifying the quality management system.

3.2 Personnel

1. Importers and Distributors of scheduled substances should employ key personnel as per the requirements of the S.A. Guide to Good Manufacturing Practice.

The Key Personnel include the following:

a) An Authorised Representative/natural person who resides in South Africa and will be responsible to SAHPRA for the compliance with the requirements of the Medicines and Related Substances Act,101 of 1965(Act 101 of 1965).
b) The Responsible Pharmacist who is responsible to SAHPRA for the compliance with the requirements of the Medicines and Related Substances Act,101 of 1965(Act 101 of 1965) and to the Pharmacy Council for compliance with the requirements of the Pharmacy Act, 1974(Act 53 of 1974).
c) The person responsible for Quality Assurance. This person must be part of the decision-making process in all the matters that affect the quality of the Scheduled Substance, including its testing, storage, and distribution to the end-user.

2. The designated person should fulfil his/her responsibilities personally. The designated person can delegate duties but not responsibilities.

3. The responsibilities of all personnel involved in the importation and distribution of the scheduled substances should be specified in writing. The personnel should be trained in the requirements of GMP and GWP for scheduled substances.

4. They should have the appropriate competence and experience to ensure that scheduled substances are properly handled, stored, and distributed.

5. The personnel should receive initial and continuing training relevant to their role, based on written procedures and in accordance with the written training programme of the company.

6. A record of all training should be kept, and the effectiveness of training should be periodically assessed and documented.

7. The S.A Guideline on Good Manufacturing Practices further explains the importance of the correct qualifications for each role and responsibility in the organization, including the training relevant and necessary for that role.

3.3 Documentation

1. Documentation comprises of all written procedures, instructions, contracts, records, and data, in paper or in electronic form. These documents should be readily available or retrievable. All documentation related to compliance of the Importer, Wholesaler and Distributor with these guidelines should be made available on request of competent authorities.
2. The documents should be sufficiently comprehensive with respect to the scope of Importing, Wholesaling/Storing, and Distributing activities and in a language understood by personnel. It should be written in clear, unambiguous language and be free from errors.
3. Any alteration made in the documentation should be signed and dated; the alteration should permit the reading of the original information. Where appropriate, the reason for the alteration should be recorded.
4. Each employee should have ready access to all necessary documentation for the tasks executed.

BELOW ARE SOME OF THE DOCUMENTS THE IMPORTER, WHOLESALER AND DISTRIBUTOR OF SCHEDULED SUBSTANCES SHOULD HAVE IN THEIR PREMISES.

i.) Procedures

1. The Importer, Wholesaler/Storer and Distributor's written procedures should describe all the activities which affect the quality of scheduled substances. This could include receipt and checking of deliveries, storage, cleaning, and maintenance of the premises (including pest control), recording of the storage conditions, security of stocks on site and of consignments in transit, withdrawal from saleable stock, handling of returned products, recall plans, etc.
2. These procedures should be approved, signed, and dated by the person(s) responsible for the quality management system of the company.
3. The company should ascertain that only valid and approved procedures are in use. Documents should be reviewed regularly and kept up to date. Version control should be applied to the procedures. After revision of a document a system should exist to prevent inadvertent use of the superseded version. Superseded or obsolete procedures should be removed from workstations and archived. The new version should be made available to the relevant personnel and training records be updated.

ii.) Records

1. All the records should be clear, be made at the time each operation is performed and in such a way that all significant activities or events are traceable. These records should be retained for at least 5 years after the expiry date of the scheduled substance batch to which they relate. For scheduled substances with retest dates, records should be retained for at least 5 years after the batch is completely distributed.
2. The records of each purchase and sale, showing the date of purchase or supply, name of the scheduled substance, batch number and quantity received or supplied, and name and address of the supplier and of the original manufacturer, as well as the details of customer/client supplied to, if not the same, or of the shipping agent and/or the consignee should be kept. These records should ensure the traceability of the origin and destination of products, so that all the suppliers of, or those supplied with a scheduled substance can be identified. These are some of the records that should be retained (as per point 1 above) and shall be made available whenever they are requested by the SAHPRA Inspectors, or any other legal person authorized by the South African law to do so. The records include, but are not limited to the following:

- The identity of original manufacturer
- The address of original manufacturer
- The purchase orders raised (invoice number)
- The bills of lading or transportation documentation (from the Manufacturer)
- The receipt documents.
- The name and/or designation of the scheduled substance.
- The manufacturer's batch number
- The manufacturer's expiry date and/or retest date of these scheduled substances (which must be justified by stability studies if not included in an ASMF or DMF)
- The transportation and distribution records (from the local company/Importer-Distributor)
- All valid Certificates of Analysis, including those from the original manufacturer.

3.4 Premises and Equipment

1. The premises used for the storage of these scheduled substances should be suitable and adequate to ensure proper storage and their distribution. (As per GWP and GMP requirements)
2. The equipment used should provide protection from contamination or cross contamination of these scheduled substances, e.g., narcotics, highly sensitive materials, materials of high pharmacological activity or toxicity.
3. The premises should be suitably secure to prevent unauthorized access into the company and to monitor all the activities happening within it.
4. The premises should have signage with access control for authorized personnel to enter relevant spaces.
5. All the monitoring devices and other equipment used in the facility, that are necessary to guarantee the quality attributes of the scheduled substance, should be calibrated according to an approved schedule against certified traceable standards. Relevant qualification of equipment and validation of processes must be initially performed, documented, and repeated based on the agreed plan.

3.5 Operations

A company that Imports, Stores, and Distribute a scheduled substance should under its quality management system explain all the operations taking place at that particular site as per the GMP and GWP principles. These should include (but are not limited) the following:

(1) Orders

a) The document must clearly state where they procure these scheduled substances, that is the name and address of the manufacturer, and explain/state if that manufacturer is registered according to that country's national law(s), per Section 22H of the Medicine Act.
b) The manufacturer must also be in possession of a licence/certificate permitting them to manufacture as per their country's national law(s).

(2) Receipt

The document must clearly state how the areas for receiving these scheduled substances should protect the deliveries from prevailing weather conditions during unloading. Furthermore, these areas should be indicated with appropriate signage and the reception area should be separate from the storage areas. The document must also state that deliveries should be examined at receipt area in order to verify that:

i.) the containers are not damaged;
ii.) all security seals are present with no sign of tampering;
iii.) correct labelling, including correlation between the name used by the supplier and the in-house name if these are different;
iv.) necessary information, such as a certificate of analysis, is available; and
v.) the scheduled substances consignment corresponds to the order placed by the company.
vi.) the expiry date and retest date (if applicable).

a) The document must also state that any scheduled substances delivered with broken seals, damaged packaging, or suspected of possible contamination should be quarantined either physically or using an equivalent electronic system and the cause of the issue investigated.
b) The document must clearly explain how a scheduled substance which requires specific storage measures, e.g., narcotics and products requiring a specific storage temperature or humidity, should be immediately identified, and stored in accordance with written instructions and with relevant legislative provisions.
c) The document must clearly explain how the importer/distributor of a scheduled substance handles any of these scheduled substances procured or imported by him which is suspected to have been falsified. The company must segregate it either physically or using an equivalent electronic system and inform the national competent authority of the country in which the company is registered.
d) The document must clearly explain how rejected materials should be identified, controlled, and quarantined to prevent their unauthorized use in manufacturing and their further distribution.
e) Hard and /or soft copy records of destruction activities should be readily available, to explain the process to be followed when the consignment is to be destroyed.

(3) Storage

a) The document must clearly state why scheduled substances should be stored under the conditions specified by the manufacturer, e.g., controlled temperature and humidity when necessary, and in such a manner to prevent contamination and/or mix-up. These storage conditions should be monitored, and records maintained. The records should be reviewed regularly by the person responsible for the quality management system. When specific storage conditions are required, the storage area should be qualified and operated within these specified limits.
b) The document must also state why the storage facilities should be clean and free from litter, dust, and pests. It should further explain why adequate precautions should be taken against spillage or breakage, attack by micro-organisms and cross-contamination.
c) The document must clearly describe the system used by the importer/distributor, and this system must ensure stock rotation, e.g., 'first expiry (retest date), first out', with regular and frequent checks that the system is operating correctly. Any electronic warehouse management systems must be validated. The system must be able to separate any scheduled substance beyond its expiry date, either physically or using any equivalent electronic system, from approved stock and these scheduled substances must not be supplied. There must be a contingency plan in place to manage equipment failure and power outages, to ensure special storage conditions are always maintained.
d) The document must clearly explain how storage and/or transportation of these scheduled

substances is handled when these activities are contracted out. The company must ensure that the contract acceptor knows and follows the appropriate storage and transport conditions (in accordance with recommended storage conditions for each substance and these must be monitored during transportation). The document must clearly explain the importance of a written contract between the contract giver and contract acceptor, which clearly establishes the duties of each party. The contract acceptor should not subcontract any of the work entrusted to him under the contract without the contract giver's written authorisation.

(4) Deliveries to customers

a) The company must only supply these scheduled substances to registered manufacturers/lawfully authorized professionals in accordance with Act 101 of 1965 (as amended).
b) These scheduled substances must be transported in accordance with the conditions specified by their manufacturer and in a manner that does not adversely affect their quality. The product, batch and container identity should be always maintained. All original container labels should remain readable.
c) The company must have a system in place by which the distribution of each batch of these scheduled substances can be readily identified to permit its recall.

(5) Sharing of information

The companies that are Importers and Distributors of these scheduled substances must develop and maintain documents and systems setting out processes and ways of how to share information with their clients and/or national authorities. These documents/or systems must be able to address the following concerns:

a) How they notify their customers and the national authorities of any information or event that they become aware of, which will have the potential to cause an interruption to supply.
b) How they should transfer all product related quality or regulatory information received from a scheduled substance manufacturer to the customer/national authority and from the customer/national authority to the scheduled substance manufacturer.
c) How they provide to their scheduled substance customers/national authority the name and address of the original scheduled substance manufacturer and the batch number(s) supplied. Furthermore, the document/system must also state that a copy of the original certificate of analysis from the manufacturer should be provided to the customer/national authority. The document/system must also explain how the original manufacturer can respond to a competent authority directly or through the company.

(6) Detention of Scheduled Substance consignment

6.1 Consignments/shipments would be detained unless:

a) The import licence is produced, and it corresponds with the shipping documents.
b) Where an importer delays in providing missing import compliance documents, the consignment may be given an extended health detention (EHD), and this would require that the scheduled substances be moved to/stored in a SAHPRA registered bonded warehouse.

Upon Applicant/Importer furnishing the authority with the relevant documents release shall be granted

c) c) Consignment in-transit, an EHD will be given to the importer, after which an acquittal will be send once consignment has landed to the rightful receiver.

6.2 Returns, Complaints and Recalls

The company must develop documents/systems on how they handle returns, complaints and recalls. These documents/systems must be adequately maintained and be readily accessible when required or requested by the authorities. The effectiveness of the system must be challenged.

(1) Returns

a) Any Scheduled Substance returned to the supplying company must be clearly identified as such and quarantined pending investigation.
b) Any Scheduled Substance which left the care of the supplying company, should only be returned to approved stock if all of the following conditions are met:

i.) The scheduled substance is in its original unopened container(s) with all original security seals present and is in good condition;
ii.) the company returning the stock can demonstrate that the scheduled substance has been stored and handled under proper required storage conditions. Written information provided by the customer should be available for this purpose;
iii.) the remaining shelf-life period of the scheduled substance is acceptable;
iv.) the scheduled substance has been examined and assessed by a person trained and authorised to do so; (This assessment should consider the nature of the scheduled substance, any special storage conditions it requires, and the time elapsed since it was supplied. As necessary and if there is any doubt about the quality of the returned scheduled substance, advice should be sought from the manufacturer.)
v.) that no loss of information/traceability has occurred during the time it was supplied to the returning company.

c) The company must create and maintain records of all the returned scheduled substances. This record/documentation must include the following**:**

i.) the name and address of the customer/client returning the scheduled substances;
ii.) the name or designation of the scheduled, its batch number and quantity returned;
iii.) the reason for return which must be clearly stated/documented;
iv.) the return to stock for use or disposal of the returned scheduled substance and records of the assessment performed.

d) The company's documentation must clearly state that only appropriately trained and authorised personnel should release scheduled substances for return to stock. Any scheduled substances returned to saleable stock must be placed such that the stock rotation system operates effectively.

(2) Complaints

The company must have a system/record of all the complaints they receive, whether received orally or in writing. These complaints must be recorded and investigated according to a written and approved procedure of the company. If a complaint is about the quality of a scheduled substance, the Importer/Distributor must

refer the complaint to the original manufacturer of the scheduled substance for them to review the complaint. This will help the manufacturer to determine whether any further action, either with other customers who may have received this scheduled substance or with the competent authority, or both, should be initiated. The investigation into the cause for the complaint must be conducted and documented by the appropriate party.

a) The complaints records must include (but not limited to) the following:
   i.) the name and address of complainant (these must be kept confidential in case the complainant wants to remain anonymous);
   ii.) the name, surname, title (where appropriate), and phone number of person submitting the complaint;
   iii.) the nature of the complaint, including name and batch number of the scheduled substance;
   iv.) the date on which the complaint was received;
   v.) the initially action taken, including dates and identity of person taking the action;
   vi.) the date of any follow-up action taken, including the identity of the person taking the action;
   vii.) the response provided to the originator of complaint, including the response date;
   viii.) any final decision (outcome) on the status of the scheduled substance batch.

b) The records of complaints must be retained in order to evaluate trends, product-related frequencies, and severity with a view to taking additional, and if appropriate, immediate corrective action. These must also be made available during inspections by competent authorities.
c) Where a complaint is referred to the original scheduled substance manufacturer, the record maintained by the Importer/distributor should include any response received from the original scheduled substance manufacturer, including date and information provided.
d) In the event of a serious or potentially life-threatening situation, local, national, and/or international authorities must be informed, and their advice sought.

(3) Recalls

a) If the situation warrants, that is, after the Importers/ distributors and pharmaceutical products manufacturers have reviewed the complaint with the original scheduled substance manufacturer and it is determined that further action is necessary, either with other customers who may have received this scheduled substance or with the regulatory authority (locally, nationally and/or internationally), a recall of this scheduled substance should be initiated. The investigation into the cause of the complaint or recall should be conducted and documented by the appropriate party.
b) Every company handling scheduled substances must have a written procedure that defines the circumstances under which a recall of a scheduled substance should be considered.
c) This recall procedure must designate who should be involved in evaluating the information, how a recall should be initiated, who should be informed about the recall, and how the recalled material should be treated. The designated person (as per the company's organogram/QMS) should be involved in recalls.

4. WHO MUST APPLY FOR A LICENCE TO IMPORT AND DISTRIBUTE SCHEDULED SUBSTANCES(INCLUDING CONTROLLED SCHEDUELD SUBSTANCES)

Persons who in the course of a business are engaged in:

a) importing scheduled substances.
b) distribution of scheduled substances used in the manufacturing or compounding of medicines for human and animal use.

5. HOW TO OBTAIN A LICENCE(APPLICATION FORM AND ADDITIONAL INFORMATION TO BE SUBMITTED).

Standard application form for an Importer and Distributor of Scheduled Substances licence is available from The Office of the Chief Executive Officer of SAHPRA or from the SAHPRA website:**https://www.sahpra.org.za/inspectorate-pharmalicencing-and-regulatory-compliance/**

An application for an Importer and Distributor of Scheduled Substances should be accompanied by the prescribed application fee (see the gazetted published fees on the SAHPRA website) and in the case of a new Importer and Distributor Licence for Scheduled Substances an additional inspection fee will be required as per the SAHPRA gazetted fees published in the SAHPRA website.

The applicant shall provide within the application form acceptable documentation proof obtained from the following institutions:

5.1 The SA Pharmacy Council, namely:

- the particulars of the owner of the business which includes the Certificate of recording of a Pharmacy Owner
- the registration of the responsible pharmacist
- Certificate of recording of a Pharmacy.

5.2 The Director General of Health, namely:

- a licence for the premises (NDOH Licence) wherein or from which such business carried on/or proof of application.

5.3 The Additional documents required:

- Cover Letter -Which explains the reason for the application and type, i.e., whether it is a NEW/RENEWAL/AMENDMENT application.
- CIPC/CIPRO/DTI CERTIFICATES OR DOCUMENTS proving ownership of the business.
- Proof of licence application payment
- The List of Imported and Distributed Scheduled Substances
- The List of Lawfully authorised/Licence d facilities and professionals.

The application form for an Importer and Distributor of Scheduled Substances should include the qualification of staff who handle the importation and distribution of these scheduled substances and a documentary proof of the company's ability to comply with good manufacturing practices (GMP) and good wholesaling practices (GWP) /or proof of the compliance with GMP/GWP as determined by SAHPRA.

The applicant should include a Site Master File (SMF) on the application form. This must contain specific and factual information about all the operations to be carried out at that site (facility). Guidance on what information should be included in the SMF can be obtained on request from the Office of the Chief Executive Officer of SAHPRA or the SAHPRA website **www.sahpra.org.za**

The SMF, attached to the application form should include:

- A copy of the local area plan of the location of the business premises indicating all adjacent properties and the nature of the business being carried out on such premises.
- A floor plan of the building in which the business premises are situated.
- A plan of the actual layout of the business premises
- An inventory of equipment to be used in conducting the business.
- A manual of procedures and practices to be implemented to ensure the safety, efficacy, and quality of the scheduled substance to be Imported or distributed.

The application for an Importer and Distributor of scheduled substances should specify the scheduled substance to be imported and distributed by the applicant.

The Authority (SAHPRA) will only issue the licence to import and distribute scheduled substances, when it is satisfied that all the requirements as stipulated in the Act 101 of 1965 as amended and its General Regulations together with all the applicable guidelines, have been complied with. Furthermore, a site inspection must be done/carried out to ascertain the accuracy and compliance to the legislative requirements. Where appropriate, SAHPRA may refuse to grant a licence. In such cases the CEO of SAHPRA will notify the applicant to furnish The Authority with such additional documentation or information as The Authority may require. The notification will set out the reason for the proposal and give the applicant a reasonable period to respond. The applicant may make written representations. Before making a final decision on its proposal The Authority will take the applicant's written representation into consideration

6. INSPECTION(AS STIPULATED IN REGULATION 23(3) OF THE GENERAL REGULATIONS TO ACT 101 OF 1965)

The Program 3: Inspectorate and Regulatory Compliance Unit carry out regular and repeated inspection of sites Importing and Distributing Scheduled Substances both in South Africa and in countries with which SAHPRA does not have a Mutual Recognition Agreement. The Inspection enables the Inspectorate Unit to confirm that licence holders are complying with the conditions of their licence, with the provisions of the Medicines Act and with Good Manufacturing Practice (GMP) and Good Wholesaling Practice (GWP).

These Inspectors are also empowered by Section 28 of the Medicine Act to amongst other things:

a) enter any place or premises from which:
   - The holder of a licence to import and distribute scheduled substances conducts business from within.
   - The holder of a certificate imports and/or distributes controlled scheduled substances during the course of conducting their business.

b) inspect the premises used in the importation, storage, and distribution of scheduled substances, and inspect any documentation or records relating to the importation, storage and distribution of these scheduled substances.

c) Take samples of any scheduled substance for the purpose of testing or analysis. and

d) seize any book, record, documentation for any scheduled substance handled by that site.

It is required by legislation that licence holders shall make their premises available for inspection by the SAHPRA authorized Inspectors at any reasonable time. Following an inspection, the Inspector prepares a report of the findings. A report is then sent to the licence applicant or holder of a licence, noting any deficiencies found and require for proposals to remedy them. In the event of serious non-compliance with GMP and/or GWP, the report is referred to SAHPRA for formal action, which can include the refusal, suspension or revoking of a licence, or part of a licence.

Where quality control testing of the scheduled substance is contracted to a third party, the testing site should also be made available for inspection and should also obtain a licence authorizing it to test the scheduled substances and any other related substances.

7. POWER TO SUSPEND OR REVOKE A LICENCE TO IMPORT AND DISTRIBUTE A SCHEDULED SUBSTANCE(AS PER PROVISION OF SECTION 22E OF ACT 101).

SAHPRA (The Authority) may revoke, amend, or suspend a licence when statutory conditions of that licence is no longer being met. The Authority will give the licence holder notice of its proposal and set out the reasons. In most cases the licence holder will be given a period of not less than 20 days to respond. The licence holder may give notice to the Authority of his/her desire to be heard or make written representation to the Authority with respect to the proposals.

Where it appears to SAHPRA that public safety is at risk, SAHPRA may suspend a licence with immediate effect for such a period as SAHPRA may determine or revoke the licence in question.

The provisions of a License may be varied based on the application submitted by the licence holder.

A licence holder or applicant may at any time within the period of 30 days from the date on which the decision is served on him/her appeal to the Minister to question the validity of SAHPRA's decision.

8. FEES PAYABLE

The Medicines and Related Substances Act 101 of 1965 introduced provisions in terms of Section35(1)(xxxi) and (xxxii) read together with Section35(4) for the payment of fees for licences, certificates, and inspections. The current fees legislation for medicines and scheduled substances is contained in the Medicines Regulations as amended.

The fees which are currently payable are the following:

a) Licence applications (new and amendment applications)
b) Licence renewal
c) Licence issue
d) Performance of an inspection

An applicable annual fee also known as the licence retention fee, is also payable during the currency of a licence.

A schedule of the current fees is available from the Office of the Chief Executive Officer of SAHPRA or on the SAHPRA website at **www.sahpra.org.za**

When SAHPRA plans to make changes to the amount or frequency of fees. Licence Holders are consulted and given the opportunity to comment on the latest fee proposals. Details of the latest fees are published in the government gazette and on the South African Health Products Regulatory Authority's website at www.sahpra.org.za

9. CONTACT DETAILS

SAHPRA and Programme 3 (Inspectorate and Regulatory Compliance) can be contacted at:

The Office of the Chief Executive Office

South African Health Products Regulatory Authority

Private Bag X828
Pretoria
0001

Tel: 012 501 0300

Email: enquiries@sahpra.org.za

Refer to SAHPRA website: **https://www.sahpra.org.za/key-contacts/**

10.REFERENCES

The following related documents are referenced:

Related Legislation

- The Pharmacy Act 53 of 1974 as amended
- Medicines and Related Substances Act 101 of 1965 as amended
- General Regulations of the Medicines and Related Substances Act 101 of 1965 as amended

Other related documents

- The WHO Import Processes- Annex 5 (Guideline on Import Procedures for medicinal products)
- The PICS Guidelines on Good Distribution Practices for API's

11. VALIDITY

This guideline is valid for a period of 5 years from the effective date of revision. It will be reviewed on this timeframe or as and when required.