Botswana Medicines Regulatory Authority

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Director – Product Evaluations and Registration

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Date of Approval
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13	Clause 2. 2 Expansion of the Scope	5	Team Leader, Post-registration	29/03/2023
13-14	The following definition was added to align to current practices: 3.1.4 Availability, 3.1.11 MAH, 3.1.13 Name of drug/medicine	5	Team Leader, Post-registration	29/03/23
15	Clause 4.1.3 Persons/institutions authorized to apply for exemptions and import unregistered medicines are: added	5	Team Leader, Post-registration	29/03/23
16	The following was added 4.1.10 Quantity requested should be supported by unsolicited orders emanating from the requesting facilities : iii. Quantities not commensurate with orders provided in the application will be rejected	5	Team Leader, Post-registration	29/03/23
16	The following was added Applicants must submit a donation certificate/letter of donation and a certificate of pharmaceutical product (COPP).	5	Team Leader, Post-registration	29/03/23
16-17	Addition of clauses 4.1.17 – 4.1.23	5	Team Leader, Post-registration	29/03/23
17	The following was added under clause 4.2 e)A certificate of analysis of the batch(es) to be imported should be provided.	5	Team Leader, Post-registration	29/03/23
18	The following was added 4.4.2 Exemption approvals are valid for the quantity approved and for 6 months from the date of issue.	5	Team Leader, Post-registration	29/03/23

11	Section 4.1.1 exemptionsrmu@bomra.co.bw. Was changed to exemptions@bomra.co.bw	4	Team Leader, Post-registration	02/12/2022
10	The following has been added 3.1.6 For requests based on Central Medical Stores orders, CMS should be the applicant, unless CMS specifies otherwise. 4.1.7 Orders from government facilities should be in the form of a Letter of commitment (LOC)) or a Government purchase order (GPO) not a Request for Quotation (RFQ). Order requests must not be older than six months. Each order may only be used once. 4.1.8 Patients may not apply for their own exemption.	4	Team Leader, Post-registration	14/11/2022
	The following has been added 4.1.9 Concerning donations, unregistered medicines that have been deemed unacceptable in the donor country for safety, quality and efficacy-related reasons will not be eligible for exemption. Applicants must submit a donation certificate.	4	Team Leader, Post-registration	14/11/2022
10	The following has been added 4.1.10 Exemption from Registration may be applied for where a Variation has been submitted. Applicants must submit proof of the variation submission.	4	Team Leader, Post-registration	14/11/2022
11	The following has been amended 4.1.12 For amendment requests, on issued exemption letters the following applies:	4		14/11/2022

	4.1.12.1. If the amendment is as a result of errors by the Authority, the applicant may provide a letter or email detailing the nature of the amendment. 4.1.12.2. If the amendments is as a result of errors in the information submitted to the Authority prior to approval or to changes post approval, a new exemption from registration application must be lodged (including accompanying fees where applicable). 4.1.12.3. Amendment on an expired exemption letter will not be considered. Applicants must lodge a new application.		Team Leader, Post-registration	
12	The following has been added 4.3.1.e) Where there is a registered product or registered alternatives, and for some reason they are not available for sale in the Botswana market, the applicant should provide evidence of unavailability from the manufacturer, applicant, or sole distributors of the registered alternative (if available) and motivate accordingly.	4	Team Leader, Post-registration	14/11/2022
10	The following has been added 4.1.3 Exemption from Registration may not be applied for where a product has been denied registration due to unresolved safety, efficacy and quality reasons.	4	Team Leader, Post-registration	14/11/2022
10	The following has been added For fees concerning wholesale and hospital importation of unregistered medicine applicants should refer to BoMRA_Fees_2019 found on the BOMRA website.	4	Team Leader, Post-registration	14/11/2022

10	Section 4.1.2 was amended to Exemption from Registration may be applied for only under special circumstances, such as when there is no registered product or, registered alternatives are unavailable, or when conventional therapies have been tried and ruled out,	4	Team Leader, Post-registration	14/11/2022
10	The following has been added to section 4.1.2.1 The authority shall also verify the unavailability of registered alternatives.	4	Team Leader, Post-registration	14/11/2022
8	The following was removed from Section 3.1.2 For applications based on CMS orders CMS should be the applicant Was changed to	4	Team Leader, Post-registration	14/11/2022
9	Clause 3.1.9 and 3.1.15: Addition of the words Facilities and Purchase Order to list of definitions	4	Team Leader, Post-registration	14/11/2022
6	The following has been added: 2.2 This document does not apply to unregistered products that are already imported into Botswana.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
6	The following has been amended: **3.1.11 Patient-based Exemption** – An exemption applied for by a prescriber for a specific patient.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
8	Definitions added, 3.1.6 Blue book: medicine register for medicine or related substance registered by BOMRA for use in Botswana. 3.1.10 Brand name -The brand name or trade name.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021

7	Clause 3.2.1- 3.2.3 BOMRA, BHPC and CMS added to abbreviations	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
7	Section4.1.1 exemptions@bomra.co.bwWas changed to exemptionsrmu@bomra.co.bw.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
8	The following was added, Section 4.1.9: For amendment(s) request or discrepancy emanating from the applicant on an issued exemption letter, the applicant must provide a new application which should include the previously issued reference number detailing the requested amendment.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
9	The following was added, Turnaround time 4.4.1 The Authority will communicate outcome of the application within 72 hours. However, where the application does not meet the Authority's requirements, queries will be sent to the applicant. Applicants will be given 48 hours to address the queries following which the Authority will make a regulatory decision.	3	Manager, Complementary Medicines and Cosmetics	17/08/2021
3	On the scope section veterinary medicines is removed.	2	Manager, Complementary Medicines and Cosmetics	23/11/2020
7	Section 4.4 (Repeat exemption application) is removed.	2	Manager, Complementary Medicines and Cosmetics	23/11/2020
7	The following has been added	2	Manager,	23/11/2020

	The following documents will be accepted; 1. For injectable products, where an applicant does not have a valid cGMP certificate for the Finished Pharmaceutical Product manufacturing site, issued by either ICH member countries prior to 23 October 2013, regulatory authorities that participate in the PIC/S, WHO or National Medicines Regulatory Authorities in Zambia, Zimbabwe, Tanzania and Uganda. The authority may accept documents of manufacturing site that appears on the Blue Book.		Complementary Medicines and Cosmetics	
7	The following has been added Turnaround Time 4.4.1 The Authority will communicate outcome of the application within 48 hours. However, where the application does not meet the Authority's requirements, queries will be sent to the applicant within 48 hours. Applicants will be given 24 hours to address the queries following which the Authority will make a regulatory decision.	2	Manager, Complementary Medicines and Cosmetics	23/11/2020
All	This is a replacement document for document BOMRA/ER/PV/P01/G01, Issue No.1. The function changed from Pharmacovigilance to Exemptions including the changes noted below.	1	Manager, Complementary Medicines	15/04/2020
3	This guideline is only applicable medicinesregistration exemption applications made for Complementary, Conventional and Veterinary medicines	1	Manager, Complementary Medicines	15/04/2020

3	A healthcare professional requesting the service	1	Manager, Complementary Medicines	15/04/2020
4	Applications for exemptions must be emailed to exemptions@bomra.co.bw.	1	Manager, Complementary Medicines	15/04/2020
4	The following statement was added; For request for amendment of a discrepancy in an issued exemption letter. Applicant must provide a letter or email detailing the requested amendment which should include the previously issued reference number.	1	Manager, Complementary Medicines	15/04/2020
4	Proof of payment (350 BWP) was added. Following statements were removed. a) Copies of Certificate of analysis from two latest production batches. b) Registration certificates of the product. c) Packages insert or Summary of Product Characteristics.	1	Manager, Complementary Medicines	15/04/2020

1 Purpose

1.1 The purpose of these guidelines is to facilitate access to good quality medicines which are not registered and/or where registered alternatives are not available in Botswana and to provide guidance to those submitting applications for medicine registration exemption.

1.2 The Medicines and Related Substance Act, 2013, section 23 (3), (4) and (5) provides for the Authority to exempt medicines from registration, under special circumstances.

2 Scope

2.1 These guidelines are only applicable to medicine registration exemption applications made for medicines intended for human use only.

2.2 This document does not apply to:

2.2.1 Unregistered products that have already been imported into Botswana without prior approval.

2.2.2 Extemporaneously prepared medicines in an approved premises.

2.2.3 Experimental medicines such as IV nutritional therapy for aesthetic purposes.

2.2.4 Complementary medicines (except in atypical cases)

3 Definitions and abbreviations

3.1 Definitions

For the purpose of this guideline, the following definitions shall apply:

3.1.1 Act- The Medicines and Related Substances Act, 2013 and as subsequently amended.

3.1.2 Applicant - A healthcare professional registered with Botswana Health Profession Council submitting the application.

3.1.3 Approved names of active ingredient(s) - Name of the active ingredient.

3.1.4 Availability – a registered medicinal product obtainable from normal distribution channels in a reasonable time (up to 21 days) will be considered available for use

3.1.5 Biologics - are therapeutic substances that are produced through a biological process (often involving biotechnology methods) these include antibody therapies, vaccines, gene therapies, and cell therapies

3.1.6 Biosimilar - A similar biotherapeutic product, a follow-on biologic, subsequent entry biologic is similar (not equivalent) in terms of quality, safety, and efficacy to an already registered reference biopharmaceutical product.

3.1.7 Blue book - medicine register for medicine or related substance registered by BOMRA for use in Botswana.

3.1.8 Brand name -The brand name or trade name.

3.1.9 Dosage Form - The administration form of the completed pharmaceutical product (e.g., tablet, capsule, suspension, injection).

3.1.10 Facility- Any place where a patient goes to seek medical intervention, i.e., pharmacy, clinic, or hospital.

3.1.11 MAH - The entity to whom a market authorization is issued.

3.1.12 Medicine/drug -This refers to a substance or mixture of substances used or purporting to be suitable for use, manufactured, or sold for use in the alleviation, modification, or prevention of ill health.

3.1.13 Motivation - Justification for exemption**.**

3.1.14 Name of drug/medicine - The brand name, trade name, and/or generic name.

3.1.15 Patient-based Exemption - An exemption applied for an individual patient.

3.1.16 Public Health Emergency- an extraordinary event which is determined as

a) Constituting a public health risk to other States through the international spread of disease.
b) Potentially requiring a coordinated international response.
c) This definition implies a situation that: is serious, unusual, or unexpected; carries implications for public health beyond the affected State's national border, and may require immediate international action.

3.1.17 Purchase Orders- an official document a facility (as defined above) sends to a wholesaler requesting a product(s).

3.1.18 Strength - The amount of active ingredient in a drug/medicine in standard units.

3.1.19 Wholesale-based Exemption - An exemption applied for or granted to a wholesaler (including Central Medical Stores).

3.2 Abbreviations

3.2.1 **BOMRA-** Botswana Medicines Regulatory Authority

3.2.2 **BHPC**- Botswana Health Professions Council
3.2.3 **CMS** – Central Medical Stores
3.2.4 **ICH** - The International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use
3.2.5 **MAH –** Marketing Authorization Holder(s)
3.2.6 **PIC/S** - Pharmaceutical Inspection Cooperation/Scheme.
3.2.7 **WHO-** World Health Organisation

4 Guidelines

4.1 General Requirements

4.1.1 Applications for exemptions must be emailed to: exemptions@bomra.co.bw.

4.1.2 Exemption from Registration may be applied for only under special circumstances, such as when there is no registered product or, registered alternatives are unavailable, or when registered therapies have been tried without the desired therapeutic outcomes. This does not include justifications such as cost, convenience, or operational needs.

4.1.3. Persons/institutions authorized to apply for exemptions and import unregistered medicines are:
4.1.3.1. Licensed Importers

4.1.3.2. Licensed Hospital Facilities

4.1.3.3. Central Medical Stores or authorized designate.

4.1.4 Where there is a registered product or registered alternatives, and for valid reasons they are not available (see definition of availability above) for sale in the Botswana market:
4.1.4.1 Evidence of unavailability from the manufacturer(s), MAH, or local distributor(s) of the registered alternative (if available) should be provided.
4.1.4.2 Further to this, the authority shall also verify the unavailability of registered alternatives.
4.1.4.3 The authority may make use of a medicine shortage database (where available) to establish the availability of a registered medicine.

4.1.5 Exemption from registration may not be applied for, where a product has been denied registration due to unresolved safety, efficacy, and quality reasons.

4.1.6 An application can either be Wholesale based or Patient based.

4.1.7 For applicable fees, applicants should refer to the BoMRA_Fees_2019 found on the BOMRA website.

4.1.8 For a wholesale-based exemption application, the applicant is the local Responsible Pharmacist from a licensed importer/distributor/wholesaler or hospital whose role is to ensure that all

the information is included in the application form and all the documents are attached to the application.

4.1.9 For requests based on Central Medical Stores orders, CMS should be the applicant, unless CMS specifies otherwise, and this should be supported by evidence of authorization issued by CMS.

4.1.10 Quantity requested should be supported by unsolicited orders emanating from the requesting facilities :

i. Orders from government facilities should be in the form of a Letter of commitment (LOC) or a government purchase order (GPO), not a Request for Quotation (RFQ).
ii. Order requests must not be older than six months. Each order may only be used once.
iii. Quantities not commensurate with orders provided in the application will be rejected.

4.1.11 For a patient-based exemption application; the prescriber is the applicant whose role is to ensure that all the required information is included in the application form. The dispensing pharmacist is to check whether the information provided by the prescriber is correct and complete. Patients **may not** apply for their own exemption.

4.1.12 The prescriber is required to keep patient consent forms detailing that the patient has understood that they have been prescribed an unregistered medicine(s) as well as progress reports for the patient(s) on the unregistered medicine(s). This information should be made available to the Authority for inspection. In all situations, dispensing pharmacists are required to inform the patient of the status of registration of the medicine before dispensing.

4.1.13 Concerning donations, unregistered medicines that have been deemed unacceptable in the donor country for safety, quality, and efficacy-related reasons will not be eligible for exemption. Applicants must submit a donation certificate/letter of donation and a certificate of pharmaceutical product (COPP).

4.1.14 Exemption from Registration may be applied for where a variation for a registered medicine has been submitted. Applicants must submit proof of the variation submission.

4.1.15 For amendment requests, on issued exemption letters the following applies:

4.1.15.1.1 If the amendment is as a result of errors by the Authority, the applicant may provide a letter or email detailing the nature of the amendment.

4.1.15.1.2 If the amendments is as a result of errors in the information submitted to the Authority prior to approval or to changes post-approval, a new application for exemption from registration must be lodged accompanied by the requisite fees.

4.1.15.1.3 Amendment on an expired exemption letter will not be considered. Applicants must lodge a new application.

4.1.17 Unregistered medicines may be subject to pre-distribution inspection by the Authority or designated personnel from other institutions upon their importation. The importers are required to maintain records of distribution including dispensing information to allow traceability of the exempted unregistered medicines to their final destination. This information should be made available to the Authority for inspection.

4.1.18 Adverse Drug Reactions and Product Defects of exempted medicines must be reported to the Authority within 48 hours. The importer of the unregistered medicines shall, in conjunction with the Authority, institute a product recall where a recall is required.

4.1.19 Product information (Label and Package insert) of exempted medicines should be in English and devoid of the recommended retail price from the country of manufacturer.

4.1.20 The authority will monitor the frequency and extent of exemption applications and may recommend that an application for registration be lodged with the Authority for a frequently sought-after unregistered medicine(s).

4.1.21 Participants of clinical trials receiving unregistered medicines may continue to receive the unregistered medicine post the clinical trial via the Patient -Exemption route. Only those participants who derive benefits from the investigational product will be considered (this excludes participants on the standard of care, placebo, and registered medicines)

4.1.22 The patient-based exemption route may be used by medical practitioners to provide access (upon consultation with the patient) to unapproved investigational medicines to their patients where there are existing/beneficial therapeutic options.

4.1.23 Advertisement(s), promotion, and sale of exempted medicines for purposes other than those declared on the application is strictly prohibited.

4.1.24 All documents **must** be in English.

4.2 Wholesale-based Exemption Application

4.2.1 The following documents **must** be submitted when applying for wholesale-based exemption:

a) Application for Registration Exemption - Wholesale - **BOMRA/ER/EX/P02/F02.**

b) Proof of payment

c) Orders from facilities received by the wholesaler.

d) Evidence of out-of-stock of the registered product. Evidence must be from the manufacturer(s), MAH, or local distributor(s) of the registered alternative.

e) A certificate of analysis of the batch(es) to be imported.

f) Valid cGMP certificate for the Finished Pharmaceutical Product manufacturing site. This is not required if the physical site of the manufacturer appears in the blue book.

g) For a **Sterile** product, a valid cGMP certificate for the Finished Pharmaceutical Product manufacturing site, issued from either ICH member countries or by regulatory authorities that participate in the PIC/S or WHO or National Medicines Regulatory Authorities in Zambia, Zimbabwe, Tanzania, and Uganda. This is not required if the physical site of the manufacturer appears in the blue book for any registered sterile product.

h) For a **Biologic/Biosimilar** product, a valid Registration Certificate for the product must be issued from either ICH member countries or by regulatory authorities that participate in the PIC/S or WHO or National Medicines Regulatory Authorities in Zambia, Zimbabwe, and Tanzania. Including requirements as stated in g).

4.3 Patient-Based Exemption Application

4.3.1 The following documents are to be submitted when applying for patient-based exemption:

a) Application for Registration Exemption - Patient - **BOMRA/ER/EX/P02/F01**

b) Valid Prescription from a prescriber registered with BHPC.

4.4 Turnaround Time and Validity

4.4.1 The Authority will communicate the outcome of the application within **72 hours**. However, where the application does not meet the Authority's requirements, queries will be sent to the applicant within the **72 hours**. Applicants will be given **48 hours** to address the queries following which the Authority will make a regulatory decision.

4.4.2 Exemption approvals are valid for the quantity approved and for **6 months** from the date of issue.