This document summarizes changes in *Policy 400 Research Involving Pregnant Women, Human Fetuses, and Neonates* (referred to as Policy 400 in this document) that NIH investigators should be aware of, from the SOP(s) mentioned below.

The policy describes general considerations and certain regulatory requirements that apply when an NIH Institutional Review Board (IRB) is reviewing, or when an NIH investigator seeks to perform research involving pregnant women, human fetuses, neonates, and/or research involving, after delivery, the placenta, the dead fetus, or fetal material. (See 45 CFR 46 Subpart B.)

NIH investigators are responsible for reviewing Policy 400 and complying with the requirements of the policy.

Note: Text from the policy and other policy titles are italicized.

Applicability:

- This policy applies to research conducted by NIH investigators involving pregnant women, human fetuses, and neonates, and/or research involving, after delivery, the placenta, the dead fetus, or fetal material.
- This policy also applies when such research is being reviewed by the NIH IRB.

Policy 400 Research Involving Pregnant Women, Human Fetuses, and Neonates	**SOP Superseded by Policy 400**
Policy 400 partially supersedes:	**SOP 14A Research Involving Vulnerable Subjects (General Considerations)** This SOP will not be replaced by an HRPP policy and will be inactivated. When inactivated, this SOP will be archived in the Policy archive.
Policy 400 supersedes:	**SOP 14B Research Involving Pregnant Women, Human Fetuses, and Neonates** When inactivated, this SOP will be archived in the Policy Archive.
POLICY Requirement	**SOP Requirement**
Section B.2. – *This policy is not intended to be an exhaustive listing of statutory, regulatory, and policy requirements. For more complete information, NIH Investigators and IRBs should refer to 45 CFR 46 Subpart B.* *Further, for research involving human fetal tissue, Principal Investigators must consult the Office of Intramural Research (OIR) for information on additional requirements and restrictions. The OIR Sourcebook: Special Research Concerns includes additional requirements related to prohibited research and research with human embryonic stem cells (hESCs), human induced pluripotent stem cells (IPSCs), and adult stem cells.*	**SOP 14B.7.** – *Research in this category may only be conducted in accord with 45 CFR 46.206 (see 45 CFR 46.206 for more information on the applicable criteria).* *Additionally, please also refer to the Office of Intramural Research (OIR) Sourcebook (see References) for NIH policy requirements for the research use of fetal tissue and SOP 5 – Required Review for NIH Research Activities with Human Subjects and Specimens/ Data.* Policy 400 reorganizes the SOP requirements for clarity. There is no change in regulatory or NIH policy requirements referenced in the SOP.

This section of the Policy refers to the OIR Sourcebook: Special Research Concerns and specifically addresses additional requirements related to prohibited research and research with hESCs and IPSCs. There is no change in regulatory or NIH requirements previously referenced in the SOP.	
Section C.1. – *NIH investigators and the NIH IRB must comply with the basic requirements for Protection of Human Subjects at 45 CFR 46 Subpart A and to the requirements for Protections for Pregnant Women, Human Fetuses, and Neonates Involved in Research at 45 CFR 46 Subpart B when applicable. In addition:* **C.1.a. –** *When the pregnant woman is also a child or the research involves a viable neonate, the NIH investigator and the NIH IRB must also comply with the requirements at 45 CFR 46 Subpart D. (See Policy 601 Research Involving Children.)* Sections C.1. and C.1.a. both specify that investigators and the IRB must comply with the basic requirements for human subjects protections, in addition to the additional protections afforded under Subpart B for research involving pregnant women, human fetuses, and neonates, and as applicable, subpart D for research involving children. Policy 400 reorganizes the SOP language and adds specificity for clarity. There is no change in regulatory obligations.	The SOP referenced Subpart A only in sections addressing informed consent. The Policy specifies that NIH investigators and the NIH IRB must comply with Subpart A, in addition to Subpart B, and as applicable, Subpart D.
Section C.2. *– NIH investigators and the IRB must comply with Food and Drug Administration (FDA) and Department of Health and Human Services (referred to as HHS in this policy) regulations, as applicable. In limited circumstances, FDA and HHS regulations allow for exception(s) from informed consent requirements for emergency research, but this waiver may not be applied to research subject to 45 CFR 46, Subpart B (e.g.,*	**SOP 14B.2.** – *In limited circumstances, Food and Drug Administration (FDA) and Department of Health and Human Services (DHHS) regulations allow for exception(s) from informed consent requirements for emergency research, but this waiver is not available for research involving pregnant women, human fetuses and neonates (see SOP 12 - Requirements for Informed Consent and SOP 15 - Research Regulated by the Food and Drug Administration (FDA). General Procedures for Both IND and IDE Applications).*

pregnant women, human fetuses, or neonates). (21 CFR part 50.24) Policy 400 reorganizes the SOP language and adds specificity for clarity. Policy 400 clarifies that all applicable FDA regulations apply, in addition to stating that exception(s) from informed consent requirements for emergency research may not be applied to research subject to Subpart B. There is no change in regulatory obligations.	
Section E.1.a. – "*When conducting research subject to 45 CFR 46, Subpart B (e.g., involving pregnant women, human fetuses and neonates), Principal Investigators (PIs)/Lead Site Investigators must ensure that the protocol and the performance of the research is in compliance with all applicable sections of Subpart B and the other applicable Subparts of 45 CFR 46 as described"* elsewhere in the Policy.	**SOP 14B.2.** indicates that the SOP applies to research involving pregnant women, human fetuses, and neonates. Policy 400 reorganizes the SOP requirements for clarity. There is no change in Principal Investigator (PI) responsibilities. However, PIs and Lead Site Investigators are now equally responsible when conducting research involving pregnant women, human fetuses and neonates. SOP 14B was published prior to the NIH Single IRB Policy, and prior to the 2018 Common Rule, and therefore did not specifically address Lead Site Investigators.
Section E.1.b. – *In addition to the requirements for informed consent described in 45 CFR 46 Subpart A, when the research involves pregnant women, human fetuses, or neonates, and/or research involving, after delivery, the placenta, the dead fetus, or fetal material, the consent requirements at 45 CFR 46 Subpart B must also be met, as well as the other applicable Subparts.* Policy 400 reorganizes the SOP requirements and adds specificity for clarity. There is no change in investigator responsibilities.	N/A