



E-pharmacies mull legal recourse

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HC ban: E-pharmacies mull legal recourse-Push for early publication of rules to help regulate the online medicines market

- The next step for the online drug industry, in the light of the Madras High Court judgment banning the sale of medicines online, would clearly be legal - an appeal against the verdict.
- Online medicine vendors would be filing an appeal and taking the required recourse available under the law.
- The benefits of affordable and accessible medicines through online services have been appreciated by customers across the country.
- Earlier, the Delhi High Court had also banned the sale of drugs online.
- While Judge Pushpa Sathyanarayana's final order did allow the ban to be deferred until the companies have had time to appeal the High Court decision the key aspects of the judgment have made anxious online companies that are part of one of the fast-growing segments in the country.
- The attraction of the online pharmacy, for many, is the fancy discounts that are available, up to 60%, besides free home delivery and sometimes, other value-added services.
- It is the Drugs and Cosmetics Act, 1940, that regulates the import, manufacture and distribution of medicines in the country.
- While it regulates sales of drugs, it was not clear, as the online pharmacy trade emerged, whether the existing rules under the Act would be applicable to the portals selling medicines.
- It was in order to address this specific issue, that the Union Ministry of Health and Family Welfare published draft rules in September, seeking to amend the Drugs and Cosmetics rules regarding the distribution or sale, stock, exhibit or offer for sale of drugs through e-pharmacies.
- While currently no provisions exist for the registration of any of these online pharmacies, the new rules mandate all e-pharmacy holders be registered with the Drugs Controller General of India (DCGI), and the State drug regulator.

- Periodic inspection of the premises too will be on the cards.
- Online portals cannot sell narcotic drugs, tranquillisers and Schedule X drugs, and cannot advertise their services, as under the Drugs and Cosmetics Act.
- Under the new rules, complete information on the medicines will have to be provided by the e-pharmacy holders, and a 24/7 helpline should be made available.
- The top-level Drugs Technical Advisory Board also recently approved the draft rules to allow the operation of e-pharmacies.

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