UNIVERSITI TEKNOLOGI MARA

A LEGAL STUDY ON REGULATING THE SALE OF CONTROLLED SUBSTANCES THROUGH THE INTERNET IN MALAYSIA WITH SPECIAL REFERENCE TO THE UNITED STATES OF AMERICA (USA)

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Dissertation submitted in partial fulfilment of the requirements for the degree of Master of Enforcement Law

Faculty of Law

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AUTHOR’S DECLARATION

I declare that the work in this thesis/dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

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The growing phenomenon of Internet has influenced the way consumers obtain their medications. The easy accessibility and availability of all medicines in the Internet has raised the concern of illegal sale of controlled substances, which are highly abusive and unregulated sale often used by drug addiction. This research examines the adequacy of the existing laws in governing the sale of controlled substances through the Internet. Using doctrinal approach, this research focuses on the main statutes namely the Poison Act 1952, the Poison Regulation (Psychotropic Substances) 1989 and the Sale of Drug Act 1952. This research also examines the applicability of other statutes that related to Internet. A comparative analysis of statutes which regulate the sale of controlled substances by means of the Internet in the US was carried out to observe their legal framework. In addition to that, a semi-structured interview was conducted with the respondents from the Pharmacy Enforcement Division (PED). Findings from the interviews as well as through the comparative analysis were utilised to identify the problems, issues and challenges, and proposes for appropriate recommendations. The current laws were found inadequate to govern the sale of controlled substances through the Internet. Thus, through this research it is proposed that the existing law to be amended to accommodate the handling of Internet transaction. This research also proposes some other recommendations such as to develop a mechanism to licence the internet pharmacies and verification of legitimacy of the website.
# TABLE OF CONTENTS

**Author’s Declaration**  
ii  
**Abstract**  
iii  
**Acknowledgement**  
iv  
**Table of Contents**  
v  
**List Of Abbreviations**  
x  
**List Of Statutes**  
xi

## CHAPTER ONE: INTRODUCTION TO RESEARCH

1.0 Introduction  
1  
1.1 Background of Research  
1  
1.2 Problem Statement  
3  
1.3 Research Questions  
4  
1.4 Research Objectives  
4  
1.5 Methodology  
5  
1.6 Significant Contribution of Study  
5  
1.7 Scope and Limitation  
6  
1.8 Conclusion  
6

## CHAPTER TWO: OVERVIEW ON THE INTERNET SALE OF CONTROLLED SUBSTANCES

2.0 Introduction  
7
2.1 Conceptual Features

2.1.1 Sale of Controlled Substances

2.1.1.1 International Obligation on control substances
2.1.1.2 Concern on the selling of controlled substances

2.1.2 Revolution of Internet Pharmacy

2.1.2.1 Types of Internet pharmacy
2.1.2.2 Risks of Internet pharmacy

2.2 Sale of Controlled Substances without Prescription by Rouge Internet Pharmacy

2.2.1 Challenges posed by the nature of rogue Internet pharmacies
2.2.2 The needs to regulate the internet sale of controlled substances

2.3 Theoretical Framework

2.4 Control of Internet Pharmacies in Malaysia

2.4.1 Prevalence of illegal internet pharmacy selling controlled substances

2.5 Conclusion

CHAPTER THREE: LEGAL FRAMEWORK GOVERNING THE SALE OF CONTROLLED SUBSTANCES IN MALAYSIA

3.0 Introduction

3.1 Laws Governing the Sale of Medicine

3.1.1 Poisons Act 1952

3.1.1.1 Poisons Regulation 1952

3.1.2 Sale of Drugs Act 1952

3.1.2.1 Control of Drugs and Cosmetics Regulations 1984