A STUDY ON THE ADEQUACY OF THE SALE OF DRUGS ACT 1952 IN GOVERNING THE RETAIL SALE OF PHARMACEUTICAL PRODUCTS BY FOREIGNERS IN KUALA LUMPUR

By

ROHAIDA BINTI ZAKARIA (2015235308)

Submitted in Partial Fulfilment of the Requirements
For the Master of Enforcement Law

UNIVERSITI TEKNOLOGI MARA
Faculty of Law

JANUARY 2017

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.
AUTHOR’S DECLARATION

I declare that the work in this thesis 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.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

Name of Student : Rohaida Binti Zakaria
Student I.D. No. : 2015235308
Programme : Master of Enforcement Law
Faculty : Law
Dissertation Title : A Study On The Adequacy Of The Sale Of Drugs Act 1952 In Governing The Retail Sale Of Pharmaceutical Products By Foreigners In Kuala Lumpur

Signature of Student : ..........................................................
Date : January 2017
ABSTRACT

The retail sales of pharmaceutical products by foreigners are one of the problems faced by the Pharmacy Enforcement Branch. Unregistered products such as over the counter products, traditional products and health supplements are products that were commonly seized during inspections and raids. Currently, there are problems that arise from the state of existing laws and regulations pertaining to the sale of pharmaceutical products by foreigners. The control of the retail sale of pharmaceutical products except for the scheduled poisons is silent in the existing laws. For the issue that exists to be resolved, a more stringent rule needs to be regulated and a clear procedure should be established. This study aims to examine the adequacy of the provision in the Sale of Drugs Act 1952, to identify and analyse the problems encountered relating to the retail sales of pharmaceutical products by foreigners, particularly in Kuala Lumpur. The aims are to propose recommendation on the existing regulatory measures to minimise the problems concerning the retail sale of pharmaceutical products. The methodology used is looking into relevant kinds of literature, articles, reports, laws and regulations as well as semi-structured interviews with selected individuals having the necessary experience and competent authority. The result of the research corresponds to the objectives and answered most of the queries and offered a proposal for rectifications.
# TABLE OF CONTENT

**AUTHOR’S DECLARATION**  
**ABSTRACT**  
**ACKNOWLEDGEMENT**  
**TABLE OF CONTENT**  
**LIST OF CASES**  
**LIST OF ABBREVIATION/ NOMENCLATURE**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AUTHOR’S DECLARATION</strong></td>
<td>ii</td>
</tr>
<tr>
<td><strong>ABSTRACT</strong></td>
<td>iii</td>
</tr>
<tr>
<td><strong>ACKNOWLEDGEMENT</strong></td>
<td>iv</td>
</tr>
<tr>
<td><strong>TABLE OF CONTENT</strong></td>
<td>v</td>
</tr>
<tr>
<td><strong>LIST OF CASES</strong></td>
<td>x</td>
</tr>
<tr>
<td><strong>LIST OF ABBREVIATION/ NOMENCLATURE</strong></td>
<td>xi</td>
</tr>
</tbody>
</table>

## CHAPTER 1: INTRODUCTION

1.1 Introduction  
1.2 Background  
1.2.1 The Control on Pharmaceutical Products  
1.2.1.1 Registration of Pharmaceutical Products  
1.2.1.2 The Sale of Pharmaceutical Products  
1.2.2 Foreigners and the Sale of Pharmaceutical Products  
1.2.2.1 Type of Pharmaceutical Products Seized  
1.2.2.2 Areas Related to the Sale by Foreigners  
1.2.2.3 Issues Associated With the Sale by Foreigners  
1.3 Problem Statement  
1.4 Research Questions  
1.5 Research Objectives  
1.6 Research Methodology  
1.7 Scope and Limitation of the Study  
1.8 Significance of the Study  
1.9 Outline of the Research Structure  
1.10 Conclusion
# CHAPTER TWO: THE SALE OF PHARMACEUTICAL PRODUCTS IN MALAYSIA

## 2.1 Introduction

## 2.2 Types of Pharmaceutical Products Sold

- **2.2.1 Controlled Medicine**
- **2.2.2 Non-prescription or Over the Counter (OTC) Products**
- **2.2.3 Natural Products or Traditional Medicines**
- **2.2.4 Veterinary Products**
- **2.2.5 Health Supplement**
- **2.2.6 Definition of Product**
- **2.2.7 Definition of Registered and Unregistered Products**
  - **2.2.7.1 Current Scenario in Malaysia**
  - **2.2.7.2 International Perspective**

## 2.3 Retail Sale of Pharmaceutical Products in Malaysia

- **2.3.1 Definition of Retail Sale**
- **2.3.2 Retail Sale of Controlled Medicines**
- **2.3.3 Retail Sale of Other Products**

## 2.4 The Sale of Pharmaceutical Products by Foreigners

- **2.4.1 The Current Situation in Malaysia**
- **2.4.2 Situation in Kuala Lumpur**
- **2.4.3 Definition of Foreigner**
- **2.4.4 Issues Associated With the Sales of Pharmaceutical Products by Foreigners**
  - **2.4.4.1 General Issues**
  - **2.4.4.2 Complaints on the Sale by Foreigners**
  - **2.4.4.3 Rampancy of Unregistered Products Seized**
- **2.4.5 The Sale of Unregistered Products by Foreigners**
  - **2.4.5.1 The Trend of Sale**
  - **2.4.5.2 Newspaper Reports**

## 2.5 Problem Associated with the Sale of Pharmaceutical Products by Foreigners

- **2.5.1 Risk to the Public**
- **2.5.2 Problems Related to the Premise Operated**