

UNIVERSITI TEKNOLOGI MARA

**A COMPARATIVE LEGAL STUDY ON INTERNET
PHARMACY IN MALAYSIA, UNITED STATES AND UNITED
KINGDOM**

**NURHAIRANI BINTI ABDUL LATIF (2010409556)
NORMAWATI BINTI MOHAMED NOOR (2010479538)
WAN MARIA BINTI WAN MAHAMOOD (2010886306)**

Submitted in Partial Fulfillment of the Requirements
for the degree of Master in Enforcement Law

FACULTY OF LAW

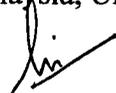
December 2011

STUDENTS' DECLARATION

"We declare that the work in the thesis was carried out in accordance with the regulations of the Universiti Teknologi MARA. It is original and is the result of our own work, unless otherwise indicated or acknowledged as referenced work. This topic has not been submitted to any other academic institution or non-academic institutions for any other degree or qualification.

In the event that our thesis is found to violate the condition mentioned-above, we voluntarily waived the right of conferment of our degree and agree be subjected to the disciplinary rules and regulations of the Universiti Teknologi MARA."

Name of student : Nurhairani Binti Abdul Latif
Student's ID number : 2010409556
Programme : LW 791
Faculty : Faculty of Law
Thesis title : A Comparative Legal Study on Internet Pharmacy in Malaysia, United States and United Kingdom

Signature of the student: 
Date : 23.12.2011

Name of student : Normawati Binti Mohamed Noor
Student's ID number : 2010479538
Programme : LW 791
Faculty : Faculty of Law
Thesis title : A Comparative Legal Study on Internet Pharmacy in Malaysia, United States and United Kingdom

Signature of the student: 
Date : 23.12.2011

Name of student : Wan Maria Binti Wan Mahamood
Student's ID number : 2010886306
Programme : LW 791
Faculty : Faculty of Law
Thesis title : A Comparative Legal Study on Internet Pharmacy in Malaysia, United States and United Kingdom

Signature of the student: 
Date : 23.12.2011

ABSTRACT

The Internet pharmacy does give benefits to consumers but it must be outweighed with the available risks mostly posed by anonymous Internet pharmacy operators. This study examines the existing laws or regulations and guidelines in Malaysia relating to Internet pharmacy and identifying present laws and control of Internet pharmacy in the United States and United Kingdom to be adopted in Malaysia. The research is carried out using qualitative research method, library research on the primary sources of the laws and statutes in Malaysia, United Kingdom and United States as well as interviews conducted personally in Malaysia and through email for international agencies. The issues and challenges are divided into legal aspects, enforcement activities and socio-economic. There are quite a number of approaches that can be implemented by the authority in Malaysia in order to enhance the standard and quality of the Internet pharmacy. This include the amendment of the existing legislations to suit with the development of information technology, enhancing the training of the pharmacy enforcement officer, verification system of the internet pharmacy, creating specialised unit in handling those cases, and boosting the consumer education program. With the growth of E-commerce, the law must continue to growth and accommodate the new technology because the goal of regulation is to promote the health and safety of Internet users while not stifling the growth of the modern medium. Cooperation between state, professional organisation and the federal government are also vital in order to address the issues associated with Internet pharmacy.

ACKNOWLEDGEMENTS

First and foremost, our utmost Gratitude to Allah the Almighty for giving us health and strength to complete this dissertation. We owe our deepest gratitude and appreciation to Ministry of Health for the scholarship “Hadihah Latihan Persekutuan” granted to us to pursue our Master degree in Enforcement Law here at Faculty of Law, University Technology Mara, Shah Alam.

We are heartily thankful to our supervisor Associate Professor Siti Hajar Mohd Yasin who has assisted in the completion of this research and giving us the guidance, support and encouragement.

It is a pleasure to thank those who had made this dissertation possible with the contribution and sharing of information, knowledge, and experience through the interview done especially the officer from the various agencies like En Ghazali Mansor, En Mazlan Ismail, En Abdul Halim Abu Naim and Pn Tan Lie Sie from Pharmacy Enforcement Division, En Shamsul Nizam Khalil from Ministry of Domestic Trade, Cooperative & Consumerism, as well as United Kingdom Authority Body such as Mrs Irene Patterson and Mr Karen Turnham from General Pharmaceutical Council, Mr Rakesh Bundia from Royal Pharmaceutical Society, Dr Segundo Mariz from European Medicines Agency and also Mr Ronke and Mr Danny Lee-Frost from Medicine Healthcare Regulatory Authority despite the distance, they have painstakingly e-mailed the information we needed.

This dissertation would not have been possible without the full support from our beloved family including our grateful parents, caring husband and lovely children with their constant supports, steadfast encouragement, full understanding and patience that will never be forgotten as we hurdle all the obstacles in the completion of this dissertation.

We are also indebted to all of our colleagues of Master of Enforcement Law, UiTM session 2010/2012 for the supportive and sharing of knowledge. Lastly, we offer our regards and blessings to all of those who supported either directly or indirectly in any respect during the completion of the dissertation.

This research project has been carried out by a team which has included Nurhairani Abdul Latiff, Normawati Mohamed Noor and Wan Maria Wan Mahamood. Thus, we have contributed equally throughout the completion of this dissertation.

TABLE OF CONTENTS

Students' Declaration	i
Abstract	ii
Acknowledgements	iii
Table of Contents	iv
List of cases	viii
List of abbreviations	ix
List of statutes	xi

CHAPTER ONE: INTRODUCTION TO THE RESEARCH

1.0	Introduction to the research	1
1.1	Background of research	1
1.2	Problem Statement	2
1.3	Conceptual Features	3
1.4	Research Objectives	5
1.5	Research Methodology	5
1.6	Research Scope and Limitation	6
1.7	Contribution of the Research	6
1.8	Concluding Remark	6

CHAPTER TWO: INTERNET PHARMACY

2.0	Introduction	7
2.1	What is it?	7
2.2	Its History and Development	8
2.3	The Benefits and Risks	10
2.3.1	The Benefits	
	a) Medicinal products aspect	10
	b) Exchange of Information and Communication Aspect	11
	c) Economy Aspect	12
	d) Social Aspect	12
2.3.2	The Risks	
	a) Medicinal Product Aspect	14
	b) Medical Practitioners Aspect	15
	c) Information Aspect	15
	d) Economy Aspect	16
	e) Social Aspect	16
2.4	Concluding remarks	17