

# NAMSDL



**National Alliance for Model State Drug Laws**

## **State and Federal Regulation of Internet Pharmacies**

**May 2009**

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Online, or Internet Pharmacies as they are more commonly known, operate in a similar fashion to traditional brick-and-mortar pharmacies with the primary difference being the method by which the medications are requested and received. Many Internet Pharmacies require prescriptions and retain practitioners to review those prescriptions prior to the dispensing and mailing of drugs. There are also many websites that dispense controlled substances without a pre-written prescription and without a physician's review. The pharmacies that fall into the later category are often operating in a fraudulent or illegal manner and their practices do not comply with the pharmacy laws and regulations in the states to which they dispense prescription controlled substances.

The benefits to purchasing prescriptions over the Internet are clear – convenience and cost. Many consumers enjoy the ease of ordering a new prescription or a refill over the Internet and then receiving their medications in the mail as early as the day after placing an order. And in terms of cost, Internet Pharmacies can often sell drugs at a lower price than traditional brick-and-mortar pharmacies because the overhead costs of running a website are significantly less than at a physical pharmacy location. In fact, the uninsured and underinsured often turn to overseas online pharmacies to order their prescriptions at a significant cost savings as the price of pharmaceuticals is strictly controlled in other nations, while those prices are not controlled and thus generally higher in the United States.

This prevalence of prescription ordering over the Internet, whether through legitimate online pharmacies or illegal ones, presents many problems in terms of law enforcement. While both the federal government and a handful of states have implemented statutes and regulations to govern the practice of Internet Pharmacies, these provisions are essentially unenforceable. On any given day there are thousands of websites selling prescription drugs to millions of Americans through a medium that at best is extremely difficult to enforce. Then add the international website sale component, and enforcement becomes even more challenging.

Despite the obvious challenges, the federal government and a handful of states are testing the waters, at least in terms of terms of regulation. The following sections outline recent legislative/regulatory efforts both on the federal and state level.

## **EXISTING FEDERAL REGULATION**

### Ryan Haight Online Pharmacy Consumer Protection Act of 2008

The Ryan Haight Online Pharmacy Consumer Protection Act (Ryan Haight), passed by Congress in 2008, amends the Controlled Substances Act to prohibit the delivery, distribution, or dispensing of a controlled substance that is a prescription drug over the Internet without a valid prescription. The legislation is named for Ryan Haight, who in 2001 at the age of 18, died of a drug overdose from Vicodin he procured over the Internet without having a prescription.

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This Act is broad-reaching, regulating the activities of physicians and pharmacies as well as outlining penalties and enforcement provisions. One of the law's primary purposes is to mitigate the impact of rogue Internet pharmacies that are generally able to operate with the cooperation of a doctor or group of doctors willing to issue prescriptions for "patients" without ever seeing the patients to determine if there is a legitimate medical need for the prescription. To address this, the Ryan Haight legislation requires doctors to conduct face-to-face examinations of patients before dispensing medication and prohibits dispensing controlled substances via the Internet without a valid prescription.<sup>1</sup>

With regard to pharmacies, the Act requires online pharmacies<sup>2</sup> to post information related to their actual physical location (name of the pharmacy, address and telephone number), the qualifications of its pharmacist in charge (license numbers), certification of registration for its brick-and-mortar operation, and an endorsement from the Drug Enforcement Administration. Online pharmacies are further required to comply with state laws for the licensure of pharmacies in each state in which they operate or sell controlled substances and notify the Attorney General and applicable state boards of pharmacy 30 days prior to offering to sell, deliver, distribute, or dispense controlled substances over the Internet.

In addition to regulating physicians and pharmacies, Ryan Haight outlines penalties for violating its requirements and enumerates tools available to entities such as Attorneys General to aid in their enforcement efforts. One provision makes it easier for states' attorneys general to prosecute violations committed by online pharmacies outside their respective states. Another provision gives the attorney general of each state the ability to bring a civil action in a federal district court to enjoin the actions of an online pharmacy operating in an illegal manner.

In terms of crimes, enforcement and penalty provisions, The Act criminalizes use of the Internet to advertise the illegal sale of a controlled substance and provides for enhanced penalties for unlawful dispensation of controlled substances in Schedules III through V. Some violations carry a punishment of imprisonment for up to 20 years in prison. New Drug Enforcement Administration (DEA) regulations implementing the Ryan Haight Act went into effect on April 13<sup>th</sup>, 2009. The Interim Final Rule was published in the Federal Register and the public has 60 days to submit comments to the DEA. As both the Act and the regulations implementing its provisions have only recently passed, it remains to be seen

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<sup>1</sup> "Valid Prescription" is defined as a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by a practitioner who has conducted at least one in-person medical evaluation of a patient: 21 U.S.C.A. § 829 (2008)

<sup>2</sup> "Online pharmacy" is defined as a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses a controlled substance by means of the Internet: 21 U.S.C.A. § 802 (2008)

what effect Ryan Haight will have on the operation of illegal Internet Pharmacies and what challenges may arise in enforcing this new law.

### **VERIFIED INTERNET PHARMACY PRACTICE SITES (VIPPS)**

The Verified Internet Pharmacy Practice Sites (commonly known as VIPPS) was established in response to public concern over the safety of pharmacy practice conducted over the Internet. The site was created and is maintained by the National Association of Boards of Pharmacy (NABP), established in 1904 to assist state licensing boards in developing, implementing and enforcing uniform standards to protect the Public Health.<sup>3</sup>

To be VIPPS accredited, a pharmacy must comply with the licensing and inspection requirements of their state and every state to which they dispense pharmaceuticals. Pharmacies that display the VIPPS seal have demonstrated to NABP their compliance with VIPPS criteria including patient rights to privacy, authentication and security of prescription orders, adherence to a recognized quality assurance policy, and provision of meaningful consultation between patients and pharmacists.<sup>4</sup>

VIPPS pharmacy sites can be identified by the VIPPS hyperlink seal displayed on their website. By clicking on the seal, a visitor is linked to the NABP VIPPS site where verified information about the pharmacy is maintained. There are currently two categories that Internet Pharmacies fall into:

- **Recommended Internet Pharmacies:** NABP recommends that patients use sites accredited through the VIPPS program. These sites have undergone and successfully completed accreditation process.<sup>5</sup>
- **Not Recommended Sites:** These Internet sites do not comply with state and federal laws related to pharmacy practice or the safety and practice standards set by the NABP.

The NABP recommends that patients use only VIPPS-accredited Internet pharmacies when buying medicine online. Additionally, many of the states that have legislated in this area require Internet Pharmacies that dispense to patients within their borders to be VIPPS certified.

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<sup>3</sup> National Association of Boards of Pharmacy - [www.nabp.net](http://www.nabp.net)

<sup>4</sup> Verified Internet Pharmacy Practice Sites - [vipps.nabp.net/verify.asp](http://vipps.nabp.net/verify.asp)

<sup>5</sup> According to the VIPPS website there are 17 recommended Internet Pharmacies as of May 2009

## EXISTING STATE STATUTES AND REGULATIONS

As of the end of 2008 only a handful of states have enacted Internet Pharmacy laws and/or related regulations. What follows is a listing of those state provisions and a brief synopsis of or highlights from each.

### Alabama

#### ALA. ADMIN. CODE § r. 680-X-2-.33 (2008)

##### Internet Pharmacies.

This provision requires pharmacists to make every reasonable effort to ensure that a prescription order (regardless of the means of transmission) was issued for a legitimate medical purpose by an authorized practitioner. Pharmacists may not dispense prescription drugs if they have knowledge that the order for the drug was issued on the basis of an internet-based questionnaire, an internet-based consultation or a telephonic consultation, all without a legitimate preexisting patient-practitioner relationship.

### Arkansas

#### ARK. CODE ANN. §§ 17-92-1001 through 1007 (West 2008)

##### Arkansas Internet Prescription Consumer Protection Act.

- Defines internet site and pharmacy separately; does not specifically define the term “Internet Pharmacy” but instead utilizes the following applicable definitions:
  - *Internet site*: a specific location on the international network of interconnected government, educational, and commercial computer networks that is determined by Internet protocol numbers, by a domain name, or by both, including but not limited to, domain names that use the designations “.com”, “.edu”, “.gov”, “.org”, and “.net”.
  - *Pharmacy*: means premises, laboratory, area or other place:
    - a. Where drugs are offered for sale, where the profession of pharmacy is practiced, and where prescriptions are compounded and dispensed;
    - b. Which has displayed upon it or within it the words “pharmacist”, “pharmaceutical chemist”, “pharmacy”, “apothecary”, “drugstore”, “druggist”, “drugs”, “drug sundries”, or any of these words or combination of these words;or;

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c. Where the characteristic symbols of pharmacy or the characteristic prescription sign “Rx” may be exhibited.

- Requires either a permit from the Board of Pharmacy or Certification by the NABP as a VIPPS site and the VIPPS seal with a link on the website to the National Association of Boards of Pharmacy verification site.
- Requires that the following information be disclosed on the site itself:
  - Name of each pharmacy that causes the sale, dispensing, or delivery of a prescription-only drug to any consumer in this state;
  - Address of the principal place of business of each pharmacy that causes the sale, dispensing, or delivery of a prescription-only drug to any consumer in this state;
  - Telephone number of each pharmacy that causes the sale, dispensing, or delivery of a prescription-only drug to any consumer or other person in this state; and
  - The afore-mentioned Pharmacy's: (A) Permit number assigned by the Arkansas State Board of Pharmacy; or (B) Certification by the NABP as a VIPPS and the VIPPS seal with a link to the National Association of Boards of Pharmacy's verification site.
- An Internet Pharmacy may not sell, dispense or otherwise distribute prescription drugs unless:
  - It complies with all federal laws applicable to websites or electronic mail;
  - It complies with all applicable state pharmacy laws and is properly regulated by the Board of Pharmacy to practice pharmacy in Arkansas;
  - If applicable, it complies with all applicable foreign corporation laws;
  - Practitioners selling or distributing prescriptions drugs comply with applicable state laws.

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## **Delaware**

### **DEL. CODE ANN. tit. 16, §§ 4741 through 4745 (2009)**

#### **Safe Internet Pharmacy Act.**

- Defines Internet Pharmacy as any person or entity maintaining an Internet site which solicits or receives, or offers to solicit or receive, prescription drug orders to be dispensed and delivered to patients, including Delaware patients, by means of the United States Postal Service or any other delivery service.
- Internet Pharmacies may not sell, dispense, distribute or deliver any prescription drugs unless the practitioner has a patient-practitioner relationship with the patient.
- Patient-practitioner relationship (with respect to prescribing drugs for a patient) means that the practitioner:
  - Has conducted at least one (1) in-person medical evaluation of the patient and performed a medical history and physical examination sufficient to establish a diagnosis; or
  - Personally knows the patient and the patient's general health status through an existing patient-practitioner relationship; or
  - Provides treatment in consultation with or upon referral of another practitioner who has an existing patient-practitioner relationship with the patient and who has agreed to supervise the patient's treatment; or
  - Provides treatment to the patient through an on-call or cross-coverage situation for another practitioner who has an existing patient-practitioner relationship with the patient; or
  - Provides continuing medications on a short-term basis for a new patient prior to the first appointment; or
  - Provides treatment based upon admission orders for a newly hospitalized patient.

## **District of Columbia**

### **D.C. CODE § 22-1903 (2009)**

#### **Registration of Nonresident Pharmacies.**

This provision requires non-resident pharmacies that are solely internet-based or that operate primarily as internet-based pharmacies to (A) submit proof of certification by the VIPPS of the NABP, or other national certification program for internet pharmacies and (B) submit proof of registration in good standing in the District of Columbia as a foreign corporation.

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## **Florida**

**FLA. STAT. ANN. § 465.003 (West 2009)**

### **Definitions.**

Under this provision the term “pharmacy” is defined to include an “Internet Pharmacy;” Internet Pharmacy includes locations not otherwise licensed or issued a permit under this chapter, within or outside the state, which use the Internet to communicate with or obtain information from consumers and use such information to fill or refill prescriptions or to dispense, distribute or otherwise engage in the practice of pharmacy.

**FLA. STAT. ANN. § 465.0161 (West 2009)**

### **Distribution of Medicinal Drugs Without a Permit.**

This provision states that an Internet Pharmacy that distributes a medicinal drug to any person in the state, without being permitted as a pharmacy, commits a second degree felony.

**FLA. STAT. ANN. § 465.0197 (West 2009)**

### **Internet Pharmacy Permits.**

- Uses the term “medicinal drugs,” which are defined as those substances or preparations commonly known as “prescription drugs” which are required by federal or state law to be dispensed only on a prescription.
- Requires Internet pharmacies to designate a licensed pharmacist as the prescription department manager; the licensed pharmacist is responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs to person in Florida occurs; permittees must notify the dept within 30 days of any change of the licensed pharmacist responsible for such duties.
- In order to obtain a permit, an Internet Pharmacy must demonstrate that it (1) maintains at all times a valid, unexpired license, permit or registration to operate the pharmacy in compliance with the laws of the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed, and (2) complies with all lawful directions and requests for information from the regulatory or licensing agency of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to persons in this state.

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- An Internet Pharmacy must disclose to the Board that it maintains records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed.
- Permittees that employ or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.
- Requires Internet Pharmacies to provide the location, names and titles of all principal corporate officers and the pharmacist who serves as the prescription department manager for dispensing medicinal drugs to persons in this state (any changes must be reported within 30 days).

## **Indiana**

### **IND. CODE ANN. §§ 25-26-18-1, -2 (West 2009)**

#### **“Mail Order or Internet Based Pharmacy” Defined.**

#### **Compliance With Laws Required.**

This provision defines a “mail order or Internet Based Pharmacy” as a pharmacy that is located in Indiana or is a nonresident pharmacy that dispenses prescription drugs to patients in Indiana (A) through the United States Postal Service or other delivery service or (B) after receiving a request for prescription drugs through the Internet. Mail order and Internet based Pharmacies must comply with the licensure laws of the state in which the pharmacy is domiciled and with the drug substitution laws of Indiana.

### **IND. CODE ANN § 25-26-17-4.5 (2009)**

#### **Internet Prescription Volume Greater Than Twenty-Five Percent; Accreditation; Display of Seal of Approval.**

- Nonresident pharmacies that dispense more than twenty-five percent of their total prescription volume as a result of original prescription orders received or solicited through the Internet must be accredited (A) through VIPPS or (B) under an approved program that is substantially similar to the VIPPS program
- Requires the afore-mentioned pharmacies to obtain and display a seal of approval, of the NABP a substantially similar approved program, anywhere the nonresident pharmacy advertises.

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## **Kentucky**

**KY. REV. STAT. ANN. § 315.035 and 315.0351 (West 2008)**

### **Permit Required for Operation of a Pharmacy.**

#### **Out-of-State Pharmacy.**

- Requires each separate pharmacy to obtain a permit prior to operating, whether at a physical location or by means of the Internet, facsimile, phone, mail or any other means.
- Any pharmacy within the state that dispenses more than 25% of its total prescription volume as a result of a prescription received through the Internet must obtain certification as a VIPPS site, prior to obtaining a permit.
- Any pharmacy doing business via the Internet must certify the percentage of its annual business conducted via the Internet and must submit supporting documentation as requested by the Board of Pharmacy.
- Out-of-state Internet Pharmacies must:
  - Disclose information about the corporate officers and all pharmacists who dispense prescription drugs to Kentucky residents;
  - Comply with all statutorily-authorized directions and requests for information from a regulatory agency of Kentucky and the Board of Pharmacy.
  - Maintain at all times a valid license, permit or registration to operate the pharmacy in compliance with the laws of the state in which the IP is a resident.
  - Submit with the application a copy of the most recent inspection report conducted by the regulatory or licensing agency of the jurisdiction in which it is located.
  - Maintain records of any controlled substances or dangerous drugs or devices or prescriptions dispensed to patients in Kentucky so that the records are readily retrievable from the records of other drugs dispensed.
  - Operate a toll-free customer service number no less than 6 days a week for at least 40 hours.
  - Designate a pharmacist in charge who is licensed in Kentucky to be responsible for compliance with Kentucky law.

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## **Nevada**

**NEV. REV. STAT. ANN. §§ 453.3611, -.3615, -.3618, -.3621, -3625, -.3628, -.3633, -.3635, -.3638, -.3639, -.3643, -.3648 (West 2008)**

### **Illegal Internet Pharmacies.**

- Illegal Internet Pharmacy is defined as a person located within or outside the state who is not licensed and certified to engage in the practice of pharmacy and who knowingly:
  - Uses or attempts to use the Internet to communicate with or obtain information from another person;
  - attempts to use such communication or information to (1) fill or refill a prescription or (2) deliver a controlled substance to the other person.
- Persons (located within or outside the state) who own, operate, control, profit from or are employed or paid by an illegal Internet Pharmacy may not fill or refill prescriptions or deliver controlled substances to other persons within the state.
- Violations of Nevada's Illegal Internet Pharmacy laws are classified as felonies and are punishable by fines and jail time.
- Practitioners are prohibited from prescribing drugs (1) for persons that they have not physically examined within the 6 month period preceding the issuance of the prescription (2) if that practitioner has reasonable cause to believe that an Illegal Internet Pharmacy will fill the prescription.

**NEV. REV. STAT. ANN. §639.0725 (West 2008)**

### **State Board of Pharmacy.**

This provision requires the Board of Pharmacy to adopt any regulation necessary to effect the safe and efficient operation of pharmacies and wholesalers that offer their services to persons via the Internet.

**NEV. REV. STAT. ANN. §639.00865 (West 2008)**

### **"Internet Pharmacy" Defined.**

Internet Pharmacy is defined as a person located within or outside the state who knowingly:

- Uses or attempts to use the Internet to communicate with or obtain information from another person; and
- Uses or attempts to use such communication or information to fill or refill a prescription or otherwise engage in the practice of pharmacy.

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**NEV. REV. STAT. ANN. §639.23288 (West 2008)**

**Internet Pharmacy: Certification Required; Regulations; List of Approved Internet Pharmacies.**

This provision requires the Board of Pharmacy to adopt regulations prescribing standards for certifying an Internet Pharmacy. These standards may be based on those adopted by the National Association of the Boards of Pharmacy or another organization that has standards for certifying Internet Pharmacies. The Board of Pharmacy must post (1) a list of Internet Pharmacies that it has certified and (2) any other information relating to Internet Pharmacies that it deems relevant.

**NEV. ADMIN. CODE §§ 639.420, -.422, -.424, -.426, -.428 (2008)**

**Internet Pharmacies.**

- Board may grant an application for certification if the Internet Pharmacy is certified by the VIPPS of the NABP. *(If not, the Board shall determine if the Internet Pharmacy meets the requirements listed in the categories below in order to obtain certification.)*
- For certification, the Internet Pharmacy is required to be licensed to practice pharmacy in each state in which the pharmacy will practice.
- To obtain certification, an Internet Pharmacy must:
  - Obtain and maintain patient information necessary to facilitate review of drug utilization and counseling of patients pursuant to any applicable statutes;
  - Maintain controls of its computer system, information concerning patients and other such confidential information and documents to prevent unauthorized or unlawful access to all such confidential information and documents;
  - Follow all applicable state and federal laws relating to:
    - recordkeeping related to the patients served by the pharmacy;
    - the purchase of prescription drugs, and the sale and dispensing of prescription drugs;
    - the sale of over-the-counter products, including, without limitation, any special requirements related to products that have been identified as precursors to the manufacture or compounding of illegal drugs.

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- To obtain certification, an Internet Pharmacy is required to maintain and enforce policies and procedures which ensure that:
  - The pharmacy is able to establish the authenticity of a prescription which the pharmacy receives.
  - The pharmacy will not fill any prescription which has been previously filled by another pharmacy, and if the pharmacy fills any prescription, that prescription will not also be filled by another pharmacy.
  - The identity of the patient and the prescribing practitioner is verified to be authentic.
  - A prescription is filled in compliance with all applicable federal and state laws.
  - A patient or the caregiver of the patient may make a complaint to the pharmacy regarding the prescription of the patient, and if such complaint is made, the complaint will be investigated thoroughly, the results of investigation will be communicated to the patient or caregiver, and if the investigation reveals that the operations of the pharmacy resulted in an error in the processing or filling of the prescription, appropriate remedial action will be taken by the pharmacy.
  - The pharmacy will communicate to a patient or a prescribing practitioner any delay that might jeopardize or alter the drug therapy of the patient with respect to delivering the prescribed drug or device;
  - The pharmacy will communicate to a patient information regarding recalls of drugs and the appropriate means to dispose of expired, damaged or unusable drugs or devices.
- For certification, an Internet Pharmacy is required to ship prescriptions to a patient using a secure and traceable means and ship prescriptions to a patient using packaging or devices which will ensure that the prescription is maintained within appropriate standards pertaining to temperature, light and humidity as described in the United States Pharmacopeia.

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- By applying for and being granted certification as a certified Internet Pharmacy, a certified Internet Pharmacy is deemed to have given its consent to:
  - Allow free access, at all times during business hours, to all places where drugs, medicines, poisons, devices or appliances are kept and to all records regarding the purchase, sale, dispensing and shipping of, and all other dealings with, such drugs, medicines, poisons, devices or appliances, to members of the Board and its inspectors and investigators, investigators of the Investigation Division of the Department of Public Safety, inspectors for the Food and Drug Administration, and other persons authorized by the Board to inspect or investigate at the Board's direction and control;
  - Provide records or copies of records by mail, electronic mail or other means, within a reasonable time as established by the person making the request for the records or copies of records, to members of the Board and its inspectors and investigators, investigators of the Investigation Division of the Department of Public Safety, inspectors for the Food and Drug Administration, and other persons authorized by the Board to inspect or investigate at the Board's direction and control.

## **North Carolina**

### **21 N.C. ADMIN. CODE §§ 46.1317, 46.1601 (2009)**

#### **Definitions; Pharmacy Permits.**

Section 46.1317 defines an Internet Pharmacy as (1) a pharmacy that maintains an Internet site for purposes of selling or distributing prescription drugs (2) a pharmacy that uses the Internet to communicate with or obtain information from patients for purposes of engaging in the practice of pharmacy in relation to those patients.

Section 46.1601 provides that the Board of Pharmacy may not issue any original or renewal permits to an Internet Pharmacy unless it is satisfied that:

- The Internet Pharmacy is certified by the NABP as a VIPPS site;
- The Internet Pharmacy has certified the percentage of its annual business conducted via the Internet; and
- The Internet Pharmacy has provided the Board of Pharmacy with the names, addresses, social security numbers, phone numbers, facsimile numbers, email addresses and titles of all principal corporate officers of the Internet Pharmacy.

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## **Texas**

**TEX. OCC. CODE ANN. § 555.001 (2007)**

### **Public Interest Information.**

This provision requires the Board of Pharmacy to provide on its website a list of all Internet Pharmacies licensed by the board, including each pharmacy's name, license number, and state of physical location.

## **Virginia**

**VA. CODE ANN. §54.1-3434.1 (West 2008)**

### **Nonresident Pharmacies to Register With the Board.**

This provision requires nonresident pharmacies that dispense more than 50 percent of their total prescription volume pursuant to the Internet to disclose to the Board of Pharmacy that it is credentialed as has been certified by the Verified Internet Pharmacy Practice Site (VIPPS).

## **LEGISLATION ENACTED IN 2009**

2009 Arkansas Senate Bill 120 – Strikes the definition of “proper physician-patient relationship” and enacts a new definition for “proper practitioner-patient relationship,” the existence of which is a prerequisite to filling a prescription received via the Internet. Per this legislation, “proper physician-patient relationship” means that before the issuance of a prescription, a practitioner, physician, or other prescribing health professional performs a history and in-person physical examination of the patient adequate to establish a diagnosis and to identify underlying conditions or contradictions to the treatment recommended or provided.

2009 Iowa House File 381 – Establishes a system for regulating the Internet sale of prescription products, including a program of registration of pharmacy Internet sites. With regard to the operation of Internet Pharmacies, this legislation requires the following:

- That the pharmacy complies with all applicable federal and state law related to pharmacy operation.
- That the pharmacy complies with any existing state prescription monitoring program.
- That practitioners who write prescription orders through the Internet comply with all existing applicable laws.

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- That pharmacists not fill prescriptions solely on the basis of an Internet questionnaire and without the existence of a valid patient-practitioner relationship.
- That Internet Pharmacy sites display their name, their physical location, their telephone number, their board license number, their VIPPS seal and their Internet site registration number.

Mississippi Senate Bill 2799 – Regulates the operation of both in-state and out-of-state pharmacies doing business in Mississippi by means of the Internet or other electronic communication by requiring the following of Internet Pharmacies:

- Pharmacies doing business in Mississippi must hold a valid pharmacy permit issued by the State Board of Pharmacy.
- Permitted out-of-state pharmacies must disclose the location, names, and titles of all principal corporate officers and all pharmacists who dispense drugs to residents of Mississippi.
- Every permitted out-of-state pharmacy must maintain records of drugs dispensed to patients in the state.
- Records for prescriptions delivered to addresses in Mississippi must be readily retrievable from the other prescription records that the pharmacy houses.
- Internet Pharmacies that dispense more than 25% of their total prescription volume as a result of orders received over the Internet must display a VIPPS seal (or an approval seal from a similar entity).
- Internet Pharmacies must certify the percentage of their business conducted via the Internet.

North Dakota Senate Bill 2218 – Enacts requirements for dispensing controlled substances by means of the Internet. Prescription controlled substances may not be delivered, distributed or dispensed by means of the Internet without a valid prescription; for purposes of this section, “valid prescription” is defined as a prescription that is issued for a legitimate medical purpose by (1) a practitioner who has conducted at least one in-person medical evaluation of the patient or (2) a covering practitioner who has done the same.

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