

Gujarat-based chemist assns up ante against e-pharmacies

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THE Gujarat-based chemist associations has upped ante against e-pharmacies in co-ordination with distributor's federation towards strengthening retail pharmacies in the country.

This has been triggered by India's largest chemist association body, All India Organisation of Chemists and Druggists (AIOCD), a representative body of over eight lakh chemists and druggists across the country which has appealed to the chemists pan India to boycott online pharmacy business to save neighborhood medicine outlets.

This comes at a juncture when two e-commerce majors Amazon and Reliance have also ventured into the business of online pharmacies recently.

Amazon has announced the opening of its online pharmacy Amazon pharmacy service from Bengaluru and Reliance has also expressed their eagerness by purchasing online pharmacy Netmeds which according to chemists association is still not allowed under current laws of the land.

According to the chemists associations in Gujarat, it has proved its commitment to the people as custodians of health and protectors of public health in the past and during this COVID-19 crisis also. The Prime Minister of India has given the slogan of 'Vocal for Local' and also thanked the neighborhood shopkeepers for their pivotal role in the coronavirus pandemic.

"Around 30 per cent of the retailers are based in Gujarat, Rajasthan, Madhya Pradesh, Karnataka and Maharashtra. Reason being there are large number of pharmacy colleges and pharmaceutical manufacturing unit which have good number of pharmacy graduates who are experts in this field. Also, the pharmaceutical domain expertise is higher in these areas. On the other hand, Bihar, UP, West Bengal and Punjab, awareness is lacking. Without prior preparation, it will not be a good decision to completely depend on e-pharmacy as well-defined guidelines do not exist for online pharmacy stores in India," according to one of the pharma

consultant Anshu Yadav.

As per the Indian laws, medicines can be sold only by a registered pharmacy that has a retail license and a registered pharmacist on payroll. A prescription for medicines ordered is mandatory, except for sale of over-the-counter products. Orders for medicines can be taken only from areas where the pharmacy retail license applies. All the medicines must be verified and certified by the registered pharmacist before delivery. At this point of time we cannot be sure that all the above are followed during e-pharmacy. Additionally, consumers seeking overseas options to purchase medicines also pose a threat to the pharmaceutical industry and pharmacists of the respective country.

India currently has more than 8,50,000 independent pharmacy retail stores, that fulfills only 60 per cent of the total medicine demand pan India. However, offline pharmacies retail stores are currently responsible for 99 per cent of the medicine sales per year, with e-pharmacy contributing to only one per cent of the total medicine sale in India.

At present situation the chemists and distributors federation of the country has decided to share common platform with the national retail chemists body to work together on trade related matters and to fight against proliferation of online pharmacies on the medical market in the country. The two associations are now focusing on tackling the issue of online pharmacy, and on policy matters of business both organisations will join hands together albeit different views and opinions on organizational part, according to sources.

Presently, the distributor's federation and chemists association both face the same problem of online pharmacy which is strongly opposed by both the associations. This is a matter of joint concern for the traditional pharmaceutical traders across the country. As far as the distributor's federation is concerned, it considers online pharmacy as an illegal entity and the business through which is unethical. It is always challenging the transparency of medicine trade and the health security of the patients that the retail chemist community of the country has been maintaining all these past years without any flaw or defect.

The chemists association also says that home delivery of medicines was never allowed under the Drugs and Cosmetics (D&C) Rules until recently when the Union health ministry, in the wake of COVID-19 pandemic, came out with a notification allowing door delivery of medicines, only by neighborhood medicine outlets.

The distributor's federation is supporting the chemists association in all possible ways to highlight the issues of chemists pan India. Even for policy issues with government, distributors federation is giving suggestions to chemist association. Today, coordination by two associations is only there in the national level.

Recently the distributors federation has written a letter to the Union health minister alleging that government should take online pharmacy operators as illegal entrants to the pharmaceutical trade sector and all the government machinery should be used for preventing such trespassers in the interest of the country's drug laws. The federation alleged that some government officials and the technical body Drug Technical Advisory Board (DTAB) are supporting online trade of medicines despite Court orders

and continued oppositions from the chemist community in the country.

The letter calls for immediate attention of the health minister on another matter alleging that the pharmaceutical market sector in the country is encouraging operation of online pharmacy businesses and they offer additional sops, other incentives and packages.

Recently the chemists association had written to Amazon against its entry into Indian online pharmacy. The association in its letter to Amazon's global chief, mentioned that online pharmacies are illegal and not recognized under the Drugs and Cosmetics Act 1940. This space has been marred by extreme controversies, Court cases and legal issues in the last few years.

The association has also addressed letters to Prime Minister Narendra Modi, Union home minister Amit Shah, secretaries and other government officials.

The association has informed Amazon that it is amply clear that home delivery cannot be undertaken by any online pharmacy and entities doing so are already facing contempt of Court proceedings under the laws of India.

Chemists association has also given enough evidences to prove its point. It has a full dossier ready on this subject and entering this space can bring on legal implications which can bring disrepute to name of e-commerce giant Amazon.

The sale and dispensation of medicines in India is covered under the Drugs and Cosmetics Act 1940 and Rules 1945. The above said Act regulates the import, manufacture and distribution of drugs whereas the Rules contain classification of drugs and guidelines for storage, display, sale and prescription of each schedule, the chemists association points out.

A few months back, the chemist's association in a letter to Union health minister, Union chemicals and fertilizers minister, Union health secretary, department of pharmaceuticals secretary, commerce secretary has demanded a blanket ban on illegal operation of online pharmacies as they violate Drugs and Cosmetics Act on the bases of a notification issued by Union ministry of health and family welfare on March 26, 2020.

The notification allowed doorstep delivery of medicines by existing pharmacies in the wake of lockdown imposed by the Central government to curtail coronavirus transmission.

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Easy access to critical medicines, a serious issue

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This notification left no doubt that the model of online pharmacy delivering medicines to patients till now was illegal and not allowed under the Drugs and Cosmetics Act.

The notification was issued under power of Central government conferred by Section 26B of the Drugs and Cosmetics Act, which allows the government to modify rules in case of any epidemic or pandemic. It has also, under proviso of Section 33 of the Drugs and Cosmetics Act dispensed consultation with any board because of extraordinary circumstances. The notification laid down certain conditions, only under which such deliveries of medicines may be permitted, which include a person undertaking such delivery should hold license in Form 20 or Form 21 under Drugs and Cosmetics Act.

A new set of Rules for online pharmacy is of much significance as in the absence of clear-cut provisions in the Drugs and Cosmetics Act regarding the sale of drugs through online pharmacies, utter confusion prevails in the country's pharmaceutical market at present. The country currently does not have a proper regulatory measuring mechanism for online sale of drugs and the laws governing the brick and mortar pharmacy business are applicable to the online pharmacies as well. The Drugs and Cosmetics Act does not distinguish between conventional and online sale of drugs. As per Section 18(c) of the Act, only a licensed retailer is entitled for the sale of drugs and that too on the basis of prescription of a doctor only.

Rule 65 stipulates sale of drugs under the supervision of a registered pharmacist which also involves signing of the bill and stamping of the prescription by the pharmacist and the doctor. But, according to reports, as the

existing laws are vague on the issue, there are rampant sale of prescription drugs by the online pharmacies in contravention to the prevailing laws. In the context of the rising incidence of multi-drug resistant bacteria, which is a serious public health

issue worldwide, there is a larger public interest in regulating the online supply of drugs.

Easy access to critical medicines like antibiotics through online pharmacies is a serious issue and there is definitely a need to have stringent and spe-

cific provisions for ensuring the effective monitoring and supervision on online pharmacies. It is a cause for serious concern as, in the absence of clear provisions, the new trading platform can also be used by the unscrupulous elements in the trade to

route substandard and spurious medicines. This calls for urgent finalisation of a set of rules for governing the online pharmacies in the country. ♦

(The author is Ahmedabad based Pharmaceutical Consultant)

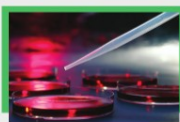


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