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HOUSE JOINT RESOLUTION NO. 759

Offered January 21, 1999

Requesting the Board of Medicine to study the sale of prescription drugs in the Commonwealth via the Internet.

Patrons—O'Brien; Senator: Barry

Referred to Committee on Health, Welfare and Institutions

WHEREAS, among the many huge inroads the Internet is making in medicine, patients can communicate with their doctors through electronic mail, order prescription refills through online pharmacies, and access medical journals 24 hours a day, seven days a week; and

WHEREAS, despite these and other enhancements to patients' ability to access health care professionals and medical information, the Internet has also made it possible for American consumers to purchase powerful prescription drugs, including some not yet approved for sale in the United States, with a credit card and a few computer keystrokes and without ever seeing a doctor; and

WHEREAS, supporters of this phenomenon argue that consumers are savvy enough to buy medicines over the Internet and that patients should be free to purchase certain drugs without the inconvenience or embarrassment of in-person doctor visits; and

WHEREAS, many health care experts and government regulators fear that the growing trend towards purchasing prescription drugs over the Internet could endanger, and even kill, patients; and

WHEREAS, among the prescription medications available on U.S. websites are Viagra, which is highly risky for certain men; Valtrex, which treats genital herpes but can kill patients with weak immune systems; Meridia, a diet drug that requires doctor monitoring because it can raise blood pressure; and Phentermine, a diet drug considered too dangerous for whole groups of populations; and

WHEREAS, foreign websites are also selling these and other drugs to American consumers that may not require prescriptions in their own countries; and

WHEREAS, it is illegal for doctors to prescribe for patients in a state where they are not licensed to practice, and licensed doctors must also meet standards of care that in most states require a doctor-patient relationship to prescribe drugs; and

WHEREAS, these laws and regulations were written before the Internet, and governments are, in many cases, struggling to apply these rules to cyberspace; and

WHEREAS, recently, the federal Drug Enforcement Administration raided one Internet doctor; Nevada barred prescription sales over the Internet unless a doctor sees the patient; Colorado publicly reprimanded one doctor for selling Viagra over the Internet; Connecticut, Wyoming, and Nevada ordered one website to stop selling drugs in their states; Kansas sued two websites to stop the sale of Viagra over the Internet; and North Carolina is investigating the sale of a computer program that teaches consumers to diagnose their own medical problems and then choose a medication for among foreign websites; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Medicine be requested to study the sale of prescription drugs in the Commonwealth via the Internet.

All agencies of the Commonwealth shall provide assistance to the Board for this study, upon request.

The Board shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

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