

ON-LINE PHARMACEUTICAL SALES
STATE REGULATORY CONCERNS

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- I. Existing Regulatory Structure in Maryland
 - A. Sales of prescription drugs must comply with State laws governing:
 - 1. Practice of Pharmacy, Md. Health Occ. Code Ann. § 12-101 et seq.
 - 2. Practice of Medicine, Md. Health Occ. Code Ann. § 14-301 et seq.
 - 3. Consumer Protection, Md Com. Law Code Ann §13-301 et seq.
 - B. Maryland Uniform Electronic Transaction Act, Md. Com. Law Code Ann. § 21-101 et seq. (facilitates the use of internet in the provision of health care services).

- II. Competing Concerns
 - A. Affordable Access
 - 1. State Attorneys General have formed Pharmaceutical Pricing Task Force (PPTF) to address the high cost of prescription drugs. Multi-disciplinary approach views prescription drug pricing issues from three perspectives: antitrust, healthcare/Medicaid fraud and consumer protection.
 - 2. State legislative initiatives
Hundreds of bills pending in state legislatures around the country attempting to address high cost of drugs.
 - 3. To what extent are internet sales less/more expensive
 - B. Safety and Efficacy.
 - 1. How can the State ensure consumer welfare

¹The views expressed are solely those of the author/speaker and do not reflect the views of the State of Maryland, the Attorney General of Maryland or those of any other state or state official.

2. Consumer complaints-what recourse do consumers have for drugs purchased on-line.

III. Other States' Efforts to Balance Competing Concerns

A. State Court Challenges

B. Legislative Initiatives

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