

An Important Message about Obtaining Medications from Canadian Pharmacies

Despite full-page newspaper ads to the contrary, Canadian mail order pharmacies are unlawful and violate both state and federal law. Likewise, Utah businesses that facilitate Utah consumers to obtain prescription drugs from Canadian pharmacies are unlawful and violate both state and federal law.

Under state law, out-of-state mail order pharmacies must obtain licensure in the state of Utah before Utah citizens may receive medications sent directly to them in the mail. By requiring licensure, the Utah Division of Occupational and Professional Licensing can regulate, discipline, and inspect pharmacies, thereby protecting and promoting the health, safety, and welfare of Utah's citizens. To date, no Canadian pharmacy has become licensed in our state, and none have sought licensure. Therefore, by shipping medications into our state for use by Utah citizens, these Canadian pharmacies violated Utah law. Also, by operating a storefront operation facilitating the transmission of prescriptions for filling and refilling by Canadian pharmacies, these Utah-based businesses violate Utah law.

The United States Food and Drug Administration (FDA) has determined that virtually every shipment of prescription drugs from Canadian pharmacies to U.S. consumers also violates federal law. While the FDA's "Personal Use Exemption," permits US patients and/or their physicians, under certain defined circumstances, to import small quantities of unapproved drugs for the treatment of serious conditions, the FDA makes clear that the importation of foreign versions of U.S. approved drugs is unlawful. To this end, a United States District Court Judge recently ordered the immediate closure of a chain of U.S.-based stores facilitating prescription drugs to be sent from Canada to U.S. citizens. Likewise, FDA Commissioner, Mark McClellan, recently stated that the FDA will pursue any "governmental or private" entity purchasing imported drugs.

The Utah Division of Occupational and Professional Licensing recognizes the high cost of prescription drugs and the difficulties this fact creates for many U.S. citizens. The Division does not, however, believe that ignoring the risks created by unregulated drug importation will safely or effectively address this problem.

The Division's concerns for the health, safety, and welfare of Utah citizens is not only mandated under state law, it is paramount to the mission of the Division of Occupational and Professional Licensing. As many drugs sent to U.S. consumers from outside the country are not FDA approved, the Division believes these drugs may be mislabeled, outdated, adulterated, or diluted. Further, as drug supplies start to diminish in Canada, there is speculation, that if not already, Canadian drug exporters will turn to countries such as India, Mexico, and other countries with even less quality assurance of their pharmaceutical products. Thus, while patients may save on their prescription costs on the front end, subsequent hospitalizations and emergency room visits resulting in additional prescription needs will more than negate any savings.

In keeping with the Division's mission and mandate to protect and promote the public health, safety, and welfare, the Division intends to take appropriate legal action against licensees, individuals, and/or companies that actively promote illegal importation to Utah residents, including Canadian businesses that have come to Utah to promote their services and Utah-based storefront operations that facilitate the filling and refilling of Utah-issued prescription by Canadian or other foreign pharmacies.

For more information regarding the regulation of drugs and pharmacies please visit:

<http://www.fda.gov/ola/2003/canadian0612.html>

<http://www.nabp.org/whatsnew/newsreleases.asp>

http://www.dopl.utah.gov/licensing/pharmacy_sub_page.html#rxstatutes