



## H.R. 6353 – Ryan Haight Online Pharmacy Consumer Protection Act

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### FLOOR SITUATION

H.R. 6353 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Bart Stupak (D-MI) on June 24, 2008. The resolution was ordered reported, as amended, by voice vote from the Committee on Energy and Commerce on September 17, 2008.

H.R. 6353 is expected to be considered on the floor of the House on September 23, 2008.

*\*Note: The Senate passed similar legislation (S. 980) introduced by Senator Dianne Feinstein (D-CA) on April 1, 2008, by unanimous consent.*

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### SUMMARY

Internet Prescriptions: H.R. 6353 prohibits controlled substances from being delivered, distributed, or dispensed through the Internet without a valid prescription.

Reporting Requirements: The bill requires pharmacies that are authorized to distribute controlled substances over the Internet to report to the Attorney General the total amount of each controlled substance that it dispenses each month. If pharmacies do not meet certain thresholds for the month, they are not required to file a report with the Attorney General.

State Law Compliance: H.R. 6353 requires online pharmacies to comply with State law concerning the licensure of pharmacies for each state from which, or in which, it delivers, distributes, or dispenses controlled substances. It also requires the online pharmacy to notify the Attorney General thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing.

Penalties: The bill increases monetary penalties and length of imprisonment for offenses involving controlled substances distributed via the internet.

State Cause of Action: H.R. 6353 allows states to bring civil action on behalf of their residents if an online pharmacy is in violation of laws governing the distribution and sale of controlled substances in order to shut the online pharmacy down.

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### BACKGROUND

Online pharmacies have increased in popularity and use as our society advances technologically. Although many of the online pharmacies are legitimate businesses, some operate as “rogue” sites that engage in illegal activities, such as distributing counterfeit or unapproved drugs and providing drugs to individuals without a prescription. In order to comply with federal law requiring a prescription for the distribution of drugs, some of these rogue online pharmacies allow patients to fill out an online questionnaire that is then reviewed by a physician, who in turn writes a prescription for the drugs without ever seeing the patient.

In 2004, the Government Accountability Office (GAO) conducted a study that found that forty-five online pharmacies dispensed a prescription based on a medical questionnaire or had no requirements for the use of a prescription at all. The GAO was able to obtain narcotic pain killers without a prescription from some of these websites.



# LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

1420 LONGWORTH HOB, WASHINGTON, DC 20515

www.GOP.gov

PHONE 202.225.5107

FAX 202.226.0154

The Food and Drug Administration (FDA) requires prescription drugs to be dispensed only with a valid prescription, and the Drug Enforcement Administration (DEA) enforces the Controlled Substances Act. The Controlled Substances Act established the criminal and civil penalties for the unlawful possession, manufacture, distribution, or importation of controlled substances. The DEA has been working to refine its methods to take down groups that run rogue pharmacies and has joined an interagency working group with the FDA, Federal Bureau of Investigations (FBI), Customs and Border Protection, and Immigration and Customs Enforcement to combat the illegal sale and disbursement of pharmaceutical drugs over the Internet.

Ryan Haight died on February 12, 2001, of an overdose of prescription narcotics that he had purchased from an online pharmacy. The online pharmacy dispensed the prescription without Ryan ever seeing a physician.

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## COST

The Congressional Budget Office has not issued a cost estimate for H.R. 6353.

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## STAFF CONTACT

For questions or further information contact Brianne Miller at 6-2302.