

Promotion and Supply of Medicines over the Internet Statement

General policy statements:

1. The standard of advice and service available via the internet must be of the same level to that which would be received by a patient consulting directly with the pharmacist (see Obligations 4A, 4B & 4H, Pharmacy Council Code of Ethics 2018).
2. Pharmacists are reminded that the Health Information Privacy Code and the Code of Health and Disability Services Consumers' Rights with respect to electronic communication apply to patients receiving services over the internet.
3. Pharmacists must use caution whenever any medicines are supplied as a result of internet contact. Pharmacists must comply with all legal requirements in these circumstances. In addition, pharmacists have professional and ethical obligations that will apply to the supply of medicines via the internet and these obligations extend beyond the minimum legal requirements that exist.
4. The Charge Pharmacist associated with the website must be clearly identifiable in order for customers to contact him or her if necessary.

Internet sales of over-the-counter (OTC) medicines

5. Pharmacists may only supply medicines from a licensed pharmacy (Medicines Act section 18). The same laws apply for a pharmacy internet site as to a pharmacy. The website must prominently display the proper name, physical address and all other essential contact details for the pharmacy, including the name of the Charge Pharmacist.
6. Patients requesting Pharmacist Only (Restricted) Medicines over the internet must receive the same level of care as if they were consulting face-to-face with the pharmacist. Assessing the suitability of the medicine for the intended user will necessitate a telephone conversation with the individual or the individual's caregiver and/or a questionnaire to be completed. In addition, counselling and advice should be provided verbally and/or in writing and an invitation to use a free-phone telephone number for further information could be appropriate.
7. Medicines of potential abuse, misuse and dependence such as those containing pseudoephedrine or codeine should not be available for any sale via the internet because of the difficulty in ascertaining whether the purchaser is genuine and because of the difficulty of monitoring sales.¹ Best practice requires a face-to-face consultation to provide these medicines appropriately whenever possible.

¹ Medicines containing codeine and other medicines of potential abuse should not be offered for sale outside NZ. Classification of these medicines may differ overseas and in such cases pharmacists who provide these medicines may be unknowingly assisting in the commission of an offence against the legal requirements of another country.

8. Pharmacists may make medicines with abuse potential available in exceptional circumstances, for example, if the pharmacist receives a request from a patient known to them who, due to disability or geographical isolation within New Zealand cannot visit the pharmacy for a face-to-face consultation. In such cases, the pharmacist must attempt to verify that the request is genuine, use professional judgement to supply an appropriate quantity of the requested medicine, record the details of the sale and note the reason that the person was not able to attend a face-to-face consultation. Email and delivery addresses should be monitored for duplicate ordering and supply refused where there are grounds for suspecting misuse.
9. In order to sell or supply Pharmacist Only (Restricted) Medicines to treat Chronic Conditions via the internet, pharmacists must follow the protocol developed by the Pharmacy Council.² Pharmacists must provide the same level of care as if they were conducting a face-to-face consultation with the patient. Pharmacists are reminded they must not offer these medicines for sale to patients who reside outside the New Zealand, without fulfilling the requirement for face-to-face consultations as detailed in the protocol.

Provision of prescription medicines over the internet

10. When providing prescription medicines via the internet, pharmacists must provide the same level of care as if they were consulting face-to-face. Pharmacists must ensure they have sufficient information to assess the patient's needs and must also satisfy themselves of the clinical appropriateness of supply.
11. Pharmacists must comply with legal and ethical requirements when dispensing prescription medicines over the internet.
12. Pharmacists are reminded that, without reasonable excuse (Medicines Act sec. 43) it is illegal for patients to be in possession of a prescription medicine unless it has been prescribed for them by a New Zealand registered prescriber and they are under the care of that prescriber.
13. Pharmacists should not knowingly dispense prescription medicines for overseas patients pursuant to prescriptions ordered by overseas doctors (not registered in this country) whether or not they have been counter-signed by New Zealand registered prescribers, because of the risks to health for patients who are not under the direct care of the prescriber.
14. Prescriptions received by email do not currently conform to legal requirements because an electronic signature is not recognised in law. Prescription medicines dispensed pursuant to emailed prescriptions must not be issued to the patient until the pharmacist has received (and verified) the prescription hard copy.

Advertising and Promotions

15. The form and content of all advertisements whether placed personally by the Charge Pharmacist or by an agent on behalf of the pharmacy must comply with all relevant

² Pharmacy Council of NZ Protocol for the Sale and Supply of Pharmacist Only Medicines for Chronic Conditions, April 2011, updated March 2018.

legislation (Medicines Act sec.56-62; Medicines Regulations reg.7-11) and the Advertising Standards Authority Therapeutic and Health Advertising Codes 2016.

16. Advertisements and promotions of medicines over the internet must not encourage, or be likely to encourage inappropriate, unsafe or excessive use. Pharmacists are reminded that they must only sell medicines in quantities appropriate to the clinical needs of the purchaser (see Obligations 1E to 1H of the Pharmacy Council's Code of Ethics 2018).
17. When advertising or promoting any medicines or service on the internet, pharmacists must use only those methods that are of a standard consistent with the professional image of pharmacy. Attention is drawn to the obligations 1A, 2A and 4A and obligations outlined in the Pharmacy Council's Code of Ethics 2018.
18. Pharmacists are reminded that, as for print advertisements, any reference to a product or brand name advertised on the internet must include the mandatory information of generic name(s) and quantities of active ingredients, medicines classifications, authorised use(s), precautions and likely adverse effects.
19. Therapeutic claims must not be made for products unless they are "consented" medicines i.e. the medicine is approved by Medsafe and distribution of the medicine has been notified in the *Gazette*. Advertising and/or distribution of complementary healthcare products with therapeutic claims is a breach of the Medicines Act sec. 20.
20. Pharmacists should be aware of and abide by the 2014 Advertising Guidelines published jointly by the Pharmacy Council and the Pharmaceutical Society.

Effective date

21. Effective: November 2015 – updated March 2018.

Legislative changes may make this statement obsolete before this review date.