

**Statement of Chairman Tom Davis
Committee on Government Reform
Hearing on “A Prescription for Safety: the Need for H.R. 3880, the Internet
Pharmacy Consumer Protection Act”
March 18, 2004**

Good morning, a quorum being present, the Committee on Government Reform will come to order. I would like to welcome everyone to today’s legislative hearing on H.R. 3880, the Internet Pharmacy Consumer Protection Act. This hearing will focus on how to curb, through legislation, the growing sale of prescription drugs over the Internet without a valid prescription.

Prescription drugs are well regulated in our country, by a system that includes pre-market approval by the FDA, state licensure of healthcare practitioners who are allowed to prescribe, and state oversight of pharmacists and pharmacies. However, as noted in previous Committee hearings and recent media reports, the Internet creates an easy environment for illegitimate pharmacy websites to bypass traditional regulations and established safeguards for the sale of prescription drugs.

I think all of us here today have opened our inboxes to find dozens of emails advertising medications at low cost, with no prescription required. The risks of this kind of self-medicating can include adverse reactions from inappropriately prescribed medications, dangerous drug interactions, use of counterfeit or tainted products, and addiction to habit forming substances.

Mr. Waxman and I recently introduced H.R. 3880 because too many people are finding ways to obtain medications online without valid prescriptions, and regulating these Internet pharmacies can be a challenge for federal and state enforcement capabilities. H.R. 3880 amends the Food, Drug, and Cosmetic Act to address this problem in three steps.

First, the bill establishes disclosure standards for Internet pharmacies. These websites are required to display certain identifying information, including the name of the business, pharmacist, and physician associated with the website. Second, the bill prohibits Internet sites from selling or dispensing prescription drugs solely on the basis of an online questionnaire. Online medical evaluations do not meet reasonable standards of care and create risks for consumers. And third, the bill provides additional authority for states to take action against illegal Internet pharmacies. The bill allows state attorneys general to file an injunction in federal court to shut down a rogue site across the country.

The need for legislation is critical, and I say this as someone who is normally more than a little hesitant to regulate the Internet or hinder e-commerce. The illegal diversion and abuse of prescription drugs is becoming an increasingly serious problem in our country. Last March, several of the witnesses, who are joining us again today, highlighted this problem in their testimony and asked for the help of Congress. Mr.

Waxman and I, through deliberate consideration, responded with legislation to help protect consumers and aid federal and state enforcement and regulatory capabilities.

As we hold this discussion on the legislation today, it is important to clarify that H.R. 3880 is intended to tackle *domestic* Internet pharmacies that sell drugs without a valid prescription. The bill is not intended to address international pharmacies that sell drugs at a low cost to consumers who have a valid prescription from their U.S. doctors. Although the debate over reimportation is an important one, it is not the focus of this hearing.

I would like to thank the Committee's Ranking Member, Henry Waxman, for his efforts on this legislation and his commitment to public health. I would also like to thank our witnesses for their participation today, and I look forward to their testimony. I'm happy to extend a specific welcome to my friend Jerry Kilgore, the Attorney General of my home state of Virginia, who's here today representing the National Association of Attorneys General.