

ECOSOC Resolution 2004/42

Sale of internationally controlled licit drugs to individuals via the Internet

The Economic and Social Council,

Recognizing that unauthorized trade in internationally controlled licit drugs ordered via the Internet has reached epidemic proportions,

Strongly suggesting that Member States prohibit the international sale of internationally controlled licit drugs via the Internet and that, when permitted, the sale of such drugs via the Internet within their national borders be strictly regulated, while acknowledging that some Member States already have laws that preclude the sale of internationally controlled substances via the Internet,

Aware that the non-prescribed or falsely prescribed use of internationally controlled licit drugs constitutes a serious risk to the public health and that such use is facilitated by the Internet,

Noting that the Commission on Narcotic Drugs, in its resolution 43/8 of 15 March 2000,¹ encouraged Member States to consider taking measures to prevent the diversion of internationally controlled licit drugs via the Internet,

Noting also that the Secretary-General submitted to the Commission on Crime Prevention and Criminal Justice at its eleventh session a report on effective measures to prevent and control computer-related crime, in which he recognized the use of online pharmacies to procure internationally controlled licit drugs without medical supervision as an emerging problem for law enforcement, regulatory and health authorities,²

Further noting the frequent calls made by the International Narcotics Control Board in 2001, 2002 and 2003 for Governments to take measures to prevent the misuse of the Internet for the illegal offer, sale and distribution of internationally controlled licit drugs,

Recognizing that the procurement of internationally controlled licit drugs over the Internet is illegal in all cases when an international treaty or national legislation is contravened,

Recalling the successes that have been realized in the control of domestic and international diversion of licit pharmaceuticals, pursuant to the provisions of the relevant conventions,

1. *Encourages* Member States to consider new means and strategies to establish avenues of cooperation in order to prohibit the international offering and acquisition by individuals of internationally controlled licit drugs acquired illegally over the Internet;

2. *Calls upon* Member States to enforce, as appropriate, the provisions of article 30 of the Single Convention on Narcotic Drugs of

¹ See *Official Records of the Economic and Social Council, 2000, Supplement No. 8* (E/2000/28), chap. I, sect. C.

² E/CN.15/2002/8, para. 12.

1961³ and article 10 of the Convention on Psychotropic Substances of 1971⁴ as they apply to pharmacies within their territory, specifically with regard to the need:

(a) To license those that distribute internationally controlled licit drugs via the Internet and to require them to disclose information regarding the identity of the parties responsible and their legal location;

(b) To actively pursue those that are in violation of the importing and exporting provisions of those conventions;

3. *Urges* Member States to develop, as appropriate, well-coordinated and focused policies to identify and take appropriate measures to terminate Internet sites used to offer internationally controlled licit drugs in an unauthorized way, through greater coordination between the judicial, police, postal, customs and other competent agencies;

4. *Encourages* Member States to enact or, where appropriate, to enhance sanctions or penalties for providing internationally controlled licit drugs over the Internet without a valid prescription within their national borders;

5. *Also encourages* Member States to identify those who operate web sites that illegally offer internationally controlled licit drugs by, for example, seeking the cooperation and support of Internet service providers;

6. *Encourages* Member States that do not have laws that preclude trade in internationally controlled licit drugs via the Internet to establish, as appropriate, laws or regulations governing the sale of such drugs via the Internet, with a view to minimizing the risks, including, as a minimum:

(a) The obligation for companies within their national borders offering internationally controlled licit drugs via the Internet to have preliminary operating licences;

(b) The necessity for those companies within their national borders to supply internationally controlled licit drugs via the Internet only to persons who have met all the medical and legal obligations required to obtain such substances;

(c) The prohibition of authorized companies within their national borders from making direct deliveries of internationally controlled licit drugs outside their national borders when such deliveries are made to individual persons or companies not authorized to import such drugs, as opposed to being made to authorized companies in accordance with the relevant international conventions;

(d) The necessity for suppliers to keep records of all acquisitions and deliveries of internationally controlled licit drugs for a period of at least two years, in accordance with the relevant international conventions;

³ United Nations, *Treaty Series*, vol. 520, No. 7515.

⁴ *Ibid.*, vol. 1019, No. 14956.

7. *Encourages* the competent national authorities to increase public awareness of the risks associated with the unauthorized acquisition of internationally controlled licit drugs via the Internet, in particular with regard to the uncertain quality of the products and the disadvantage that there is no accompanying medical supervision;

8. *Requests* the Secretary-General to transmit the text of the present resolution to all Member States for consideration.

*47th plenary meeting
21 July 2004*