



AMENDMENT TO LAW ON PHARMACY - A LEAP IN LEGAL FRAMEWORK FOR ONLINE SALE OF PHARMACEUTICALS

Nowadays it is no exaggeration to say that it is just so easy to buy goods online.

While it is not difficult for e-commerce to cover almost every type of products and services that can be bought and sold online, online trading pharmaceuticals in general seems to be controversial.

The trading of pharmaceuticals is mainly governed by Law on Pharmacy No. 105/2016/QH13 (“**Current Law**”). There may not be an article explicitly prohibiting the online trading of pharmaceuticals under the Current Law; however, it is arguable whether it can be understood that pharmaceuticals can therefore be

freely traded online due to the health-related impacts of such typical products.

This leads to different interpretations and applications of the Current Law by the State authorities and concurrently places the online trading business at risks.

In an effort to create a more comprehensive legal framework for online trading of pharmaceuticals, Vietnam has recently adopted Law No. 44/2024/QH15 amending certain articles under the Current Law (“**Amended Law**”) which will take effect from 1 July 2025.

It is noticeable that the Amended Law officially allows the online trading of pharmaceuticals and medicinal ingredients with certain conditions as follows:

Only trading pharmaceuticals via permitted e-commerce platforms

The Amended Law has elaborated that the scope of the pharmaceuticals trading business will also include the online trading via e-commerce trading platforms, e-commerce trading applications, online ordering websites (“**permitted platforms**”).



This material is only intended for general reading. Under no circumstances is it to be relied upon in substitution for specific advice on any issue(s) that may arise relating to its subject matter.



Permitted scope of online trading

It is PERMITTED to do:

- a. online retail of non-prescription drugs which do not fall within the list of drugs subject to special control and the list of drugs restricted from retail;
- b. online retail of prescription drugs only in case of medical quarantine as provided under laws;
- c. online wholesale of pharmaceuticals and medicinal ingredients which are not under special control.

Prohibitions

It is NOT PERMITTED to do:

- a. online retail of the following:
 - prescription drugs, except in cases of medical quarantine as provided under laws;
 - drugs that are subject to special control; and
 - drugs that fall within the list of drugs restricted for retail;
- b. online wholesale of drugs that are subject to special control;
- c. the trading of pharmaceuticals and medicinal ingredients via platforms which are not the permitted platforms.

Compliance

Both the e-commerce platforms and the online sellers shall:

- a. duly publish information about certificates of eligibility to do trading pharmaceuticals, pharmacy practice certificates of persons in charge of pharmaceutical expertise, the approved drugs;
- b. notify the competent authorities of the online trading business;
- c. in case of retail, provide buyers with advice and guidance on use of drugs and ensure the delivery of drugs to buyers.



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