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“With an increase in fines and the imposition of a jail sentence, many doctors will practise with the Sword of Damocles hanging over their neck”, says the Malaysian Medical Association.



*Dr Koh Kar Chai, president of Malaysian Medical Association. Picture courtesy of MMA.*

KUALA LUMPUR, March 16 – The Malaysian Medical Association (MMA) today criticised the increase of penalties for medicine-related offences and the strengthening of government pharmacy enforcement powers under the Poisons amendment Bill 2022.

Dr Koh Kar Chai, president of the doctors’ group, said “massive fines” have always remained a contentious issue, more so with the proposed increase in jail sentences for offences under the Poisons Act from the current maximum one-year imprisonment term to up to five years.

The Poisons amendment Bill, which was tabled in the Dewan Rakyat Monday, also proposes increasing the fine under general penalties from the existing RM3,000 limit to RM50,000.

“We have always felt that certain offences may not justify an increase in the jail sentence or even the presence of imprisonment, as it will cause a criminalisation of certain offences which may be trivial and not endangering the health of any individual,” Dr Koh said in a statement.

“With an increase in fines and the imposition of a jail sentence, many doctors will practise with the Sword of Damocles hanging over their neck, more so when the powers of pharmacy enforcement officers are enhanced.

“The association hopes that there will be a relook at the proposed penalties as well as a fine tuning on the powers of the pharmacy enforcement officers.”

Dr Koh expressed hope that the regulations under the Poisons Act would clarify MMA's reservations about the proposed changes if the amendment Bill is passed.

MMA also acknowledged that the Poisons Act 1952 must be updated due to significant changes in recent years on how health care is practised, such as digital medical care.

“The MMA is glad that the proposed mandatory prescription upon request has been taken out,” said Dr Koh, referring to the provision that criminalised non-compliance with drug prescriptions upon request in the initial Poisons amendment Bill that was withdrawn after it was tabled in 2019.

The [new Poisons amendment Bill](#) under Health Minister Khairy Jamaluddin substantially enhances the powers of pharmacy enforcement officers in the public sector that investigate private general practitioner (GP) clinics, vet clinics, dental clinics, and community pharmacies for any medicine-related offences under the Poisons Act.

Appointed drug enforcement officers can search any premises and seize any drug, machinery, equipment, register, document, or computerised data by force if there is “reasonable” cause to suspect that an offence is being committed.

Typical offences under the Poisons Act include the non-tallying of records of medicines provided to patients, particularly Group B prescription drugs, such as diabetic and hypertension medication; dispensing unregistered or expired medicines; as well as dispensing prescription medicines without a prescription.

Many of the changes proposed in the Poisons (Amendment) Bill 2022 are similar to existing provisions in the Dangerous Drugs Act 1952 that bans narcotics ranging from heroin to cocaine and marijuana – such as the clauses on indemnity from damages, admissibility of evidence from an agent provocateur, and seizure and forfeiture of drugs.

The Poisons amendment Bill also protects authorised officers from civil lawsuits or criminal prosecution for any act if it was done “in good faith and in the reasonable belief” that it was necessary to enforce the Poisons Act or its regulations.