SUMMARY

Key Words: turnover of medicines, consumer market, state control, licensing, pharmaceutical activity

Subject matter: Turnover of medicines: features of legal regulation.

Author: Naseva Maria Badrieva

Supervisor: candidate of legal Sciences, associate Professor of civil law and process of I. M. Veligonenko

The supervising organization: Legal Aid Center "Family", FE Abramenko G.I.

The relevance of the research topic: The Constitution of the Russian Federation stipulates the right of every citizen to health protection and medical care, and this right cannot be realized without the use of medicines. In this regard, the importance of medicines as a product in the consumer market of the Russian Federation is undeniable. According to Rosstat, pharmaceutical companies ' products occupy the fourth place in retail trade turnover after alcoholic beverages, gasoline and passenger cars. In order to ensure that high-quality, safe and effective medicines are available to the population, the state is developing ways to develop our pharmaceutical industry for the period up to 2020 and provide the population of the Russian Federation with medicines for the period up to 2025. Despite the extensive legal framework for regulating the turnover of pharmaceutical products, there are a large number of issues that require further solutions.

The purpose of the work: analysis of the turnover of medicines in the consumer market of the Russian Federation, identification of problems in the legal regulation of their turnover.

Objective: to define the main features of circulation of medicinal products in the consumer market of the Russian Federation, to examine the subject structure of turnover of medicinal products in the consumer market of the Russian Federation, to analyze the issues of state control in the consumer market of the Russian Federation for the circulation of medicines, to learn specifics of licensing and to identify gaps in the legal regulation of pharmaceutical activity licensing in the consumer market of medicines.

The theoretical and practical significance of the research is that the conclusions can be used in the further scientific analysis of legal regulation of circulation of medicinal products in the consumer market of the Russian Federation, and also in the course of practical activities.

Results of the study:

1. A pharmaceutical agent goes through several specific stages in the process of circulation, which are conditionally divided into several groups. The first of them is the stage of circulation until the appearance of a pharmaceutical product on the consumer market in the Russian Federation. The second group includes the stages of circulation required to promote a pharmaceutical product to the consumer market. The third group includes the stages of circulation in pharmaceuticals (dispensing, sale, transfer and application), at which the pharmaceutical product enters the consumer market and becomes the subject of commercial transactions. The stage of destruction of a pharmaceutical product that stands apart has its own characteristics: the destruction of a pharmaceutical product can take place at any stage of circulation.

2. Legal regulation is also subject to the minimum assortment of pharmaceuticals that are vital in the implementation of medical care, which must be present at the retailer. Thus, any citizen who applies for the purchase of a drug from the list should, at the place of circulation, be able to conclude a retail sale and purchase agreement. Otherwise, the seller grossly violates the conditions and requirements regulated by a special permit (license), for violation of which administrative liability is provided in the form of a fine or a decision to suspend activities for up to ninety days, or the onset of civil liability in the form of the need to compensate for losses.

3. In the Federal Law "On the Circulation of Medicines" there is no definition applicable to the phrase "to provide the established minimum range of drugs." The term "provide" indicates that the drug is not in the minimum range, but the seller must provide the buyer with the required pharmaceutical product within 5 working days from the date of contacting the retail outlet. The

assessment of this circumstance can be considered correct from the side of the possibility of providing, but not from the side of the absence at the time of circulation of a pharmaceutical product included in the minimum list from the seller, since the lack of availability of these drugs is most often determined by the impossibility of purchasing them from wholesale suppliers.

4. Subjects selling pharmaceuticals on the consumer market at retail are required to comply with additional requirements. The definition of such entities includes sellers of pharmaceuticals - legal entities or individual entrepreneurs licensed to carry out pharmaceutical activities. Pharmacists and pharmacists (specialists) cannot be considered as sellers of pharmaceuticals, due to the fact that they perform official duties at work for the latter. At the same time, the presence of specialist pharmacists in the staff of such a seller is a prerequisite for licensing and carrying out pharmaceutical activities.

5. Supervision can only be carried out by the executive authorities of the Russian Federation, and control can also be carried out by the executive authorities of the constituent entity of the Russian Federation. Licensing control and state control over the formation of prices for pharmaceuticals at the regional level should be distinguished as additional sections of state control in the pharmaceutical industry. In order to comply with statutory regulations on the storage, dispensing and sale of pharmaceuticals by consumer market entities, licensing authorities must conduct inspections, as these requirements relate to licensing conditions.

Recommendations:

1. An assessment of this obligation from the point of view of the possibility of providing will help to eliminate discrepancies when considering the obligation of an entrepreneur to provide a minimum range of pharmaceuticals. We consider it correct to make it the responsibility of organizations leading the wholesale of pharmaceuticals to provide a retailer with pharmaceuticals from the minimum assortment specified by law. To resolve this issue, it is advisable to make the appropriate additions and changes to the Rules of Good Pharmacy Practice of Medicinal Products for Medical Use. In this matter we are on the side of M.Yu. Shandra, who speaks of the need to make adjustments to the rules of good pharmacy in practice, adding paragraph 38 with the following sentence: “In the absence of drugs from the minimum range at the time of the patient's prescription, the pharmaceutical worker must provide the consumer within 5 days”

The consumer (the subject of the buyer) of the retail trade of pharmaceutical products can only be a legally capable individual. A prescription is required to purchase prescription pharmaceuticals. Since the uncontrolled use of pharmaceuticals can lead to harm to health and life, these drugs by law cannot be the subject of small household transactions, which are allowed to persons under the age of majority. In this regard, it is extremely important to supplement Article 55 of the Federal Law “On the Circulation of Medicines” with a ban on the sale of pharmaceuticals to minors.