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A STUDY TO UNDERSTAND PERSISTENCE BY
PROPRIATORS TO RUN ILLEGAL PHARMACEUTICAL
OUTLETS EVEN AFTER ARREST AND PROSECUTION
WITHIN NAIROBI COUNTY.

ABSTRACT

An explosive development of private pharmacies in the republic of Kenya and in particular in Nairobi county has led to much of pharmaceutical services being provided by the private sector. In order to achieve the goal of access to good quality health care for all citizens, the government of Kenya is making every effort to regulate the private pharmaceutical sector using the emerging legal system of laws and regulations. The aim of this research paper is to try to understand the various distribution channels of pharmaceuticals, professionals in-charge of such channels, various laws and regulations in place to offer integrity to such channels, loopholes to such channels, common violations to such channels, various court verdicts to those found violating such laws, and what motivates such offenders to continue running illegal pharmaceutical outlets. Relevant official documents at the courts of justice in Nairobi have been reviewed, interviews were held with 20 proprietors of illegal pharmaceutical outlets previously arrested for running illegal outlets and 15 pharmacies were surveyed.

The study establishes that the trade in pharmaceuticals and the profession of pharmacy is anchored in pharmacy and poisons act cap 244 laws of Kenya. The act is based on the concept of strict liability where prosecutors of offences emanating from the act need not prove Mens Rea on the part of the accused.

The study adopted a descriptive research design. The sampling technique used was snow ball sampling design. The researcher engaged respondents on closed fixed response interviews using structured questionnaires to obtain requisite data.

A total of 15 respondents were interviewed. However, only 10 were cooperative in divulging information to the researcher. Information obtained was represented in tables, bar graphs and pie charts.

The study shows that self-regulation is a strong contender towards warding off illegal pharmaceutical outlets in the region and creating an even playing ground for economic empowerment of the duly registered pharmacist.