



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this Act, current to May 13, 2016. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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## CHAPTER P-6.1

### PHARMACY ACT

#### INTERPRETATION, APPLICATION AND ADMINISTRATION

##### Interpretation

- 1. In this Act** Interpretation
- (a) “College” means the College of Pharmacists established pursuant to the *Regulated Health Professions Act R.S.P.E.I. 1988, Cap. R-10.1*; College
- (b) “Council” means the Council of the College; Council
- (c) “dispensary” means the restricted area of a pharmacy where Schedule I drugs and Schedule II drugs are dispensed
- (i) stored, and
- (ii) dispensed or supplied to the public;
- (d) “dispense” includes, in relation to a drug referred to in a prescription, the following activities: dispense
- (i) assessing the pharmaceutical and therapeutic suitability of the drug for its intended use,
- (ii) assessing the patient, the patient’s health history and the patient’s medication record,
- (iii) preparing, packaging and labelling the drug,
- (iv) providing the drug to the patient or a representative of the patient,
- (v) counselling the patient or a representative of the patient on the use of the drug;
- (e) “drug” means a substance or combination of substances used or intended to be used in or on the body of a person or animal drug
- (i) to prevent, diagnose, treat or mitigate a disease, disorder or abnormal physical or mental state or a symptom of them, or
- (ii) to restore, correct or modify organic functions;
- (f) “endorsement” means an endorsement applied on a permit in accordance with section 9 authorizing the operation of a lock and leave dispensary in the pharmacy to which the permit applies; endorsement
- (g) “former Act” means the *Pharmacy Act R.S.P.E.I. 1988, Cap. P-6*; former Act

inspector	(h) “inspector” means an inspector appointed by the Council pursuant to subsection 32(1) and includes the Registrar;
lock and leave dispensary	(i) “lock and leave dispensary” means (i) a dispensary, and (ii) any area adjacent to the dispensary where Schedule III drugs are available to the public, that can be made inaccessible to the public by a locked physical barrier when it is not in operation;
member	(j) “member” means a (i) pharmacist, (ii) pharmacy intern, (iii) pharmacy student, (iv) pharmacy technician, or (v) pharmacy technician student;
Minister	(k) “Minister” means the Minister of Health and Wellness;
National Drug Schedules	(l) “National Drug Schedules” means the National Drug Schedules established and maintained by the National Association of Pharmacy Regulatory Authorities;
patient	(m) “patient” means, except where otherwise indicated, a person or animal for whom a prescription has been given;
permit	(n) “permit” means a valid and subsisting permit issued by the Council authorizing the operation of a pharmacy;
pharmacist	(o) “pharmacist” means a person who is registered with the College as a pharmacist;
pharmacy	(p) “pharmacy” means a retail premises in which Schedule I drugs, Schedule II drugs or Schedule III drugs are (i) kept for sale, and (ii) dispensed or sold to the public;
pharmacy intern	(q) “pharmacy intern” means a person who is registered with the College as a pharmacy intern;
pharmacy service	(r) “pharmacy service” includes any of the following services provided in a pharmacy: (i) controlling or monitoring access to drugs by the public, (ii) dispensing or supplying a Schedule I drug or a Schedule II drug to a person, (iii) counselling a person regarding the use of a drug, (iv) educating patients and the public respecting drugs and drug therapy;

- (s) “pharmacy student” means a person who is registered with the College as a pharmacy student; pharmacy student
- (t) “pharmacy technician” means a person who is registered with the College as a pharmacy technician; pharmacy technician
- (u) “pharmacy technician student” means a person who is registered with the College as a pharmacy technician student; pharmacy technician student
- (v) “prescriber” means a person who is authorized under the laws of a province or territory of Canada  
 (i) to practise medicine, dentistry or veterinary medicine, or  
 (ii) to prescribe a drug or class of drugs, in accordance with the authorizing law; prescriber
- (w) “prescription” means an authorization given by a prescriber to dispense a specified drug for use by a designated patient; prescription
- (x) “Registrar” means the Registrar appointed by the Council in accordance with subsection 10(2) of the *Regulated Health Professions Act*; Registrar
- (y) “required fee” means a fee established by a bylaw made by the Council in accordance with subsection 5(2); required fee
- (z) “Schedule I drug” means Schedule I drug  
 (i) a drug listed in Schedule I of the National Drug Schedules, and  
 (ii) a drug designated in the regulations as a Schedule I drug;
- (aa) “Schedule II drug” means Schedule II drug  
 (i) subject to the regulations, a drug listed in Schedule II of the National Drug Schedules, and  
 (ii) a drug designated in the regulations as a Schedule II drug;
- (bb) “Schedule III drug” means Schedule III drug  
 (i) subject to the regulations, a drug listed in Schedule III of the National Drug Schedules, and  
 (ii) a drug designated in the regulations as a Schedule III drug;
- (cc) “sell” includes to offer, expose or possess for sale and to distribute, whether or not the distribution is for consideration. 2014,c.39,s.1. sell

#### Application of Act

2. For greater certainty, this Act does not apply to a facility operated by the government or a Crown corporation, or pursuant to an authorization under an enactment, where drugs are kept or dispensed for patients, residents or clients of the facility or of another facility operated by the Act does not apply

government or a Crown corporation or pursuant to an authorization under an enactment, on the direction of a health professional, including

- (a) a hospital;
- (b) a nursing home, community care facility or residential care facility;
- (c) a correctional centre; and
- (d) the Provincial Pharmacy. 2014,c.39,s.2.

No interference  
with practising  
health profession

**3.** Nothing in this Act prevents a person who is authorized under an enactment to practise a health profession from dispensing, selling or administering a drug within the scope of practice of the health profession. 2014,c.39,s.3.

#### Administration

Minister

**4.** The Minister is responsible for the administration of this Act and the regulations. 2014,c.39,s.4.

Council

**5.** (1) The Council is responsible for regulating the operation of pharmacies and the sale of drugs to the public in the province, in accordance with this Act and the regulations.

Fees

(2) The Council may, by bylaw, establish fees payable under this Act, including fees for

- (a) an application;
- (b) a permit;
- (c) the amendment or replacement of a permit;
- (d) an endorsement;
- (e) the renewal of a permit or an endorsement;
- (f) the reinstatement of a permit or an endorsement; and
- (g) an inspection. 2014,c.39,s.5.

Registers and  
records

**6.** The Registrar shall

- (a) keep and maintain a register containing the information required by the Council respecting permits, permit holders and retail pharmacies operated under permits;
- (b) make the register available for inspection by any person during regular business hours; and
- (c) keep and maintain records of information collected under this Act and the regulations, as directed by the Council and in accordance with this Act and the regulations. 2014,c.39,s.6.

#### PERMIT

##### Permit Required

Permit required

**7.** No person shall operate a pharmacy without a permit. 2014,c.39,s.7.

### Application for Permit

- 8.** (1) A person seeking to operate a pharmacy may apply for a permit by submitting to the Registrar Application for permit
- (a) the information required by the Council, in the form required by the Council;
  - (b) the required fee for the application; and
  - (c) the required fee for an inspection pursuant to subsection (2).
- (2) Where an application is made in accordance with subsection (1), the Registrar shall inspect or direct an inspector to inspect, in accordance with section 32, the pharmacy to be operated under the permit to ensure it meets the prescribed requirements. Inspection
- (3) Where, on considering an application submitted under subsection (1) and the results of the inspection conducted pursuant to subsection (2), the Registrar is satisfied that Registrar to issue permit
- (a) the applicant and the pharmacy to be operated under the permit meet the prescribed requirements; and
  - (b) the applicant has paid the required fee for the permit,
- the Registrar shall issue a permit to the applicant.
- (4) Where the Registrar is not satisfied that an applicant or the pharmacy to be operated under the permit meet the prescribed requirements, the Registrar shall refer the application to the Council. Registrar to refer application
- (5) Upon considering an application referred to it under subsection (4), subject to any terms or conditions the Council considers appropriate, the Council may direct the Registrar to issue a permit to the applicant and the Registrar shall do so. 2014,c.39,s.8. Review by Council

### Application for Endorsement

- 9.** (1) A permit holder may apply for an endorsement on a permit to operate a lock and leave dispensary in the pharmacy to which the permit applies by submitting to the Registrar Application for endorsement
- (a) the information required by the Council, in the form required by the Council;
  - (b) the required fee for the application; and
  - (c) the required fee for an inspection pursuant to subsection (2).
- (2) Where an application is made under subsection (1), the Registrar shall inspect or direct an inspector to inspect, in accordance with section 32, the pharmacy operated under the permit that is to be subject to the endorsement to ensure it meets the requirements of clause (3)(a). Inspection

- Registrar to issue permit (3) Where, on considering an application submitted under subsection (1), and the results of the inspection conducted pursuant to subsection (2), the Registrar is satisfied that
- (a) the pharmacy operated under the permit that is to be subject to the endorsement
    - (i) is equipped with a lock and leave dispensary that meets any prescribed requirements, and
    - (ii) meets any other prescribed requirements; and
  - (b) the applicant has paid the required fee for an endorsement,
- the Registrar shall apply an endorsement on the permit of the applicant.
- Registrar to refer application (4) Where the Registrar is not satisfied that the pharmacy operated under the permit that is to be subject to the endorsement meets the requirements in subsection (3), the Registrar shall refer the application to the Council.
- Review by Council (5) Upon considering an application referred to it under subsection (4), subject to any terms or conditions the Council considers appropriate, the Council may direct the Registrar to apply an endorsement on the permit of the applicant and the Registrar shall do so. 2014,c.39,s.9.

#### Permits and Endorsements

- Contents of permit **10.** (1) The Registrar shall include the following information on a permit:
- (a) the name of the permit holder;
  - (b) the name and location of the pharmacy to be operated under the permit;
  - (c) the expiry date of the permit;
  - (d) any terms and conditions imposed on the permit;
  - (e) any endorsement on the permit;
  - (f) any terms and conditions imposed on the endorsement;
  - (g) any other information required by the regulations.
- Amendment (2) If any of the information referred to in subsection (1) changes, in accordance with the Act or the regulations, the Registrar may, on payment of the required fee by the permit holder, amend the permit and issue a replacement permit.
- Permit applies to only one pharmacy (3) A permit, and any endorsement on the permit, applies in respect of a single pharmacy named in the permit at the location specified on the permit.
- Expiry of permit (4) Subject to any exceptions in this Act, a permit shall be issued for a one-year period and expires on the date indicated on the permit.

(5) An endorsement on a permit expires with the permit.

Endorsement  
Expires with permit  
Permit not  
transferable

(6) Subject to subsections (7) and (8), a permit, including any endorsement on the permit, is not transferable.

(7) Where a permit holder becomes bankrupt or insolvent or makes an assignment for the general benefit of creditors, the trustee in bankruptcy, liquidator or assignee may continue to operate the pharmacy under the existing permit, including any endorsement on the permit, for a period of not more than 6 months following the date of bankruptcy, insolvency or assignment, provided

Exception -  
bankruptcy,  
insolvency or  
assignment

(a) the permit holder notifies the Registrar as required in clause 20(1)(b); and

(b) the trustee in bankruptcy, liquidator or assignee operates the pharmacy in compliance with this Act and the regulations.

(8) In the case of a sole proprietorship, where the permit holder dies, the personal representative of the permit holder may continue to operate the pharmacy under the existing permit, including any endorsement on the permit, for a period of not more than 6 months, provided the personal representative

Exception, death of  
permit holder

(a) promptly notifies the Registrar, in the form required by the Council, of the death of the permit holder; and

(b) operates the pharmacy in compliance with this Act and the regulations.

(9) Where the existing permit is to expire before the end of the time period referred to in subsection (7) or (8), the Registrar may, on written request, extend the validity of the permit, and any endorsement on the permit, up to the end of the time period referred to in subsection (7) or (8). 2014,c.39,s.10.

Extension of permit

#### Renewal of Permit and Endorsement

**11.** (1) A permit holder may, at least 30 days before the permit expires, apply to the Registrar to renew the permit, and any endorsement on the permit, by submitting to the Registrar

Application to  
renew permit

(a) the information required by the Council, in the form required by the Council;

(b) the required fee for the application; and

(c) the required fee for an inspection pursuant to subsection (2), if applicable.

(2) Where an application is made under subsection (1), the Registrar may inspect or direct an inspector to inspect, in accordance with section 32, the pharmacy to be operated under the permit to ensure it meets the

Inspection



prescribed requirements to renew the permit and any endorsement on the permit.

Registrar to renew permit

(3) Where, on considering an application submitted under subsection (1) to renew a permit and the results of any inspection conducted pursuant to subsection (2), the Registrar is satisfied that

(a) the permit holder and the pharmacy operated under the permit meet the prescribed requirements to renew a permit; and

(b) the permit holder has paid the required fee to renew a permit, the Registrar shall renew the permit.

Registrar to renew endorsement

(4) Where a permit is renewed under subsection (2) and, on considering an application submitted under subsection (1) to renew an endorsement on the permit and the results of any inspection conducted pursuant to subsection (2), the Registrar is satisfied that

(a) the pharmacy operated under the permit meets the prescribed requirements to renew an endorsement on the permit; and

(b) the permit holder has paid the required fee to renew an endorsement, the Registrar shall renew the endorsement on the permit.

Registrar to refer application

(5) Where the Registrar is not satisfied that a permit holder or the pharmacy operated under the permit meet the prescribed requirements to renew a permit or any endorsement on the permit, the Registrar shall refer the application to the Council.

Review by Council

(6) Upon considering an application referred to it under subsection (5), subject to any terms or conditions the Council considers appropriate, the Council may direct the Registrar to renew a permit or an endorsement on a permit and the Registrar shall do so. 2014,c.39,s.11.

Extension

**12.** Notwithstanding subsections 10(4) and (5) and subsection 11(1), on the written request of a permit holder, the Council may, in writing,

(a) extend the time period for making an application for renewal of a

permit and any endorsement on the permit by not more than 10 days;

or

(b) extend the validity of the permit and any endorsement on the permit beyond the expiry date for a period not exceeding 30 days.

2014,c.39,s.12.

#### Notice

Notice

**13.** Where the Council

(a) refuses to issue or renew a permit;

(b) refuses to apply or renew an endorsement on a permit; or

(c) imposes terms and conditions on a permit or an endorsement, the Council shall serve on the affected person written notice of, and reasons for, the refusal or imposition, as the case may be, and of the person's right to appeal under section 14. 2014,c.39,s.13.

### Appeal

- 14.** (1) A person who is aggrieved by
- (a) a refusal of the Council to issue or renew a permit;
  - (b) a refusal of the Council to apply or renew an endorsement on a permit; or
  - (c) the imposition of terms and conditions on a permit or an endorsement by the Council,
- may appeal the refusal or imposition to the Supreme Court within 30 days after being served with notice of the refusal or imposition.
- (2) On hearing an appeal, the court may
- (a) confirm the refusal or confirm, revoke or vary the terms and conditions;
  - (b) refer the matter, or any issue, back to the Council for further consideration; or
  - (c) provide any direction that it considers appropriate.
- (3) The court may make any order as to the costs of an appeal that it considers appropriate. 2014,c.39,s.14.

## OPERATION OF PHARMACY

### General Duties

- 15.** (1) A permit holder shall operate the pharmacy to which the permit applies
- (a) under the name and at the premises specified in the permit; and
  - (b) in compliance with this Act, the regulations, and any order made under this Act or the regulations.
- (2) A permit holder shall
- (a) hold and maintain public liability insurance for the pharmacy operated under the permit, as required by the regulations;
  - (b) keep such records for such period of time as is required by the regulations; and
  - (c) provide such information respecting the operation of the pharmacy, in such manner and within such period of time, as may be requested by the Registrar, the Council or an inspector. 2014,c.39,s.15.

## Staffing Requirements

Managing pharmacist	<b>16.</b> (1) A permit holder shall designate a pharmacist as the managing pharmacist for the pharmacy operated under the permit and file a notice of the designation with the Registrar, in the form and manner required by the Council.
Permit holder may be managing pharmacist	(2) Where the permit holder is a pharmacist, he or she may also serve as the managing pharmacist.
No operation without managing pharmacist	(3) No permit holder shall operate a pharmacy under the permit unless he or she has complied with subsection (1) and the pharmacy is operating under the management of the managing pharmacist.
Jointly and severally responsible	(4) The permit holder and the managing pharmacist of the pharmacy operated under the permit are jointly and severally responsible for ensuring that the pharmacy is operated in compliance with this Act and the regulations and any order made under this Act or the regulations. 2014,c.39,s.16.
Pharmacist must be present	<b>17.</b> (1) Subject to subsection (2), the permit holder and the managing pharmacist of the pharmacy operated under the permit shall ensure that at least one pharmacist is physically present to supervise the pharmacy during its hours of operation.
Exception, lock and leave dispensary	(2) Where there is an endorsement on the permit under which a pharmacy is operated, subsection (1) does not apply during hours of operation when <ul style="list-style-type: none"> <li>(a) the lock and leave dispensary in the pharmacy is not in operation; and</li> <li>(b) the physical barrier is in place and locked around the lock and leave dispensary in the pharmacy. 2014,c.39,s.17.</li> </ul>
Pharmacy services	<b>18.</b> (1) The permit holder and the managing pharmacist of the pharmacy operated under the permit shall ensure that the pharmacy services provided in the pharmacy are provided by a member or other employee, as permitted by and in accordance with <ul style="list-style-type: none"> <li>(a) this Act and the regulations; and</li> <li>(b) in the case of a member, the regulations and standards of practice for the member established by the Council under the <i>Regulated Health Professions Act</i>.</li> </ul>
Notification regarding members providing pharmacy services	(2) On commencing the operation of the pharmacy, the permit holder or the managing pharmacist shall promptly notify the Registrar of the names of, and such other information as the Registrar may require respecting, the members who are employed or engaged to provide pharmacy services in the pharmacy.

(3) The permit holder or the managing pharmacist shall promptly notify the Registrar of any changes respecting the names and information submitted under subsection (2). 2014,c.39,s.18; 2015,c.11,s.1. Duty to update information

#### Changes in Operation

**19.** (1) Where a permit holder wishes to change the name of the pharmacy operated under the permit, the permit holder shall make an application to the Registrar to amend the permit to operate the pharmacy under the new name, and section 8 applies, with any necessary changes, to such an application. Change of name

(2) Notwithstanding subsection 8(2), where an application is made pursuant to subsection (1), the Registrar is not required to inspect or direct an inspector to inspect the pharmacy operated under the permit. 2014,c.39,s.19. Inspection not required

**20.** (1) A permit holder shall promptly notify the Registrar, in the form and manner required by the Council, if the permit holder Notice required

- (a) makes significant changes to the layout or structure of the pharmacy; or
- (b) becomes bankrupt, insolvent or makes an assignment for the benefit of creditors.

(2) Where a permit holder intends to cease operating the pharmacy to which the permit applies, or cease dispensing or selling drugs in the pharmacy to which the permit applies, for a period of more than 30 days, the permit holder shall notify the Registrar of his or her intention, verbally or in writing, at least 30 days before doing so, where possible, or otherwise as soon as possible. 2014,c.39,s.20. *Idem*

**21.** (1) Where a permit holder ceases operating the pharmacy to which the permit applies, or ceases dispensing or selling drugs in the pharmacy to which the permit applies, for a period of more than 30 days, the permit holder shall, subject to the regulations, Duties on ceasing to operate pharmacy

- (a) immediately remove all signs and symbols related to the operation of the pharmacy;
- (b) dispose of all drugs kept in the pharmacy as required by law;
- (c) ensure that each prescription with remaining refills is
  - (i) delivered to the patient or a representative of the patient,
  - (ii) transferred to another pharmacy that is readily available to the patient or a representative of the patient, or
  - (iii) if neither subclause (i) or (ii) is possible, delivered to the custody of the Registrar;
- (d) provide for the secure storage or secure disposition of all records kept in the operation of the pharmacy; and

(e) within 30 days of ceasing to operate the pharmacy or ceasing to dispense or sell drugs in the pharmacy, file with the Registrar a report, in the form and containing the information required by the Council, confirming the requirements of this subsection have been met.

Duties on death of permit holder

(2) In the case of a sole proprietorship, where the permit holder dies, the personal representative of the permit holder is responsible to ensure that the requirements of subsection (1) are met if the pharmacy is not operated, or drugs are not dispensed or sold in the pharmacy, for a period of more than 30 days. 2014,c.39,s.21.

## DRUGS

### Drug Schedules

Drug schedules

**22.** The Council may, for the purposes of this Act, by regulation,

- (a) designate a drug that is not listed in Schedule I, II or III of the National Drug Schedules as a Schedule III drug, a Schedule II drug or a Schedule I drug;
- (b) designate a drug listed in Schedule III of the National Drug Schedules as a Schedule II drug or a Schedule I drug;
- (c) designate a drug listed in Schedule II of the National Drug Schedules as a Schedule I drug; or
- (d) revoke a designation made pursuant to clause (a), (b) or (c).

2014,c.39,s.22.

### Storage and Availability

Storage and availability for sale

**23.** The permit holder and the managing pharmacist of the pharmacy operated under the permit shall ensure that in the pharmacy

- (a) Schedule I drugs and Schedule II drugs are
  - (i) kept in the dispensary or another area that is secure from access by the public, and
  - (ii) only available to the public from the dispensary; and
- (b) Schedule III drugs are kept in, and only available to the public from, the dispensary or an area outside the dispensary that is immediately adjacent to the dispensary and within sight of persons in the dispensary. 2014,c.39,s.23.

### Dispensing and Sale

Only member may dispense or supply Schedule I or II drug

**24.** (1) Subject to subsection (2), no person, other than a pharmacist, shall dispense or supply a Schedule I drug or Schedule II drug to another person in a pharmacy.

(2) A member, other than a pharmacist, or other employee in a pharmacy may, under the direct supervision of a pharmacist who is physically present, Supervision required

- (a) perform certain activities included in dispensing a Schedule I drug or a Schedule II drug, as permitted by and in accordance with
  - (i) this Act and the regulations, and
  - (ii) in the case of a member, the regulations and standards of practice for the member established by the Council under the *Regulated Health Professions Act*; and
- (b) supply Schedule II drugs to persons, without a prescription.

(3) No person shall sell a Schedule III drug in a pharmacy unless a pharmacist is available in the pharmacy for consultation with the purchaser. 2014,c.39,s.24; 2015,c.11,s.2. Sale of Schedule III drug

#### Prescription Drugs

**25.** (1) No person shall dispense or sell a Schedule I drug in a pharmacy except in accordance with a prescription. Prescription required for Schedule I drug

(2) In a pharmacy, Schedule II drugs may be dispensed to a person in accordance with a prescription or supplied to a person without a prescription. Schedule II drugs, with or without prescription

(3) A prescription is not valid for the purposes of this Act unless the prescription is given in the form and manner required by the regulations. 2014,c.39,s.25. Valid prescription

**26.** Every person who dispenses a drug in a pharmacy shall ensure that Labels and records required

- (a) the information required by the regulations is recorded on the drug container or package label; and
- (b) a record of the information required by the regulations is kept regarding the prescription and the patient, in the form required by the regulations. 2014,c.39,s.26; 2015,c.11,s.3.

**27.** No person shall dispense drugs in a pharmacy in a multiple drug package except in accordance with the regulations. 2014,c.39,s.27; 2015,c.11,s.4. Multiple drug package

**28.** (1) A patient or a representative of the patient is entitled to obtain a copy of a prescription he or she has submitted to a pharmacy, unless the prescriber has directed otherwise. Entitlement to copy of prescription

(2) A copy of the prescription provided to a patient or a representative of the patient in accordance with subsection (1) shall be clearly marked as a copy. 2014,c.39,s.28. Clearly marked as copy

Retention and disposition **29.** The permit holder and the managing pharmacist of the pharmacy operated under the permit shall ensure that every prescription submitted to the pharmacy is

- (a) retained in a safe and secure manner for at least ten years from the date the prescription is last refilled; and
- (b) disposed of in a manner that protects the privacy of the patient.

2014,c.39,s.29; 2015,c.11,s.5.

Transfer of prescription **30.** Where a prescription that has been submitted to a pharmacy has refills remaining, a pharmacist or pharmacy technician employed or engaged at the pharmacy may, on the request of the patient or a representative of the patient, transfer the prescription to another pharmacy in accordance with the regulations. 2014,c.39,s.30.

## ENFORCEMENT

### Complaint

Complaint about permit holder **31.** (1) Any person may make a complaint in writing to the Registrar alleging a contravention of this Act or the regulations in the operation of a pharmacy.

Registrar may request an inspection (2) Where the Registrar receives a complaint under subsection (1) or has reasonable grounds to believe that this Act or the regulations has been or is being contravened in the operation of a pharmacy, the Registrar

- (a) shall notify the Council thereof; and
- (b) may inspect, or direct an inspector to inspect, the pharmacy, in accordance with section 32. 2014,c.39,s.31.

### Inspection

Inspectors **32.** (1) The Council may appoint persons as inspectors for the purposes of this Act.

Registrar is inspector (2) The Registrar is an inspector by virtue of his or her office.

Entry and inspection (3) On the direction of the Council or the Registrar, or generally for the purpose of ensuring compliance with this Act or the regulations, an inspector may, without notice, during business hours and on the production of a copy of his or her appointment, enter any premises or part of any premises used or intended to be used for the purpose of operating a pharmacy to carry out an inspection.

Powers of inspector (4) For the purposes of an inspection, an inspector may

- (a) examine, extract information from and make copies of all records, documents and other relevant information required to carry out the inspection;
- (b) inspect all facilities, equipment, drugs and supplies used or intended to be used in the operation of the pharmacy;
- (c) examine and conduct tests that the inspector considers necessary on materials or substances;
- (d) remove materials or substances for examination or the conduct of tests;
- (e) interview or request information from any employee or other person providing services in the operation of the pharmacy; and
- (f) contact patients or representatives of patients to verify receipt of pharmacy services at the pharmacy.

(5) The permit holder and the managing pharmacist of, and any employee or other person providing services in, a pharmacy that is being inspected shall permit entry of the inspector and provide all records, documents or information requested by the inspector in connection with the inspection. Cooperation and information

(6) Where a person fails to comply with subsection (5), without reasonable cause, the inspector Failure to comply

- (a) may apply to the Supreme Court, without notice, for a warrant authorizing the inspector to enter the premises and carry out an inspection in accordance with subsection (4); and
- (b) shall report the failure to comply to the Registrar. 2014,c.39,s.32.

**33.** (1) An inspector shall, on completion of an inspection, Report

- (a) where the inspection was conducted pursuant to subsection 8(2), 9(2) or 11(2), report in writing to the Registrar respecting whether the pharmacy meets the prescribed requirements for a permit, endorsement or the renewal of a permit or endorsement, as the case may be; and
- (b) where the pharmacy that was inspected is or has been operating under a permit, report in writing to the permit holder and the managing pharmacist of the pharmacy and to the Council his or her findings and recommendations, if any, for remedying any contravention of this Act, the regulations or an order made under this Act or the regulations.

(2) The permit holder of a pharmacy that is inspected may, within 10 days after receipt of a report of an inspector under clause (1)(b), make a written submission to the Council regarding the findings and any recommendations of the inspector. 2014,c.39,s.33. Submission



### Inspection Fee

Inspection fee **34.** (1) The permit holder of a pharmacy that is inspected, other than pursuant to subsection 8(2), 9(2) or 11(2), shall, on being served with an invoice by the Council, pay the required fee for an inspection within the time period specified on the invoice.

Suspension of permit for non-payment (2) Where a permit holder fails to pay the required fee for an inspection within 60 days after the due date specified on the invoice, the Council may suspend the permit under which the pharmacy is operated for non-payment.

Cancellation of permit for non-payment (3) Where a permit that was suspended pursuant to subsection (2) has not been reinstated in accordance with subsection (5) within 60 days of the date of the suspension, the Council may cancel the permit for non-payment.

Suspension or cancellation effective on notice (4) The suspension or cancellation of a permit under subsection (2) or (3) is not effective until notice of it has been served on the permit holder.

Reinstatement of permit (5) The Council may, upon receiving payment of the required fee for an inspection, any required fee for reinstatement and any required fee for late payment, reinstate a permit, and any endorsement on the permit, that was suspended or cancelled under this section. 2014,c.39,s.34.

### Order

Order **35.** (1) Where, after considering the findings and any recommendations of the inspector reported under clause 33(1)(b) and any submissions of the permit holder made under subsection 33(2), the Council finds that there has been, or is an ongoing, contravention of this Act or the regulations in the operation of the pharmacy, the Council may make one or more of the following orders:

(a) an order that the permit holder or the managing pharmacist take any steps necessary, in the time required in the order, to comply with this Act or the regulations in the operation of the pharmacy;

(b) an order imposing a fine on the permit holder in the amount permitted by the regulations;

(c) an order imposing terms and conditions on the permit or an endorsement on the permit;

(d) an order suspending the permit or an endorsement on the permit for a specified period of time or until the occurrence of a specified future event;

(e) an order cancelling the permit or an endorsement on the permit.

Notice (2) Where the Council makes an order under subsection (1), the Council shall

- (a) serve on the permit holder and the managing pharmacist
    - (i) a copy of the order,
    - (ii) written reasons for the order, and
    - (iii) written notice of the permit holder's right to appeal the order under section 39; and
  - (b) serve a copy of the order on the Registrar.
- (3) An order of the Council made under subsection (1) Order in effect when served
- (a) is in effect when the order has been served on the person to whom the order is directed; and
  - (b) remains in effect pending an appeal unless the Supreme Court, on application, stays the order pending the appeal. 2014,c.39,s.35.

#### Interim Order

- 36.** (1) Notwithstanding any other provision of this Act, where the Council has reasonable grounds to believe that the operation of a pharmacy poses a demonstrable and serious risk of harm to the public, the Council may make an order Interim order
- (a) imposing terms and conditions on the permit to operate the pharmacy; or
  - (b) suspending the permit to operate the pharmacy.
- (2) Where the Council makes an order under subsection (1), the Council shall Service of order and referral
- (a) serve on the permit holder and the managing pharmacist
    - (i) a copy of the order,
    - (ii) written reasons for the order, and
    - (iii) written notice of the permit holder's right to appeal the order under section 39;
  - (b) serve a copy of the order on the Registrar; and
  - (c) direct an inspector to inspect the pharmacy, in accordance with section 32, if an inspection has not been carried out in respect of the matter.
- (3) An order of the Council made under subsection (1) Order in effect when served
- (a) is in effect when it is served on the permit holder; and
  - (b) is valid for the period, not exceeding 90 days, that is specified in the order. 2014,c.39,s.36.

#### Suspended or Cancelled Permits or Endorsements

- 37.** (1) Where a permit is suspended or cancelled under this Act or the regulations, Permit suspended or cancelled
- (a) the permit, and any endorsement on the permit, become invalid; and

(b) the permit holder shall, without delay after being served with notice of the suspension or cancellation, return the permit to the Registrar.

Replacement permit on expiry of suspension (2) Upon the reinstatement of a permit, and any endorsement on the permit, following the suspension or cancellation of the permit, the Registrar shall issue a replacement permit to the permit holder. 2014,c.39,s.37.

Endorsement suspended or cancelled **38.** (1) Where an endorsement on a permit is suspended or cancelled under this Act or the regulations,  
 (a) the endorsement on the permit becomes invalid; and  
 (b) the permit holder shall, without delay after being served with notice of the suspension or cancellation of the endorsement, return the permit to the Registrar, who shall issue a replacement permit without the endorsement to the permit holder.

Replacement permit on expiry of suspension (2) Upon the reinstatement of an endorsement on a permit following the suspension of the endorsement, the Registrar shall issue a replacement permit with the endorsement to the permit holder. 2014,c.39,s.38.

#### Appeal

Appeal **39.** (1) A person who is aggrieved by an order of the Council made under subsection 35(1) or 36(1) may appeal the order to the Supreme Court within 30 days after being served with notice of the order.

Powers of court (2) On hearing an appeal, the court may  
 (a) confirm, revoke or vary the order appealed from;  
 (b) refer the matter, or any issue, back to the Council for further consideration; or  
 (c) provide any direction that it considers appropriate.

Costs of appeal (3) The court may make any order as to the costs of an appeal that it considers appropriate. 2014,c.39,s.39.

#### Professional Misconduct or Incompetence

Contravention by member **40.** The contravention of this Act or the regulations by a member may be considered professional misconduct or incompetence under the *Regulated Health Professions Act*. 2014,c.39,s.40.

## GENERAL

## Publication

**41.** Where the Council imposes terms and conditions on a permit or an endorsement, or suspends or cancels a permit or an endorsement, the Council may publish a notice of the imposition, suspension or cancellation in the manner that it considers appropriate to inform the public. 2014,c.39,s.41.

Publication of notice

## Evidence

**42.** (1) A certificate respecting a matter dealt with by this Act that purports to be issued by the Registrar is admissible in evidence as proof of its contents without proof of the office or signature of the Registrar.

Certificate admissible in evidence

(2) A copy of a certificate respecting a matter dealt with by this Act that purports to be certified by the Registrar is admissible in evidence as proof of the original document without proof of the office or signature of the Registrar. 2014,c.39,s.42.

Certified copies

## Limitation of Liability

**43.** No action or proceeding lies or shall be instituted against the following persons for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act, the regulations or the bylaws:

Limitation of liability

- (a) the Minister;
  - (b) the Council;
  - (c) the Registrar;
  - (d) an inspector;
  - (e) any person who assists an inspector in an inspection.
- 2014,c.39,s.43.

## Service

**44.** (1) Any notice, order or other document required to be served on a person under this Act or the regulations is deemed to be sufficiently served

Manner of service

- (a) upon a copy being personally served on the person to whom it is directed;
- (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;

(c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or

(d) in the case of a permit holder, five days after a copy is sent by registered mail addressed to the permit holder at the business address shown in the records of the Registrar.

Service on corporation

(2) Where the person to be served is a corporation, service on a director, officer or recognized representative of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

Service on Council

(3) Service of any document on the Council may be made by service on the Registrar.

Substituted service

(4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an application may be made, without notice, to a judge of the Supreme Court, who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served. 2014,c.39,s.44.

#### Prohibitions

Permit suspended

**45.** (1) No permit holder shall operate a pharmacy when the permit to operate that pharmacy is suspended.

Endorsement suspended

(2) No permit holder shall operate a lock and leave dispensary in a pharmacy when the endorsement on the permit under which the pharmacy operates is suspended. 2014,c.39,s.45.

Contravention of term or condition on permit

**46.** No permit holder shall contravene a term or condition imposed on the permit or on an endorsement on the permit. 2014,c.39,s.46.

False representation

**47.** No person shall knowingly give false information in any application made under this Act, or in any statement or report given under this Act or the regulations. 2014,c.39,s.47.

#### Offences and Penalties

Offences and penalties

**48.** (1) Every person who contravenes this Act, the regulations or an order made under this Act or the regulations is guilty of an offence and is liable on summary conviction,

(a) in the case of an individual, to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding six months, or both; or

(b) in the case of a corporation, to a fine not exceeding \$50,000.

(2) The permit holder and managing pharmacist of the pharmacy operated under the permit are jointly and severally liable for an offence under this Act committed by a person in the employ of, or under the supervision of, the permit holder or the managing pharmacist, with the permission, consent or approval of the permit holder or managing pharmacist, whether express or implied. 2014,c.39,s.48.

Liability of permit holder and managing pharmacist

**49.** (1) Every officer, director or representative of a corporation who directs, authorizes, assents to, acquiesces in, or participates in the commission of an offence by that corporation is also guilty of the offence and is liable, on summary conviction, to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding six months, or both.

Officers and directors of corporation

(2) Subsection (1) applies whether or not the corporation has been prosecuted or convicted of the offence. 2014,c.39,s.49.

*Idem*

#### Injunction

**50.** The Supreme Court may, on the application of the Council and on being satisfied that there is reason to believe that there is or will be a contravention of this Act or the regulations, grant an injunction restraining a person from committing or continuing the contravention. 2014,c.39,s.50.

Injunction

#### Regulations

**51.** (1) The Council, subject to the approval of the Lieutenant Governor in Council, may make regulations

Regulations

- (a) respecting records to be kept by the Registrar;
- (b) prescribing the requirements to be met by an applicant and in respect of a pharmacy for the purposes of obtaining a permit;
- (c) prescribing requirements for a lock and leave pharmacy;
- (d) prescribing requirements in respect of a pharmacy for the purposes of obtaining an endorsement;
- (e) respecting additional information the Registrar shall include on a permit;
- (f) respecting the public liability insurance a permit holder shall maintain for the pharmacy operated under the permit;
- (g) respecting records to be kept by a permit holder in relation to the operation of the pharmacy under the permit;
- (g.1) respecting the pharmacy services that may be provided by a member or other employee in a pharmacy;
- (h) designating a drug that is not listed in Schedule I, II or III of the National Drug Schedules as a Schedule III drug, a Schedule II drug or a Schedule I drug;

- (i) designating a drug listed in Schedule III of the National Drug Schedules as a Schedule II drug or a Schedule I drug;
- (j) designating a drug listed in Schedule II of the National Drug Schedules as a Schedule I drug;
- (k) revoking a designation made pursuant to clause (h), (i) or (j);
- (k.1) respecting the activities of dispensing that may be performed by a member or other employee in a pharmacy;
- (k.2) controlling the amount of a drug that may be dispensed or supplied at one time to a person;
- (k.3) prescribing terms and conditions in respect of dispensing a controlled drug or substance in a transdermal patch;
- (l) respecting the form and manner in which a prescription shall be given;
- (m) respecting the information that shall be recorded on a drug container or package label;
- (n) respecting the information that shall be kept in a record regarding prescriptions dispensed in a pharmacy and the patients the prescriptions are dispensed for;
- (o) respecting dispensing drugs in a multiple drug package;
- (p) respecting the transfer of a prescription with refills remaining from one pharmacy to another pharmacy;
- (p.1) respecting the preparation, packaging and labelling of a prescription drug in a pharmacy on behalf of another pharmacy or hospital;
- (q) respecting the fine amounts that the Council may impose on permit holders;
- (r) prescribing terms and conditions that apply to a permit or an endorsement;
- (s) establishing or adopting standards for the operation of a pharmacy and the sale of drugs to the public and requiring compliance with those standards;
- (t) providing that the contravention of certain provisions of the regulations constitutes an offence;
- (u) providing for any transitional matters the Council considers necessary or advisable to facilitate the implementation of this Act;
- and
- (v) defining any word or expression used but not defined in this Act.

Adoption by  
reference

(2) A regulation made by the Council under clause (1)(s) may adopt by reference, in whole or in part and with such changes as are considered necessary by the Council, a written standard, published by another regulatory body or government agency, relating to the operation of a pharmacy and the sale of drugs to the public and require compliance with the standard.

(3) A regulation made by the Council under clause (1)(s) may adopt a standard referred to in subsection (2) as amended from time to time. Standard, code or guideline as amended

(4) A copy of every standard established or adopted by reference under clause (1)(s) shall be made available on request for public inspection by the College and shall be posted, as adapted or amended, on the College's website. 2014,c.39,s.51; 2015,c.11,s.6; 2016,c.18,s.1. Copies available for inspection

## TRANSITIONAL PROVISIONS

### Permits

**52.** (1) A class I permit issued under the former Act that is valid and subsisting immediately before this Act comes into force is deemed to be a permit issued under this Act. Class I permit continued

(2) Where a class I permit referred to in subsection (1) is endorsed to indicate locked dispensary approval, it is deemed to have an endorsement under this Act. Endorsement continued

(3) Where a class I permit referred to in subsection (1) does not state on it the date it expires, it shall expire on the next March 31<sup>st</sup> following the date this Act comes into force. Expiry

(4) All classes of permits, other than class I permits, issued under the former Act that are valid and subsisting immediately before this Act comes into force are invalid and of no force and effect on the coming into force of this Act. 2014,c.39,s.52. Other classes of permits

### Pharmacist in Charge

**53.** A pharmacist who, immediately before this Act comes into force, is a pharmacist in charge of a pharmacy operated under a class I permit referred to in subsection 52(1), is deemed to be the managing pharmacist of such pharmacy under this Act. 2014,c.39,s.53. Pharmacist in charge

### Application for Permit

**54.** (1) An application for a class I permit or locked dispensary approval made under the former Act that is pending when this Act comes into force shall be determined in accordance with the former Act as if this Act had not come into force. Application under former Act

(2) For the purposes of subsection (1), the powers and duties of the Board, as it existed under the former Act, in relation to assessing applications for, and issuing, class I permits and endorsing permits to Registrar may assess and issue permit



indicate locked dispensary approval under the former Act, are vested in and may be exercised by the Registrar under this Act.

Class I permit deemed to be permit (3) A class I permit issued by the Registrar pursuant to subsection (2) is deemed to be a permit issued under this Act.

Endorsement (4) The endorsement of a class I permit by the Registrar pursuant to subsection (2) to indicate locked dispensary approval pursuant to this section is deemed to be an endorsement on the permit under this Act. 2014,c.39,s.54.

#### Discipline

Investigation under former Act **55.** (1) Any investigation and related proceedings respecting a person holding a class I permit under the former Act that were commenced but not concluded before this Act comes into force shall be concluded in accordance with the former Act as if this Act had not come into force.

Board continued (2) For the purposes of subsection (1), an investigator designated by the Board under the former Act shall continue as the investigator and the members of the Board under the former Act shall continue as the Board, as if this Act had not come into force, until the investigation is concluded, a decision is made in any related proceedings and any action is taken by the Board.

Decision and action of Board (3) A decision made by the Board pursuant to subsection (2) is deemed to be a decision made under this Act and any action taken by the Board pursuant to subsection (2) is deemed to be taken pursuant to an order of the Council made under this Act. 2014,c.39,s.55.

#### Authorization to Prescribe

Written authorization issued to optometrist **56.** (1) A written authorization to give a prescription for a therapeutic drug or class of therapeutic drugs indicated on the authorization, issued to an optometrist by the Minister pursuant to section 14.1 of the former Act, that is valid and subsisting immediately before this Act comes into force is deemed to be a written authorization to prescribe a therapeutic drug or class of therapeutic drugs indicated on the authorization issued by the Prince Edward Island College of Optometrists under the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6.

Written authorization issue to nurse practitioner (2) A written authorization to give a prescription for a drug or class of drugs indicated on the authorization, issued to a nurse practitioner by the Minister pursuant to section 14.1 of the former Act, that is valid and subsisting immediately before this Act comes into force is deemed to be a written authorization to prescribe a drug or class of drugs indicated on

the authorization issued by the Registrar under the *Registered Nurses Act* R.S.P.E.I. 1988, Cap. R-8.1. 2014,c.39,s.56.

#### Board

- 57.** (1) The Prince Edward Island Pharmacy Board, established under the former Act, is dissolved. Dissolution of Board
- (2) Any assets and liabilities of the Board, as it existed immediately before the coming into force of this Act, are transferred to and vest in the College. Assets and liabilities
- (3) All agreements entered into by the Board, as it existed immediately before the coming into force of this Act, are assigned to the College. Agreements
- (4) No action, appeal, application or other civil proceeding being carried on, or power or remedy being exercised with respect to the operations of the Board, as it existed immediately before the coming into force of this Act, is to be discontinued or abated on account of this Act, but may be continued in the name of the College, which has the same rights, is subject to the same liabilities and shall pay or receive the same costs as if the action, appeal, application or other civil proceeding had been commenced or defended in the name of the Board. 2014,c.39,s.57. Civil proceedings

#### Association

- 58.** (1) The Prince Edward Island Pharmacists Association, established under the former Act, is dissolved and is hereafter referred to in this section as the “former Association”. Dissolution of Association
- (2) Any assets and liabilities of the former Association, as it existed immediately before the coming into force of this Act, are transferred to and vest in the Prince Edward Island Pharmacists Association established pursuant to the *Companies Act* R.S.P.E.I. 1988, Cap. C-14. Assets and liabilities
- (3) All agreements entered into by the former Association, as it existed immediately before the coming into force of this Act, are assigned to Prince Edward Island Pharmacists Association. Agreements
- (4) No action, appeal, application or other civil proceeding being carried on, or power or remedy being exercised with respect to the operations of the former Association, as it existed immediately before the coming into force of this Act, is to be discontinued or abated on account of this Act, but may be continued in the name of Prince Edward Island Pharmacists Association, which has the same rights, is subject to the same liabilities and shall pay or receive the same costs as if the action, Civil proceedings

appeal, application or other civil proceeding had been commenced or defended in the name of the former Association. 2014,c.39,s.58.

#### CONSEQUENTIAL AMENDMENTS

**59. to 71.** (These sections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.) 2014,c.39,s.58-s.71.

#### REPEAL AND COMMENCEMENT

Repeal

**72.** The *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6 is repealed.