

2015

CHAPTER 17

An Act to amend *The Pharmacy Act, 1996* and to make consequential amendments to other Acts

(Assented to May 14, 2015)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Pharmacy Amendment Act, 2015*.

S.S. 1996, c.P-9.1 amended

2 *The Pharmacy Act, 1996* is amended in the manner set forth in this Act.

New long title

3 The long title is struck out and the following substituted:

**“An Act respecting Pharmacists, Pharmacy Technicians,
Pharmacies and Drugs”.**

Section 1 amended

4 Section 1 is amended by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

Section 2 amended

5 Section 2 is amended:

(a) by repealing clause (d.1) and substituting the following:

“(d.1) ‘college’ means the Saskatchewan College of Pharmacy Professionals continued pursuant to section 3”;

(b) by repealing clause (m) and substituting the following:

“(m) ‘intern’ means a person who is registered as a pharmacist intern or pharmacy technician intern pursuant to section 18”;

(c) by repealing clause (n) and substituting the following:

“(n) ‘licensed pharmacist’ means a member who is registered as a licensed pharmacist and holds a valid licence issued pursuant to section 18”; and

(d) by adding the following clause after clause (n):

“(n.1) ‘licensed pharmacy technician’ means a member who is registered as a licensed pharmacy technician and holds a valid licence issued pursuant to section 18”.

New section 3**6 Section 3 is repealed and the following substituted:****“College**

3 The Saskatchewan College of Pharmacists is continued as a corporation to be known as the Saskatchewan College of Pharmacy Professionals”.

Section 4 amended**7 Clause 4(4)(a) is repealed and the following substituted:**

“(a) to provide scholarships, fellowships or bursaries to assist members, interns and students of pharmacy or pharmacy technician programs to secure education and to conduct research in the field of pharmacy”.

Section 5 amended

8 Clause 5(a) is amended by striking out “the Saskatchewan Pharmaceutical Association” and substituting “the Saskatchewan College of Pharmacists”.

Section 8 amended

9 Subsection 8(1) is amended by striking out “two” and substituting “four”.

Section 14 amended

10(1) Clause 14(1)(f) is amended:

(a) in subclause (ii) by striking out “by pharmacists” and substituting “by licensed pharmacists or licensed pharmacy technicians”; and

(b) in subclause (iii) by adding “or pharmacy technicians” after “pharmacists”.

(2) Subsection 14(2) is amended:

(a) by adding the following clause after clause (a):

“(a.1) prescribing qualifications, standards and tests of competency for determining whether a member may be licensed to perform an authorized practice pursuant to section 23”; **and**

(b) by repealing clause (i.1).

Section 16 amended

11 Subsection 16(3) is amended by adding “, a licensed pharmacy technician” after “ a licensed pharmacist”.

Section 18 amended

12(1) Subsection 18(1) is amended by repealing clause (a) and substituting the following:

“(a) if the person:

(i) is applying for membership as a licensed pharmacist, has successfully completed a pharmacy program recognized by the council from an educational institution recognized by the council; or

- (ii) is applying for membership as a licensed pharmacy technician:
 - (A) has successfully completed a pharmacy technician program recognized by the council from an educational institution recognized by the council; or
 - (B) has successfully completed any evaluating examinations for pharmacy technicians recognized by the council”.

(2) Clause 18(1.1)(c) is amended by adding “or pharmacy technician” after “a pharmacist”.

(3) Subsection 18(2) is amended in the portion preceding clause (a) by adding “or pharmacy technician” after “a pharmacist”.

Section 19 amended

13 Subsection 19(1) is amended by striking out the portion preceding clause (a) and substituting the following:

“The council may issue a permit to operate a proprietary pharmacy to an applicant who meets the requirements of subsection (2) and who produces evidence establishing to the satisfaction of the council that the applicant:”.

New section 22

14 Section 22 is repealed and the following substituted:

“Protection of title

22(1) No person other than a licensed pharmacist shall use the title ‘pharmacist’, ‘pharmaceutical chemist’, ‘druggist’, ‘chemist and druggist’, ‘apothecary’ or any word or designation, abbreviated or otherwise, to imply that the person is a licensed pharmacist.

(2) No person other than a licensed pharmacy technician shall use the title ‘pharmacy technician’ or any word or designation, abbreviated or otherwise, to imply that the person is a licensed pharmacy technician.

(3) No person other than a pharmacist intern practising under the supervision of a licensed pharmacist shall use the title ‘pharmacist intern’ or any word, title or designation, abbreviated or otherwise, to imply that the person is a pharmacist intern.

(4) No person other than a pharmacy technician intern practising under the supervision of a licensed pharmacy technician shall use the title ‘pharmacy technician intern’ or any word, title or designation, abbreviated or otherwise, to imply that the person is a pharmacy technician intern”.

New section 23

15 Section 23 is repealed and the following substituted:

“Authorized practices

23(1) No person other than a licensed pharmacist, licensed pharmacy technician, or intern practising under the supervision of a licensed pharmacist or a licensed pharmacy technician, may prepare, compound, dispense or sell drugs in Saskatchewan.

(2) A licensed pharmacist, licensed pharmacy technician or intern practising under the supervision of a licensed pharmacist or a licensed pharmacy technician may, subject to the terms, conditions and restrictions of that person's licence, perform all or any of the following practices:

- (a) advise patients and other health care providers by providing drug and non-drug therapy knowledge respecting drug and non-drug therapy selection and use;
- (b) monitor responses to and outcomes of drug therapy;
- (c) compound, prepare, dispense and sell drugs;
- (d) provide non-prescription drugs, parenteral nutrition and health care aids and devices;
- (e) supervise and manage drug distribution systems to maintain public safety and drug system security.

(3) A licensed pharmacist who meets the qualifications set out in this Act and the bylaws, may, subject to the terms, conditions and restrictions on that licensed pharmacist's licence, perform all or any of the following practices:

- (a) prescribe and administer drugs in accordance with the bylaws made pursuant to this Act and the regulations made pursuant to section 52;
- (b) prescribe treatments and health care aids and devices related to the practice of pharmacy in Saskatchewan;
- (c) access and use patient-administered automated tests designated in the bylaws and interpret the results of those tests;
- (d) access, order, perform, use or interpret medical laboratory tests in accordance with the regulatory bylaws made pursuant to this Act and the regulations made pursuant to *The Medical Laboratory Licensing Act, 1994*.

(4) Subsection (1) does not apply to:

- (a) the practice of any profession or occupation by any person practising pursuant to the authority of any other Act;
- (b) a person who is authorized pursuant to the *Food and Drugs Act* (Canada) or the *Narcotic Control Act* (Canada) to sell drugs to a pharmacist or practitioner;
- (c) a person selling feed within the meaning of the *Feeds Act* (Canada), if that Act and the regulations pursuant to that Act are complied with;
- (d) a person who is a wholesale dealer, who sells drugs in the ordinary course of wholesale dealing, if the drugs:
 - (i) are in sealed manufacturers' packages; and
 - (ii) are sold only to a person who is authorized to sell drugs;

- (e) a person selling poisons registered pursuant to the *Pest Control Products Act* (Canada);
- (f) a person selling insecticides, herbicides or fungicides used for agricultural or horticultural purposes;
- (g) a person who sells a proprietary medicine within the meaning from time to time assigned to that expression by the regulations made pursuant to the *Food and Drugs Act* (Canada), if the sale of the proprietary medicine does not contravene the regulations made pursuant to section 52 of this Act;
- (h) a person who is a member of the Canadian Armed Forces who is carrying out duties as a pharmacist or pharmacy technician and whose practice is confined to a Canadian Armed Forces Base”.

New section 27

16 Section 27 is repealed and the following substituted:

“Complaints committee

27(1) The complaints committee is established consisting of:

- (a) at least three persons appointed by the council, the majority of whom are to be licensed pharmacists, if a complaint is against a licensed pharmacist or a proprietor;
- (b) at least three persons appointed by the council, the majority of whom are to be licensed pharmacy technicians, if a complaint is against a licensed pharmacy technician; or
- (c) at least three persons appointed by the council, the majority of whom are to be a combination of licensed pharmacists and licensed pharmacy technicians, if a complaint is against:
 - (i) a licensed pharmacist or a proprietor; and
 - (ii) a licensed pharmacy technician.

(2) No member of the discipline committee and no elected member of the council is eligible to be a member of the complaints committee”.

New section 31

17 Section 31 is repealed and the following substituted:

“Discipline

31(1) The discipline committee is established consisting of:

- (a) at least three persons appointed by the council, the majority of whom are to be licensed pharmacists, if a complaint is against a licensed pharmacist or a proprietor;
- (b) at least three persons appointed by the council, the majority of whom are to be licensed pharmacy technicians, if a complaint is against a licensed pharmacy technician; or

(c) at least three persons appointed by the council, the majority of whom are to be a combination of licensed pharmacists and licensed pharmacy technicians, if a complaint is against:

- (i) a licensed pharmacist or a proprietor; and
- (ii) a licensed pharmacy technician.

(2) No member of the complaints committee and no elected member of the council is eligible to be a member of the discipline committee.

(3) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and procedure”.

Section 34 amended

18 Subclause 34(2)(a)(i) is amended by striking out “\$5,000” and substituting “\$100,000”.

Section 35 amended

19 Subclause 35(2)(a)(i) is amended by striking out “\$15,000” and substituting “\$100,000”.

Section 41 amended

20(1) Subsection 41(1) is amended by striking out “an order” and substituting “the decision or any order”.

(2) Subsection 41(3) is amended by adding “decision or” after “vary the”.

(3) Subsection 41(4) is amended by striking out “an order” and substituting “a decision or order”.

New section 46

21 Section 46 is repealed and the following substituted:

“Discipline of former members and former proprietors

46(1) In sections 24 to 45:

- (a) **‘member’** includes a former member; and
- (b) **‘proprietor’** includes a former proprietor.

(2) No proceeding conducted pursuant to sections 24 to 45 shall be commenced against a former member more than 24 months after the day he or she became a former member.

(3) No proceeding conducted pursuant to sections 24 to 45 shall be commenced against a former proprietor more than 24 months after the day the former proprietor’s permit ceased to be a valid permit.

(4) If no appeal has been made respecting an order made against a former member pursuant to clause 34(2)(a) or a former proprietor pursuant to clause 35(2)(a) within the time set out in in subsection 41(2) or 42(1), as the case may be, or if an appeal has been made and dismissed, the college may file a certified copy of the order with the court.

(5) A certified copy of an order filed pursuant to subsection (4) has the same force and effect as if it were a judgment obtained in the court for the recovery of a debt in the amount set out in the order.

Section 48 amended

22 Subsection 48(4) is repealed and the following substituted:

“(4) Subject to this Act and the bylaws and notwithstanding clause 2(o) and section 20, on the death of a proprietor, the personal representative of the deceased may continue the operation of the pharmacy for no longer than six months from the date of the death of the proprietor under the supervision and management of:

- (a) a licensed pharmacist; or
- (b) a licensed pharmacy technician”.

Section 49 amended

23 Subsection 49(4) is amended:**(a) by adding the following clause after clause (a):**

“(a.1) a licensed pharmacy technician”;

(b) by repealing clause (b) and substituting the following:

“(b) a proprietor who holds a valid permit”; and

(c) in clause (c) by striking out “subsection 23(2)” and substituting “subsection 23(4)”.

Section 50 amended

24 The following subsections are added after subsection 50(4):

“(5) Every person shall provide all reasonable assistance to the inspector performing his or her duties authorized pursuant to this Act and provide that person with any information that he or she may reasonably require.

“(6) No person shall obstruct or interfere with, or knowingly make any false statement either orally or in writing to, an inspector performing his or her duties pursuant to this Act”.

Section 54 amended

25 Section 54 is amended in the portion preceding clause (a) by adding “, licensed pharmacy technician” after “licensed pharmacist”.

Section 55 amended

26 Section 55 is amended:

(a) by adding “, licensed pharmacy technician” after “against a licensed pharmacist”; and

(b) by adding “, licensed pharmacy technician” after “the licensed pharmacist”.

New section 57

27 Section 57 is repealed and the following substituted:**“Offence and penalty**

57(1) Every person who contravenes section 22, 23 or 49, subsection 50(6) or section 60 is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000.

(2) Every director or officer of a corporation who directed, authorized, permitted, assented to or participated in the commission of an offence described in subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000”.

Section 60 amended

28 Section 60 is amended by adding “or a licensed pharmacy technician” after “a licensed pharmacist”.

S.S. 1994, c.C-10.1, section 2 amended

29 Clause 2(k) of *The Chiropractic Act, 1994* is amended by striking out “*The Pharmacy Act*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

S.S. 1999, c.H-0.021 amended

30(1) *The Health Information Protection Act* is amended in the manner set forth in this section.

(2) Subclause 2(t)(ix) is amended by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

(3) Subsection 27(4) is amended:

(a) in clause (n) by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”; and

(b) in clause (o) by striking out “*The Pharmacy Act, 1996*” wherever it appears and in each case substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

R.S.S. 1978, c.P-23 amended

31(1) *The Prescription Drugs Act* is amended in the manner set forth in this section.

(2) Clause 2(b) is amended by striking out “*The Pharmacy Act*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

(3) Subsection 3.3(2) is amended:

(a) in clause (a) by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”; and

(b) in the portion of clause (b) preceding subclause (i) by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

S.S. 2010, c. 27, section 3 amended

32 Clause 3(b) of *The Prescription Drugs Amendment Act, 2010* is repealed.

S.S. 2001, c.T-14.1, section 2 amended

33 Clause 2(d.2) of *The Tobacco Control Act* is amended by striking out “*The Pharmacy Act, 1996*” and substituting “*The Pharmacy and Pharmacy Disciplines Act*”.

Coming into force

34 This Act comes into force on proclamation.