



## **PLEASE NOTE**

This document, prepared by the [\*Legislative Counsel Office\*](#), is an office consolidation of this Act, current to November 8, 2005. 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

### PHARMACY ACT

1. In this Act	Interpretation
(a) “Association” means the Prince Edward Island Pharmaceutical Association;	Association
(b) an “authorization” means a license, certificate, registration or permit, as the case may be, granted by the Board;	authorization
(c) “Board” means the Prince Edward Island Pharmacy Board;	Board
(d) “certificate” means an authorization by the Board to practise as a certified pharmaceutical clerk;	certificate
(e) “certified pharmaceutical clerk” or “certified clerk” means a person holding a certificate, signifying entitlement to perform the professional functions of a pharmacist under the superintendence of a licensed pharmacist;	certified pharmaceutical clerk
(f) “Council” means the Council of the Association;	Council
(g) “dispense” means to fill a prescription, to assess its pharmaceutical appropriateness, to prepare and to give out a drug in accordance with a prescription;	dispense
(h) “drug” means a substance or combination of substances used or intended to be used to diagnose, treat, mitigate or prevent a disease, disorder or abnormal physical or mental state or a symptom of them, or to restore, correct or modify organic functions in man or animal, and includes a substance identified as such in regulations made under this Act;	drug
(i) “license” means an authorization by the Board to practise as a pharmacist;	license
(j) “Minister” means the Minister of Health;	Minister
(j.1) “NAPRA” means the National Association of Pharmacy Regulatory Authorities	NAPRA
(k) “permit” means an authorization by the Board to operate a pharmacy;	permit
(l) “pharmaceutical” is used as an adjectival form of the word “pharmacy”;	pharmaceutical

pharmacist	(m) “pharmacist” or “licensed pharmacist” means a person holding a license, signifying entitlement to practise pharmacy;
pharmacy, practice of pharmacy, facility	(n) repealed by 1998,c.94,s.1; (o) a “pharmacy” when referring to a facility means any place where pharmacy is practised, unless otherwise determined by the Board;
practice of pharmacy	(o.1) “practice of pharmacy” means (i) manufacturing, compounding or otherwise preparing a drug, including packaging, repackaging or labelling, (ii) dispensing a drug, or (iii) giving expert instruction or advice on the use of or appropriateness of a drug, the performance of which skill, in the opinion of the Board, requires specialist knowledge and judgment concerning the properties of drugs;
prescription	(p) “prescription” means a direction for the preparation and dispensing of a drug that is given by (i) a person authorized by the law of any province or territory to practise as a physician, dentist or veterinarian, or (ii) a person authorized to do so by the Minister under section 14.1;
registered student	(q) “registered student” means a person registered by the Board as entitled to perform the professional functions of a pharmacist in the presence of and under the immediate and continuous supervision of a licensed pharmacist;
registration	(r) “registration” means an authorization by the Board to function as a registered student;
regulation	(s) “regulation” means a regulation made under this Act;
Schedule I drug	(t) “Schedule I drug” means a drug listed in Schedule I of Canada’s National Drug Scheduling System administered by NAPRA, as published and amended by it from time to time;
Schedule II drug	(u) “Schedule II drug” means a drug listed in Schedule II of Canada’s National Drug Scheduling System administered by NAPRA, as published and amended by it from time to time;
Schedule III drug	(v) “Schedule III drug” means a drug listed in Schedule III of Canada’s National Drug Scheduling System administered by NAPRA, as published and amended by it from time to time. 1983, c.35, s.1; 1998,c.94,s.1; 2003,c.13,s.1; 2005,c.40,s.25.

## ASSOCIATION

2. The Prince Edward Island Pharmaceutical Association as incorporated by Chapter 21 of the Acts of the Legislature in the year 1905 is hereby continued under the same name as a body corporate, composed of those persons who are members of the Association at the time this Act comes into force, such other persons as may be licensed, certified or registered under this Act, and such other persons as may be granted special membership under bylaws of the Association. 1983, c.35, s.2. Association continued
3. The purposes of the Association are to Objects
- (a) promote the professional interests of members;
  - (b) represent the membership in relations with national bodies and counterpart organizations elsewhere, with other sectors of the health field, and with other agencies with whom an agreement might be entered into;
  - (c) encourage the improvement of proficiency and continuing competency of members; and
  - (d) foster public awareness of the pharmacy profession and of responsible and effective use of pharmaceutical products and services. 1983, c.35, s.31998,c.94,s.2.
4. (1) There shall be a Council of the Association which shall, subject to this Act, the bylaws and any directions of a general meeting of the Association, conduct the affairs and exercise the powers of the Association. Council
- (2) The Council shall consist of no fewer than three members of the Association elected by the Association according to its bylaws. 1983, c.35, s.4. Composition
5. (1) The Council may make bylaws for the management of the Association, including matters of Bylaws
- (a) the manner of election or appointment of officers, their qualifications, duties, terms of office and remuneration;
  - (b) the engagement of persons whom the Association may employ or contract with;
  - (c) the calling and conduct of meetings of the Association and of the Council, including voting procedures;
  - (d) the establishment and operation of committees;
  - (e) relationships or agreements with external agencies;
  - (f) classes of membership, including requirements and entitlements for each;
  - (g) dues and any other assessment of members.

Bylaws, when effective (2) Bylaws are effective when approved by the Association at a general meeting. 1983, c.35, s.5.

#### BOARD

Board **6.** (1) There is hereby established a body to be called the Prince Edward Island Pharmacy Board.

Composition of Board (2) Subject to subsection (2.1), the Board shall be composed of at least five members appointed by the Minister of whom  
 (a) at least three shall be licensed pharmacists nominated by the Association at a general meeting;  
 (b) at least one shall be a lay person nominated by the Association at a general meeting;  
 (c) at least one shall be a person who, in the opinion of the Minister, is knowledgeable about and representative of the interests of the pharmaceutical operations for which the Minister is responsible.

Percentage of members (2.1) The composition of the Board shall be such that  
 (a) members appointed under clause (2)(a) shall always comprise a majority of Board members; and  
 (b) members appointed under clause (2)(b) shall always comprise not less than 15 per cent of Board members.

Term (3) Appointments shall be for a maximum of three years.

*Idem* (4) Members may be reappointed, but shall not serve more than two consecutive terms.

Officers (5) The Board shall choose one of its pharmacist members as its chairperson.

Registrar (6) The Board shall appoint a pharmacist, who may be a member of the Board, as Registrar.

Procedure (7) The Board may determine its own procedure.

Inform Minister (8) The Board shall inform the Minister, as he may request, concerning its operation and performance of its duties. 1983, c.35, s.1998,c.94,s.3.

Purpose **7.** (1) The purpose of the Board is to regulate the practice of pharmacy in the province so as to promote a high standard and safeguard the welfare of the public with regard to pharmaceutical service.

Functions (2) The functions of the Board are to  
 (a) prescribe initial and continuing educational, proficiency and other qualifications for licensure, certification, registration and permits, including fees therefor;

- (b) examine applicants and judge entitlement to such authorizations;
- (c) grant authorizations and keep the official register of them;
- (d) prescribe and assure adherence to professional ethical guidelines and standards of quality to govern pharmaceutical services;
- (d.1) promote the continuing competency of pharmacists and certified clerks by prescribing requirements and providing opportunities for continuing professional development and by monitoring and assuring adherence to such requirements;
- (e) monitor adherence to established standards and guidelines, investigate complaints, and exercise discipline or professional remediation by revocation, restriction or suspension of an authorization, by reprimand, retraining requirement, fine or other means, of those who hold an authorization;
- (f) prescribe, after consultation with the provincial regulatory bodies governing the professions of medicine, dentistry and veterinary medicine, what drugs shall be subject to restricted distribution or use and the nature of such restriction. 1983, c.35, s.7; 1998,c.94,s.4.

**8.** The Board, after consultation with the Council and subject to approval by the Lieutenant Governor in Council, may make regulations for the purposes of this Act, including regulations controlling or prohibiting the sale of Schedule I, II or III drugs. 1983, c.35, s.8; 2003,c.13,s.2. Regulations

#### AUTHORIZATIONS

**9.** (1) A person seeking to be licensed to practise as a pharmacist shall apply to the Board and shall provide proof of License qualifications

- (a) successful completion of a Bachelor of Science in Pharmacy degree program at a university approved by the Board, or of an equivalent course of study acceptable to the Board;
- (b) successful completion of a practical training and professional experience program as may be prescribed;
- (c) professional competency, as demonstrated by such examination as may be prescribed or as the Board may otherwise recognize;
- (c.1) proficiency in the English language, as demonstrated in such manner as may be required or prescribed by the regulations;
- (d) knowledge and acceptance of the laws directly applicable to the practice of pharmacy, and of prescribed standards of practice and ethical guidelines, as demonstrated in such manner as may be prescribed;
- (e) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of professional education, examination, active practice or refresher program; and

(f) good standing under any existing or previous license or comparable authorization.

Issue

(2) The Board shall issue a license to an applicant who has to its satisfaction met the requirements of subsection (1) and paid the prescribed fee.

License from elsewhere

(3) The Board may accept a comparable license from another jurisdiction as sufficient evidence of the qualification of an applicant and may, upon payment of the prescribed fee, thereupon issue a license to him.

Refusal of license for conviction affecting professional practice

(4) The Board may refuse to issue a license to an applicant who has been convicted of an offence of such a nature and direct relevance to professional practice that, in the unanimous judgment of the Board, the applicant would pose a danger to patients. 1983, c.35, s.9; 1991, c.29, s.1; 2003,c.13,s.3.

Certification qualifications

**10.** (1) A person seeking certification to practise as a certified pharmaceutical clerk shall apply to the Board and shall provide proof of

- (a) successful completion of the training program for pharmaceutical clerks formerly given by the Maritime College of Pharmacy;
- (b) competency, as demonstrated by such examination as may be prescribed or as the Board may otherwise recognize or itself administer;
- (c) knowledge and acceptance of the laws directly applicable to the practice of pharmacy, and of prescribed standards of practice and ethical guidelines, as demonstrated in such manner as may be prescribed;
- (d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding active practice or refresher program; and
- (e) good standing under any existing or previous certification or comparable authorization.

Issue

(2) The Board shall issue a certificate to an applicant who has to its satisfaction met the requirements of subsection (1) and paid the prescribed fee.

Refusal of certificate for conviction affecting professional practice

(3) The Board may refuse to issue a certificate to an applicant who has been convicted of an offence of such a nature and direct relevance to professional practice that, in the unanimous judgment of the Board, the applicant would pose a danger to patients. 1983, c.35, s.10; 1991, c.29, s.2.

Student registration

**11.** The Board may grant the status of registered student to a person who applies to it, furnishes proof of current enrolment in, and completion of

at least one academic year of, a university pharmacy program approved by the Board, and pays the prescribed fee. 1983, c.35, s.11.

**12.** (1) A person seeking a permit to operate a pharmacy shall apply to the Board, furnishing such information as the Board may require. Pharmacy permit

(2) The Board shall carry out such investigation as it considers necessary and shall, if it is satisfied that all the prescribed requirements are met, and the prescribed fee has been paid, issue a permit to the applicant. Investigation for permit

(3) A permit may be issued subject to such terms and conditions as the Board may determine. Terms of permit

(4) The Board may by regulation, establish various classes of permit for different types of pharmacy facility. 1983, c.35, s.12. Classes of permit

**13.** (1) The Registrar shall maintain and make available for inspection by any person a register in which shall be recorded every person who is a licensed pharmacist, certified clerk or registered student and each pharmacy for which a permit has been issued. Register

(2) The holder of a permit shall notify the Registrar whenever there is a change of persons working as pharmacist, certified clerk or registered student in his pharmacy. 1983, c.35, s.14. Notification of Registrar

**14.** (1) Unless a shorter term has been imposed by the Board, an authorization expires one year from the date on which it is expressed to come into effect. Expiry

(2) The Board shall establish the dates of annual effect and expiry for authorizations. *Idem*

(3) Every person who holds an authorization shall annually apply to the Registrar for a renewal thereof for the ensuing year, and if Renewal

(a) the applicant meets such requirements for currency of professional competency as may be prescribed; and

(b) the Board has no reason to believe that the person is in violation of the Act, the regulations or the terms of the person's authorization, the authorization shall be renewed upon payment of the prescribed fee.

(4) A person who fails to renew an authorization on or before the expiry date, or to make a special arrangement for extension or deferred renewal that is acceptable to the Board, ceases upon the expiry of the authorization to be entitled to practise or to operate a pharmacy, as the case may be. Lapse



(5) A pharmacist or certified clerk whose authorization lapses under subsection (4) shall, subject to the conditions of subsection (3),

- (a) if within two years thereafter application is made and the prescribed fees are paid, be entitled to have the authorization re-issued; or
- (b) if application is made more than two years thereafter, re-apply as if for the first time, or otherwise may be relicensed or recertified upon complying with such terms as the Board may direct.

Permit, not transferable

(6) Notwithstanding subsection (1), a permit to operate a pharmacy ceases to have effect when the pharmacy is sold or the responsibility for its overall management changed to a person other than the holder of the permit. 1991, c.29, s.3.

Authorization for the giving of a prescription

**14.1** For the purposes of this Act, the Minister may, in writing, authorize any person to give a prescription for any drug or classes of drugs indicated in the authorization, if

- (a) the person is a health professional licensed by a regulatory body to practise in the province; and
- (b) the Minister has received written confirmation from the regulatory body indicating that the person has the necessary training and education to competently give a prescription for the authorized drug or classes of drugs. 2003,c.13,s.4.

#### DISCIPLINE

Investigation

**15.** (1) The Board may carry out, or cause to be carried out by such inspectors as it may designate, such investigation as it considers necessary

- (a) into any aspect of the operation of a pharmacy for the purpose of determining compliance with prescribed standards; and
- (b) into suspected instances or patterns of unethical, illicit or hazardous abuse of the pharmaceutical system.

Records to be furnished

(2) Any holder of an authorization shall cooperate with such investigation, and shall make any necessary records available to the inspector. 1983, c.35, s.16.

Cancellation, etc. of permit

**16.** Where it has been determined, after due investigation, that a pharmacy is not operating in accordance with the prescribed standards or the terms of its permit, and after giving the permit holder and the pharmacist in charge the opportunity to be heard with legal counsel if desired, the Board may revoke, suspend, impose conditions on, or refuse to renew the permit, or apply such financial or other penalty or remedial requirement as it may consider appropriate. 1983, c.35, s.17.

**17.** (1) Where the Board has cause to believe that a licensed pharmacist, certified clerk or registered student is unfit to practise or guilty of conduct contrary to the public interest, on the grounds of Unfit to practise

- (a) negligence;
- (b) improper professional conduct;
- (c) mental or professional incompetence; or
- (d) other comparable failing which may be seriously detrimental to the performance of service to a client,

it shall make due investigation and shall give the affected person the opportunity to be heard with legal counsel if desired.

(2) Where it determines that the said person is unfit to practise or guilty of misconduct, the Board, following guidelines established by regulation or written policy, may disqualify, discipline, or seek to remediate the professional performance of the person, by revoking, suspending or imposing a condition on the person's authorization, by reprimand, financial penalty, retraining requirement or other such means as may be considered appropriate. 1983, c.35, s.18. Cancellation, etc. of authorization

**18.** (1) A person whose authorization has been suspended or revoked by the Board under section 16 or 17 may appeal that decision to the Supreme Court by filing a notice of appeal with the court and so informing the Board within fifteen days of receiving notification of the Board's decision. Appeal

(2) A decision by the Board to suspend or revoke an authorization shall take effect only after the expiry of fifteen days from the Board's making its decision known to the person affected or, where an appeal is made, after it has been dismissed by the Supreme Court. Allowance for appeal

(3) The Board may, upon application, subsequently reinstate a suspended or revoked authorization. 1983, c.35, s.19. Reinstatement

**19.** Where a financial penalty is levied by the Board, any amount exceeding the costs actually incurred by the Board in that case shall be payable to the Provincial Treasurer. 1983, c.35, s.20; 1986, c.5, s.2; 1993, c.29, s.4. Fines payable

**20.** No action lies against the Board or its members for anything done in good faith with respect to its functions under this Act. 1983, c.35, s.21. Liability

#### PRACTICE REQUIREMENTS

**21.** No person shall operate a pharmacy without a valid permit. 1983, c.35, s.22. Permit required

Pharmacist in charge	<b>22.</b> (1) A pharmacy shall be managed, in its pharmaceutical aspects, by a licensed pharmacist, and no person shall interfere with his direction regarding professional matters.
Joint responsibility	(2) The pharmacist in charge of the management bears responsibility jointly with the holder of the permit, if other than himself, for ensuring that the pharmacy complies with this Act and prescribed standards.
Exceptions	(3) The Board may by regulation make exceptions to the requirements of this section for certain classes of permit. 1983, c.35, s.23.
License required	<b>23.</b> (1) Subject to this section and section 24, no person shall practise pharmacy, attempt to act as, assume the title of or otherwise purport to be or perform the professional functions of a pharmacist unless he holds a valid license as a pharmacist under this Act.
Exceptions	(2) Notwithstanding subsection (1), the professional functions of a pharmacist may be performed by <ul style="list-style-type: none"> <li>(a) a certified clerk, under the general superintendence of a licensed pharmacist, who is readily accessible for consultation;</li> <li>(b) a registered student in the presence of and under the immediate and continuous supervision of a licensed pharmacist;</li> <li>(c) a person acting within permission by the Board;</li> <li>(d) a duly licensed physician, dentist or veterinarian acting within the limits of his field of practice as determined by the regulatory body of his profession. 1983, c.35, s.24.</li> </ul>
Armed forces exempted	<b>24.</b> The requirements of this Act do not apply to a pharmacy operated by, nor to a pharmacist employed by, the armed forces within the confines of an armed forces base and serving only armed forces personnel and their immediate families. 1983, c.35, s.25.
No practice outside pharmacy	<b>25.</b> Repealed by 1998,c.94,s.5.
Duty to assess, advise, monitor	<b>26.</b> It is the duty of a licensed pharmacist or certified clerk <ul style="list-style-type: none"> <li>(a) to apply his expertise and professional judgment to assist both prescriber and patient by assessing the pharmaceutical appropriateness of a prescription and advising on its use, so as to maximize the efficacy of pharmaceutical products; and</li> <li>(b) to use a record system which may be approved by the Board to monitor the receipt of prescription drugs by each patient. 1983, c.35, s.27.</li> </ul>
Non-commercial pharmacy, restricted	<b>27.</b> The Provincial Pharmacy of the Department of Social Services and Seniors, a hospital or other institutional and non-commercial pharmacy shall not dispense drugs except to its own patients, residents or clients of

a drug benefit program of the province or to another pharmacy. 1983, c.35, s.28; 2005,c.40,s.25.

#### PRODUCT SELECTION

**28.** (1) The Board may, and shall if the Lieutenant Governor in Council so directs, by regulation made in accordance with section 8, make an interchangeable drug list of products of equal quality containing the same amounts of the same active ingredients in the same dosage form.

Interchangeable  
drug list

(2) The said list shall be prepared by a committee of the Board as a whole together with two physicians and such other members as the Minister may appoint. 1983, c.35, s.29.

List committee

**29.** (1) Unless the person prescribing a drug otherwise directs, the person who dispenses on that prescription may select and dispense an interchangeable product which is so identified by the list made under section 28 and is priced equal to or lower than the drug prescribed.

Selection allowed

(2) No action lies against the prescriber or the dispenser on the grounds that an interchangeable drug other than the product prescribed was dispensed in accordance with this section. 1983, c.35, s.30.

Liability

**30.** (1) Notwithstanding section 28, the Minister may make a formulary and policies to govern product selection where a drug is dispensed under a drug benefit program of the province.

Minister's  
formulary

(2) No action lies against the prescriber or the dispenser on the grounds that a drug other than the product prescribed was dispensed under a provincial drug benefit program in accordance with the formulary referred to in subsection (1). 1983, c.35, s.31.

Liability

#### OFFENCES

**31.** A person who violates any provision of this Act or the regulations is liable, on summary conviction, to a penalty not exceeding \$500. 1983, c.35, s.32.

Penalty