

EC2009-326

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY CAPITAL EXPENDITURE
FOR FISCAL YEAR 2009/10)
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Capital Fund for the Department of Transportation and Public Works as follows:

| Account Class | Account Name | Amount |
|---------------|---|-----------------------|
| | Capital Improvements – Highways Strategic Highway Improvement Projects | |
| 0371-05010 | Professional Services | <u>\$9,700,000.00</u> |

Further, Council noted that this amount will be partially offset by revenue from the federal government under the terms of the Infrastructure Stimulus Fund.

EC2009-327

HOLLAND COLLEGE ACT
APPROVAL TO INCUR A LIABILITY

Pursuant to clause 11(1)(b) of the *Holland College Act* R.S.P.E.I. Cap. H-6 Council authorized the Board of Governors of Holland College to incur a liability and to make expenditures by borrowing an amount not to exceed one million, five hundred thousand (\$1,500,000.00) dollars to purchase property for the Centre for Applied Science and Technology to be constructed at Holland College Charlottetown Centre.

EC2009-328

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TYSON HEIN AND JOYCE HEIN
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Tyson Hein and Joyce Hein, both of Chilliwack, British Columbia to acquire a land holding of approximately one hundred and twenty-eight decimal six four (128.64) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from Cedric Gallant of St. Nicholas, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2009-329

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CHRISTOPHER QUEEN
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Christopher Queen of St. Andrews, New Brunswick to acquire an interest pursuant to the *Judgment and Execution Act*, R.S.P.E.I. 1988, Cap. J-2, in a land holding of approximately thirty-two decimal five two (32.52) acres of land in Lot 36, Queens County, Province of Prince Edward Island, being acquired from the Sheriff of Queens County of Charlottetown, Prince Edward Island.

EC2009-330

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
A.J.L. LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to A.J.L. Ltd. of St. Phillippe, Prince Edward Island to acquire a land holding of approximately zero decimal two two nine (0.229) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Gerard Arsenault of Summerside, Prince Edward Island.

EC2009-331

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BROOKFIELD GARDENS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Brookfield Gardens Inc. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately five hundred and ninety-four decimal two seven (594.27) acres of land in Lots 24 and 31, Queens County, Province of Prince Edward Island, being acquired from Edgar Dykerman and Gerald Dykerman, both of North Wiltshire, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2009-332

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BROOKFIELD GARDENS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Brookfield Gardens Inc. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately one hundred and forty-two decimal seven four (142.74) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Edgar Dykerman and Gerald Dykerman, both of North Wiltshire, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 723353 and 684126, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2009-333

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 229955, LOT 23, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately seventy one decimal five eight (71.58) acres of land, being Provincial Property No. 229955 located in Lot 23, Queens County, Prince Edward Island and currently owned by Edgar Dykerman and Gerald Dykerman, both of North Wiltshire, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal six (1.6) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 30th June 2009.

EC2009-334

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BROOKFIELD GARDENS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Brookfield Gardens Inc. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately sixty-nine decimal nine eight (69.98) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Edgar Dykerman and Gerald Dykerman, both of North Wiltshire, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 229955, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2009-335

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DOCK CORNER FARMS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Dock Corner Farms Ltd. of Elmsdale, Prince Edward Island to acquire a land holding of approximately one hundred and fifty (150) acres of land in Lot 3, Prince County, Province of Prince Edward Island, being acquired from Pridham Bros. Ltd. of Montrose, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2009-336

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
GREAT ENLIGHTENMENT BUDDHIST INSTITUTE SOCIETY
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Great Enlightenment Buddhist Institute Society of Stratford, Prince Edward Island to acquire a land holding of approximately one hundred and sixty-four decimal three six (164.36) acres of land in Lot 62, Queens County, Province of Prince Edward Island, being acquired from Diane Hodder of Charlottetown, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 295618, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2009-337

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LONG RIVER FARMS LTD.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2009-113 of 24 February 2009, rescinded the said Order forthwith, thus rescinding permission for Long River Farms Ltd. of Charlottetown, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to three hundred and sixty (360) acres of land as part of the said corporation's aggregate land holdings.

EC2009-338

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LONG RIVER FARMS LTD.
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Long River Farms Ltd. of Charlottetown, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to three hundred and twenty (320) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Long River Farms Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2009-339

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LONG RIVER FARMS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Long River Farms Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately forty-one decimal four (41.4) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from Hickey Farms Limited of Kensington, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 83139, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2009-340

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROVINCIALY OWNED LAND AT
GEORGETOWN, KINGS COUNTY
EXEMPTION FROM
IDENTIFICATION FOR NON-DEVELOPMENT USE

Pursuant to section 21 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council determined that, upon transfer of administration and control to Her Majesty the Queen in Right of Canada, land and land covered by water located at Georgetown, Kings County, Prince Edward Island, totalling approximately eighty-nine decimal four five (89.45) acres and currently owned by the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, NOT be identified for non-development use under the Land Identification Program established by the *Prince Edward Island Lands Protection Act* Land Identification Regulations (EC606/95).

The said land and land covered by water is depicted on Public Works and Government Services Canada Real Estate Sector Plan No. S-5430, a copy of which is filed with this Order in the Office of the Clerk of the Executive Council.

EC2009-341

**LEGAL PROFESSION ACT
COUNCIL OF THE LAW SOCIETY OF
PRINCE EDWARD ISLAND
APPOINTMENTS**

Pursuant to clause 7(1)(c) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, Council made the following appointments:

| NAME | TERM OF APPOINTMENT |
|---|------------------------------------|
| Robert Clow Fairview (vice George Cantelo, term expired) | 30 June 2009 to 30 June 2012 |
| Gordon MacBeath Marshfield (vice Lorraine Robinson, term expired) | 30 June 2009 to 30 June 2012 |

EC2009-342

**LIQUOR CONTROL ACT
APPROVAL TO BORROW
RE: LIQUOR CONTROL COMMISSION
BUILDING AT 3 GARFIELD STREET**

Pursuant to clause 7(g) of the *Liquor Control Act*, R.S.P.E.I. 1988, Cap. L-14, Council granted approval to the Prince Edward Island Liquor Control Commission to borrow up to \$250,000.00 from the Provincial Treasurer to undertake renovations to the Commission's building located at 3 Garfield Street, Charlottetown.

EC2009-343

**LIQUOR CONTROL ACT
APPROVAL TO LEASE
RE: LIQUOR CONTROL COMMISSION
RELOCATION OF LICENSEE DISTRIBUTION CENTRE**

Pursuant to clause 7(g) of the *Liquor Control Act*, R.S.P.E.I. 1988, Cap. L-14, Council granted approval to the Prince Edward Island Liquor Control Commission to lease an additional 2,120 square feet at the West Royalty Liquor Store location for relocation of the Licensee Distribution Centre.

EC2009-344

**LIQUOR CONTROL ACT
APPROVAL TO LEASE PROPERTY
APPROVAL TO BORROW
RE: STRATFORD LIQUOR STORE**

Pursuant to clause 7(g) of the *Liquor Control Act*, R.S.P.E.I. 1988, Cap. L-14, Council granted approval to the Prince Edward Island Liquor Control Commission to:

- (a) enter into a ten-year lease agreement with Sobeys Group Inc. for approximately 7,200 square feet of space at Kinlock Plaza;
- (b) alter the leased space by making tenant improvements; and
- (c) borrow up to \$695,000.00 from the Provincial Treasurer for the said tenant improvements and related relocation costs.

Order-in-Council EC2009-85 of 10 February 2009 is hereby rescinded.

EC2009-345

**LUCY MAUD MONTGOMERY ACT
LUCY MAUD MONTGOMERY FOUNDATION
BOARD OF DIRECTORS
APPOINTMENTS**

Pursuant to section 3 of the *Lucy Maud Montgomery Foundation Act* R.S.P.E.I. 1988, Cap. L-18 Council made the following appointments:

| NAME | TERM OF APPOINTMENT |
|---|--------------------------------------|
| Teruyko Kamikawa Clinton (reappointed) | 20 April 2009 to 20 April 2014 |
| Eliza MacEwen Campbellton (reappointed) | 21 July 2009 to 21 July 2014 |

EC2009-346

**PHARMACY ACT
INTERCHANGEABLE DRUG LIST REGULATIONS**

Pursuant to section 28.2 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, Council made the following regulations:

- 1. In these regulations**
- | | |
|--|------------------------------|
| | Definitions |
| (a) “interchangeable drug product” means a drug product listed on the interchangeable drug list established under subsection 28.1(1) of the Act; | interchangeable drug product |
| (b) “patient” means a person for whom a drug product is prescribed; | patient |
| (c) “prescriber” means | prescriber |
| (i) a medical practitioner, | |
| (ii) a dentist licensed under the <i>Dental Profession Act</i> R.S.P.E.I. 1988, Cap. D-6, or | |
| (iii) any other person authorized by the Minister to prescribe a drug; | |

(d) “representative” means an adult who attends a pharmacy on behalf of a patient to obtain a drug product for the patient. representative

INTERCHANGEABLE DRUG LIST COMMITTEE

- 2.** (1) The term of appointment of members to the Committee shall be up to three years. Terms of Committee members
- (2) Committee members may be re-appointed. Re-appointment
- 3.** Three members of the Committee shall constitute a quorum. Quorum
- 4.** (1) A Committee member may resign at any time by giving written notice to the Minister. Registration
- (2) The Minister may terminate the appointment of a Committee member by providing written notice to the Committee member where the Committee member
- (a) has ceased to be a resident of the province;
 - (b) has failed to declare the Committee member’s conflict of interest in the matter pursuant to section 5; or
 - (c) has had the Committee member’s license suspended or revoked by an appropriate regulatory body pursuant to clauses 28(2)(a) or (b) of the Act.
- Termination by Minister
- 5.** Where a Committee member knows or ought reasonably to know that he or she may be in a conflict of interest with respect to a matter before the Committee, that Committee member shall Conflict of interest
- (a) declare his or her interest at the outset of that meeting; and
 - (b) refrain from voting on that matter.

INTERCHANGEABLE DRUG LIST

- 6.** Before making any recommendations to the Minister with respect to the establishment of the interchangeable drug list, the Committee shall review the interchangeable drug lists of other jurisdictions and the drug products currently listed as being interchangeable by Prince Edward Island drug benefit plans in the province. Interchangeable drug list
- 7.** The Minister shall review the recommendations of the Committee and may Ministerial review
- (a) approve the Committee’s recommendations;
 - (b) add further drug products to the list recommended by the Committee; or
 - (c) remove drug products from the interchangeable drug list recommended by the Committee where the Minister considers it is in the public interest to do so.
- 8.** Where the Minister considers it is in the public interest to do so, the Minister shall place a caution on a drug product on the list, including a caution that the drug product is interchangeable only in the treatment of a specific illness or condition. Caution
- 9.** Only Schedule I drugs shall be included in the interchangeable drug list. Prescription drugs
- 10.** (1) For each strength and dosage form of a drug product that a manufacturer wishes to be considered for inclusion on the interchangeable drug list, the manufacturer shall submit to the Committee the following documentation: Required documentation
- (a) a copy of the Notice of Compliance issued by Health Canada;
 - (b) a copy of the product monograph approved by Health Canada;
 - (c) a letter authorizing the Committee to exchange information concerning the drug product with representatives of
 - (i) the government of Prince Edward Island,
 - (ii) Health Canada,
 - (iii) the Patented Medicine Prices Review Board,
 - (iv) the Canadian Agency for Drugs and Technologies in Health,
 - (v) the government of any Canadian province or territory or body in any province or territory with responsibility for the interchangeability of drug products,
 - (vi) Canadian federal government drug programs,
 - (vii) health authorities in the province;

- (d) evidence that the manufacturer is able to supply the drug product in quantities sufficient to meet the anticipated demand in the province;
- (e) evidence that the drug product is currently listed in the *Compendium of Pharmaceuticals and Specialties*, or a letter of intent to have the drug product so listed;
- (f) evidence showing that
- (i) the dosage form, strength, formula, manufacturing process, and testing standards of the submitted drug product are identical to those of the original drug product to which it is compared,
 - (ii) Health Canada has designated the submitted drug product as being equivalent to the original drug product to which it is compared through designation of the original drug product as the Canadian Reference Product under the Food and Drug Regulations (Canada), or
 - (iii) comparative bioavailability studies on humans, comparative clinical studies on humans, or both, or other *in vivo* studies, show the interchangeability of the submitted drug product with the original drug product to which it is compared.
- (2) Where the requirement in clause 10(1)(b) cannot be met because Health Canada has not approved a product monograph for the drug product being submitted to the Committee by the manufacturer, the manufacturer shall submit the following to the Committee: Exception
- (a) pharmaceutical information;
 - (b) information with respect to the clinical pharmacology of the drug product;
 - (c) information with respect to the indications and clinical use of the drug product;
 - (d) a list of any contraindications, warnings, or precautions in the use of the drug product and possible adverse reactions to its use;
 - (e) a list of symptoms of an overdose of the drug product and information with respect to the treatment of an overdose;
 - (f) information with respect to the dosage and administration of the drug product;
 - (g) information with respect to the availability of dosage forms for each strength of the drug product marketed in Canada.
- 11.** The Committee may recommend to the Minister that a drug product be placed on the interchangeable drug list where Committee recommendation
- (a) the dosage form, strength, formula, manufacturing process, and testing standards of the drug product are identical to those of the original drug product to which it is compared;
 - (b) the drug product is designated by Health Canada as being equivalent to the original product the drug product is being compared with, through designation of the original drug product as the Canadian Reference Product under the Food and Drug Regulations (Canada);
 - (c) the drug product is designated as an interchangeable drug product in another Canadian jurisdiction and is available for purchase by pharmacies in the province; or
 - (d) the drug product is shown, to the satisfaction of the Committee, in comparative bioavailability studies on humans, comparative clinical studies on humans, or both, or other *in vivo* studies, to be the equivalent to the original product.
- 12.** On receipt of a recommendation from the Committee for the placement of a drug product on the interchangeable list, the Minister may, notwithstanding the recommendation, refuse to place the drug product on the interchangeable drug list if the Minister considers it advisable, in the public interest, to do so. Refusal in public interest
- 13.** (1) The Minister shall immediately remove a drug product from the interchangeable drug list where Immediate removal of drug product
- (a) Health Canada has withdrawn its approval for the sale of the drug product in Canada; or
 - (b) the Minister considers it advisable in the public interest to do so.
- (2) The Minister shall remove a drug product from the interchangeable drug list within 180 days of receipt of either: Removal of drug product within 180 days

- (a) a notification from the manufacturer that the sale of the drug product in Canada has been discontinued; or
- (b) a notification from Health Canada or the manufacturer that all other products that the drug product is listed as being interchangeable with have been discontinued by the manufacturer or are no longer approved for sale in Canada.

- 14.** The Minister shall cause the interchangeable drug list and any changes made to it to be
- (a) circulated to all pharmacies and all medical practitioners in the province; and
 - (b) posted on the government website.

Circulation and posting of interchangeable drug list

RULES FOR PRESCRIBING AND DISPENSING INTERCHANGEABLE DRUG PRODUCTS

- 15.** (1) Where a prescriber of a written prescription is of the opinion that a drug product other than the one specified in the written prescription should not be substituted, the prescriber shall clearly write on the prescription the words “No Substitution”.

Written provision for no substitutions

- (2) Where a prescriber of a prescription by oral or electronic transmission is of the opinion that a drug product other than the one specified in the prescription should not be substituted, the prescriber shall instruct accordingly each time a prescription is transmitted.

Oral or electronic provision for no substitutions

- (3) A pharmacist shall follow the prescriber’s instructions not to select a drug product other than the one specified in the prescription when filling the initial prescription and when filling any refills of the same prescription, unless the prescriber otherwise instructs.

Pharmacists’ duties

- 16.** Where a prescriber fails to indicate, in accordance with subsection 15(1) or (2), that there may be no substitution for the drug product specified in a prescription, the pharmacist filling the prescription shall

Substitutions

- (a) dispense the lowest-priced drug product that is listed on the interchangeable drug list as a drug product that may be used interchangeably with the drug product specified in the prescription; or

- (b) if the drug product referred to in clause (a) is not available due to the inability or failure of the manufacturer to supply the drug product, dispense

- (i) the drug product specified in the prescription, or
- (ii) any other drug product that is listed on the interchangeable drug list as a drug product that may be used interchangeably with the drug product specified in the prescription,

at the price of the second lowest-priced drug product on the list that may be used interchangeably with the drug product specified in the prescription.

- 17.** Where a drug product other than the drug product specified in the prescription is dispensed, the pharmacist shall inform the patient or the patient’s representative that an interchangeable drug product has been dispensed.

Information regarding interchangeable drug products

- 18.** (1) Notwithstanding anything to the contrary in section 16, a patient may, in person or through a representative,

Patient’s right to refuse

- (a) refuse to accept a drug product listed on the interchangeable drug list in substitution for the drug product prescribed by a prescriber; or
- (b) request the substitution, for the drug product prescribed by a prescriber, for a drug product on the list other than the lowest-priced interchangeable drug.

- (2) Where the patient has refused a substitute or requested a substitute other than the lowest-priced, the pharmacist shall explain

Pharmacist’s duties

- (a) the nature of the interchangeable drug list; and
- (b) the relative prices of the drug product specified in the prescription and the interchangeable drug product listed on the interchangeable drug list.

- (3) If, following the explanation by the pharmacist required under subsection (2), the patient maintains his or her refusal or request referred to in subsection (1), the pharmacist shall dispense the drug product

Dispensing drug chosen by patient

chosen by the patient, at the cost of the drug product chosen by the patient.

19. The Board shall consider, under section 17 of the Act, a Offence contravention of these regulations by a pharmacist to be improper professional conduct.

20. The *Pharmacy Act* Interchangeable Drug List Regulations Revocation (EC288/05) are revoked.

21. These regulations come into force on July 11, 2009. Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 specifies terms of appointments for Committee members.

SECTION 3 determines the quorum for the Committee.

SECTION 4 determines resignations and terminations of Committee members.

SECTION 5 provides for a Committee member's conflict of interest.

SECTION 6 provides for the Committee's review of an initial interchangeable drug list and recommendations respecting interchangeable drug products.

SECTION 7 provides for Ministerial review of the recommendations of the Committee.

SECTION 8 permits the Minister to place a caution on a drug product on the interchangeable drug list.

SECTION 9 provides that only prescription drugs will be included on the interchangeable drug list.

SECTION 10 lists the documentation required by a manufacturer in order to have a drug product placed on the interchangeable drug list.

SECTION 11 lists the criteria to be met before the Committee makes a recommendation that a drug product be placed on the interchangeable drug list.

SECTION 12 provides that a drug will not be placed on the interchangeable drug list if it is not advisable in the public interest to do so.

SECTION 13 lists circumstances in which a drug product is removed from the interchangeable drug list.

SECTION 14 requires the circulation and posting of the interchangeable drug list.

SECTION 15 provides for circumstances where a prescriber may specify that a prescribed drug not be substituted by a drug product on the interchangeable drug list.

SECTION 16 provides that a pharmacist dispense the lowest-priced drug product that is on the interchangeable drug list.

SECTION 17 provides that a pharmacist shall inform a person when an interchangeable drug product is being dispensed.

SECTION 18 provides the patient the right to refuse a drug product, and sets out a pharmacist's duties to explain the nature of the interchangeable drug list.

SECTION 19 is the offence provision.

SECTION 20 provides for the commencement of these regulations.

EC2009-347

AN ACT TO AMEND THE PHYSIOTHERAPY ACT DECLARATION RE

Under authority of section 9 of *An Act to Amend the Physiotherapy Act* Stats. P.E.I. 2008, c. 56, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Physiotherapy Act" to come into force effective 11 July 2009.

EC2009-348

PHYSIOTHERAPY ACT STANDARDS AND DISCIPLINE REGULATIONS AMENDMENT

Pursuant to section 4 of the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, Council approved the following regulations made by the Council of the Prince Edward Island College of Physiotherapists, after consultation with the general membership of the College:

- 1. Section 4 of the *Physiotherapy Act* Standards and Discipline Regulations (EC265/90) is revoked.**
- 2. Section 37 of the regulations is amended by the deletion of the words "payment of the fee prescribed" and the substitution of the words "payment of the fee established by the bylaws".**
- 3. These regulations come into force on July 11, 2009.**

EXPLANATORY NOTES

SECTION 1 revokes a provision that requires compliance with provisions in another regulation that have been repealed.

SECTION 2 makes a wording change to recognize that an authorization fee is no longer to be prescribed by the regulations. After recent amendments to the Act, such fees will now be determined in the bylaws made by the Council of the Prince Edward Island College of Physiotherapists.

SECTION 3 provides for the commencement of these regulations.

EC2009-349

PHYSIOTHERAPY ACT AUTHORIZATION REGULATIONS AMENDMENT

Pursuant to section 4 of the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, Council approved the following regulations made by the Council of the Prince Edward Island College of Physiotherapists, after consultation with the general membership of the College:

- 1. Clause 5(1)(c) of the *Physiotherapy Act* Authorization Regulations (EC574/03) is revoked and the following substituted:**

(c) pays the fee established by the bylaws.

2. Section 8 of the regulations is amended by the deletion of the words “the late renewal fee prescribed” and the substitution of the words “the late renewal penalty established by the bylaws”.

3. Section 16 of the regulations is revoked.

4. These regulations come into force on July 11, 2009.

EXPLANATORY NOTES

SECTION 1 makes a wording change to recognize that a license endorsement fee is no longer to be prescribed by the regulations. After recent amendments to the Act, such fees will now be determined in the bylaws made by the Council of the Prince Edward Island College of Physiotherapists.

SECTION 2 replaces wording that indicates that a late license renewal penalty is prescribed by the regulations with new wording that indicates that the fee is established by bylaws.

SECTION 3 revokes a provision in the regulations prescribing the fees that are currently payable for applications for the issuance and renewal of licenses and for the addition of an endorsement to a license concerning acupuncture.

SECTION 4 provides for the commencement of these regulations.

EC2009-350

AN ACT TO AMEND THE PLANNING ACT DECLARATION RE

Under authority of section 3 of *An Act to Amend the Planning Act* Stats. P.E.I. 2006, 4th Session, c. 15, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Planning Act" to come into force effective 30 June 2009.

EC2009-351

PLANT HEALTH ACT POTATOES REGULATIONS AMENDMENT

Pursuant to section 6 of the *Plant Health Act* R.S.P.E.I. 1988, Cap. P-9.1, Council made the following regulations:

1. Section 3 of the *Plant Health Act* Potatoes Regulations (EC138/95) is amended by the addition of the following after subsection (3):

(4) The Minister may appoint an agent under section 2 of the Act who shall exercise such powers and perform such duties as are necessary for the administration and enforcement of these regulations, including the power to issue summary offence tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 in respect of a contravention of these regulations. Agent

2. Section 5.1 of the regulations is amended

(a) by renumbering it as subsection 5.1(1); and

(b) by the addition of the following after subsection (1):

(2) Every person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$1,000 and not more than \$25,000. Offence and penalty

3. These regulations come into force on July 11, 2009.

EXPLANATORY NOTES

SECTION 1 authorizes an agent who is appointed by the Minister under section 2 of the Act, to issue summary offence tickets.

SECTION 2 provides an offence and penalty section for the offence of storing potatoes unlawfully or permitting volunteer growth. The minimum fine is \$1,000 and the maximum fine is \$25,000.

SECTION 3 provides for the commencement of these regulations.

EC2009-352

PLANT HEALTH ACT
APPOINTMENT OF AGENT
(APPROVED)

Pursuant to clause 1(a) of the *Plant Health Act* R.S.P.E.I. 1988, Cap. P-9.1, Council appointed Brian Craig, Plant Health Regulatory Manager, Department of Agriculture, to serve at pleasure as agent to exercise such powers and perform such duties as are necessary for the administration and enforcement of the *Plant Health Act* and the *Plant Health Act* Potatoes Regulations (EC138/95) as authorized by the Minister pursuant to section 2 of the Act and subsection 3(4) of the Regulations.

Further, Council ordered that should Brian Craig cease to be employed by the Province of Prince Edward Island as an employee of the Department of Agriculture, that his appointment as Agent pursuant to the *Plant Health Act* shall terminate coincident with the date his employment terminates.

EC2009-353

UNIVERSITY ACT
UNIVERSITY OF PRINCE EDWARD ISLAND
APPROVAL TO INCUR A LIABILITY

Pursuant to clause 17(1)(b) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council authorized the Board of Governors of the University of Prince Edward Island to incur a liability and to make expenditures by borrowing an amount not exceeding seven million, one hundred and sixty-seven thousand (\$7,167,000.00) dollars to construct a new building for the Accelerated Bachelor of Nursing Program.