

EC2012-314**DRUG PRODUCT INTERCHANGEABILITY AND PRICING ACT
DECLARATION RE**

Under authority of section 18 of the *Drug Product Interchangeability and Pricing Act* Stats. P.E.I. 2012, c. 12 Council ordered that a Proclamation do issue proclaiming the said "Drug Product Interchangeability and Pricing Act" to come into force effective July 1, 2012.

EC2012-315**DRUG PRODUCT INTERCHANGEABILITY
AND PRICING ACT
INTERCHANGEABLE DRUG PRODUCT
PRICING REGULATIONS**

Pursuant to section 15 of the *Drug Product Interchangeability and Pricing Act* R.S.P.E.I. 1988, Cap. D-15, Council made the following regulations:

- 1.** In these regulations,
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| | Definitions |
| (a) "Act" means the <i>Drug Product Interchangeability and Pricing Act</i> R.S.P.E.I. 1988, Cap. D-15; | Act |
| (b) "category" means a category of interchangeable drug products, all of which may be substituted for the same original drug product; | category |
| (c) "manufacturer's list price" means the published price at which a drug product is sold by a manufacturer; | manufacturer's list price |
| (d) "Notice of Compliance" means a Notice of Compliance issued for a drug product under the <i>Food and Drug Regulations</i> under the <i>Food and Drug Act</i> (Canada); | Notice of Compliance |
| (e) "original drug product" means the drug product in a drug category in the particular strength and dosage form for which the original Notice of Compliance was issued. | original drug product |
- 2.** (1) For the purposes of subsection 13(1) of the Act,
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| | Prescribed date |
| (a) in respect of an interchangeable drug product in a category for which a Notice of Compliance has been issued on or before July 1, 2012, the prescribed date shall be April 11, 2011; and | |
| (b) in respect of an interchangeable drug product for which a Notice of Compliance has not been issued on or before July 1, 2012, the prescribed date shall be the date on which a Notice of Compliance is issued for that interchangeable drug product. | |
- (2) For the purposes of subsection 13(2) of the Act, the Minister may set a maximum cost per unit of an interchangeable drug product or a category from the manufacturer to an operator of a pharmacy that exceeds the percentage set by Minister pursuant to subsection 13(1) of the Act where
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| | Exception – circumstances |
|--|---------------------------|
- (a) one or more of the manufacturers provide documentation satisfactory to the Minister that supports the setting of a higher maximum cost per unit, including but not limited to documentation showing that
- (i) the manufacturer's list price for the original drug product on which the maximum cost of the interchangeable drug product or category is based has risen,
 - (ii) the original drug product for which the interchangeable drug products in the category may be substituted is no longer marketed in Canada, or
 - (iii) a higher maximum cost per unit is justified having regard to a change in market conditions; or
- (b) the Minister is satisfied that a higher maximum cost per unit for the interchangeable drug product or category is justified in order to maintain access to the interchangeable drug product or category.

(3) For the purposes of subsection 13(3) of the Act, the Minister shall, not more than once in each calendar year, consider evidence, whether provided by one or more manufacturers or adduced by the Minister on the Minister's own initiative, respecting the setting of a new percentage, including but not limited to evidence that

Pricing –
circumstances and
criteria

- (a) prices for original drug products on which the maximum cost of interchangeable drug products are based have changed;
- (b) the All-Items Consumer Price Index for Prince Edward Island has changed; or
- (c) a different percentage is justified in order to maintain access to interchangeable drug products.

3. These regulations come into force on July 1, 2012.

Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 determines what is the prescribed date for the purposes of subsection 13(1) of the Act. It also provides criteria to be considered by the Minister in setting a higher maximum cost per unit for an interchangeable drug product or category under subsection 13(2) of the Act. Finally, it sets out the circumstances and criteria to be considered by the Minister in considering whether a new percentage should be established for the purposes of subsection 13(3) of the Act.

SECTION 3 provides for the commencement of these regulations.

EC2012-316

LENDING AGENCY ACT WARREN ELLIS OPERATING AS WARREN ELLIS PRODUCE AUTHORIZATION

Pursuant to subsection 2(2) of the *Lending Agency Act* Regulations (EC1999-406) Council authorized the Agency to advance a term loan in the maximum amount of \$2,200,000.00 and a working capital loan in the maximum amount of \$1,500,000.00 to Warren Ellis Operating as Warren Ellis Produce, subject to terms and conditions required by the Board of Directors of the P.E.I. Lending Agency.

EC2012-317

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING JOANNE H. BOULTON (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 Joanne H. Boulton of Waterdown, Ontario to acquire a land holding of approximately one hundred and twenty-six (126) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Mary Keaveny of West Roxbury, Massachusetts 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.

EC2012-318

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ELIZABETH W. DOUDOUMOPOULOS,
ALEXANDER DOUDOUMOPOULOS, NICHOLAS DOUDOUMOPOULOS,
SARAH D. BEECHLER, ELIZABETH W. LANE, THOMAS WILKINSON
AND JOHN WILKINSON
(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 Elizabeth W. Doudoumopoulos and Alexander Doudoumopoulos, both of Chevy Chase, Maryland; Nicholas Doudoumopoulos of Garret Park, Maryland; Sarah D. Beechler of Pittsburgh, Pennsylvania; Elizabeth W. Lane of Eliot, Maine; Thomas Wilkinson of Hudson, Massachusetts; and John Wilkinson of Cape Neddick, Maine to acquire an interest in a land holding of approximately two decimal eight four (2.84) acres of land in Lot 39, Kings County, Province of Prince Edward Island, being acquired from P.E.I. Lending Agency, mortgagee in possession, of Charlottetown, Prince Edward Island.

EC2012-319

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JODY DYRLAND AND STELLA DYRLAND
(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 Jody Dyrland and Stella Dyrland, both of St. Albert, Alberta to acquire a land holding of approximately thirty-five (35) acres of land in Lot 64, Kings County, Province of Prince Edward Island, being acquired from Eugene Naugle and Donna Naugle, both of Murray Harbour, 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.

EC2012-320

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JAY HAGEMAN
(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 Jay Hageman of Fairmount, Illinois to acquire a land holding of approximately eighteen (18) acres of land in Lot 58, Queens County, Province of Prince Edward Island, being acquired from Belfast Lime Services Ltd. of Belle River, Prince Edward Island PROVIDED THAT the part of the real property that has not received subdivision approval, approximately fourteen decimal seven one (14.71) acres, is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2012-321

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BELL ALIANT REGIONAL COMMUNICATIONS 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 Bell Aliant Regional Communications Inc. (successor to Aliant Telecom Inc. and Aliant Inc.) of Halifax, Nova Scotia to acquire, by lease, an interest in a land holding of approximately six hundred and twenty-five square feet (approximately 0.01 acres) of land in Lot 43, Kings County, Province of Prince Edward Island, being acquired from Gordon C. Stright of Fortune Bridge, Prince Edward Island.

EC2012-322

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CALLAGHAN FARMS 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 Callaghan Farms Inc. of Miminegash, Prince Edward Island to acquire a land holding of approximately two hundred and ninety-one (291) acres of land in Lot 7, Prince County, Province of Prince Edward Island, being acquired from Harris Callaghan of Miminegash, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 48488 and 378398, 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.

EC2012-323

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DUCKS UNLIMITED CANADA
(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 Ducks Unlimited Canada of Charlottetown, Prince Edward Island to acquire a land holding of approximately eight decimal six six (8.66) acres of land in Lot 10, Prince County, Province of Prince Edward Island, being acquired from Caroline Marie Jacqueline Laing of Fergus, Ontario.

Further, Council noted that the said land holding, being Provincial Property No. 749168, 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.

EC2012-324

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
FRIZZELL'S VALLEYVILLE FARMS INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2011-111 of March 8, 2011, rescinded the said Order forthwith, thus rescinding permission for Frizzell's Valleyville Farms Inc. of Hunter River, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to four hundred and fifty (450) acres of land as part of the said corporation's aggregate land holdings.

EC2012-325

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
FRIZZELL'S VALLEYVILLE FARMS INC.
(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 Frizzell's Valleyville Farms Inc. of Hunter River, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to five hundred and fifty (550) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Frizzell's Valleyville Farms Inc. 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.

EC2012-326

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HANMAC 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 Hanmac Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately twenty-seven decimal six eight (27.68) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Cecil MacLauchlan of Charlottetown, Prince Edward Island.

EC2012-327

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HI CONSTRUCTION LIMITED
(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 HI Construction Limited of Elmsdale, Prince Edward Island to acquire a land holding of approximately twelve decimal three (12.3) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from 100395 P.E.I. Inc. of Charlottetown, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said HI Construction Limited and on all successors in title.

EC2012-328

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
100251 P.E.I. 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 100251 P.E.I. Inc. (carrying on business as “Central Roadways”) of Hunter River, Prince Edward Island to acquire a land holding of approximately twelve decimal three (12.3) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from HI Construction Limited of Elmsdale, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 1009802, was previously subject to a condition preventing subdivision in accordance with section 9 of the said Act. This subdivision restriction continues to apply.

EC2012-329

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JASPER WYMAN & SON CANADA 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 Jasper Wyman & Son Canada Inc. of Canavoy, Prince Edward Island to acquire a land holding of approximately two decimal eight four (2.84) acres of land in Lot 39, Kings County, Province of Prince Edward Island, being acquired from the P.E.I. Lending Agency, mortgagee in possession, of Charlottetown, Prince Edward Island.

EC2012-330

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

Council, having under consideration Order-in-Council EC2010-442 of August 17, 2010, rescinded the said Order forthwith, thus rescinding permission for Oyster Cove Farms Ltd. of Kensington, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand, six hundred (1,600) acres of land as part of the said corporation's aggregate land holdings.

EC2012-331

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
OYSTER COVE 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 Oyster Cove Farms Ltd. of Kensington, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand, five hundred and five decimal seven seven (1,505.77) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Oyster Cove 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.

EC2012-332

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
OYSTER COVE 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 Oyster Cove Farms Ltd. of Kensington, Prince Edward Island to acquire a land holding of approximately eighty-seven (87) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from Norman Ramsay of Kensington, 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.

EC2012-333

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
OYSTER COVE 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 Oyster Cove Farms Ltd. of Kensington, Prince Edward Island to acquire a land holding of approximately fifteen decimal nine five one (15.951) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from Malpeque Bay Farms Ltd. of Kensington, Prince Edward Island.

Further, Council noted that part of the said land holding, being Provincial Property No. 811760, 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.

EC2012-334

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEPHEN LANK ENTERPRISES 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 Stephen Lank Enterprises Inc. of Cornwall, Prince Edward Island to acquire a land holding of approximately one hundred (100) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from the Minister of Finance, Energy and Municipal Affairs (formerly Provincial Treasurer) of the Province of Prince Edward Island.

Further, Council noted that upon conveyance, the said land holding, being Provincial Property No. 173302, will be identified for non-development use in accordance with section 21 of the *Prince Edward Island Lands Protection Act*.

EC2012-335

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
URBAINVILLE 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 Urbainville Farms Ltd. of Wellington, Prince Edward Island to acquire a land holding of approximately one hundred and thirty-two (132) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Gerard Arsenault of Wellington Station, 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.

EC2012-336

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
URBAINVILLE 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 Urbainville Farms Ltd. of Wellington, Prince Edward Island to acquire a land holding of approximately seventeen decimal nine five (17.95) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Bibienne Bernard of Wellington Station, 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.

EC2012-337

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
URBAINVILLE 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 Urbainville Farms Ltd. of Wellington, Prince Edward Island to acquire a land holding of approximately thirteen decimal seven nine (13.79) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Joseph Daniel Gallant and Deanna Lynn Gallant, both of Wellington, Prince Edward Island.

EC2012-338

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
URBAINVILLE 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 Urbainville Farms Ltd. of Wellington, Prince Edward Island to acquire a land holding of approximately two hundred and seventy decimal two five (270.25) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Joseph Daniel Gallant and Deanna Lynn Gallant, both of Wellington, 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.

EC2012-339

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 279547, LOT 49, 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-nine (79) acres of land, being Provincial Property No. 279547 located in Lot 49, Queens County, Prince Edward Island and currently owned by George Blikslager of Village Green, Prince Edward Island.

Council noted that this amendment will enable subdivision of five lots of approximately one decimal five (1.5) acres each from the parcel, 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 June 14, 2012.

EC2012-340

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 451260, LOT 52, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
CANCELLATION

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council cancelled the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eight (8) acres of land, being Provincial Property No. 451260 located in Lot 52, Kings County, Prince Edward Island and currently owned by Ledean Cairns-MacLeod of Montague, Prince Edward Island.

This Order-in-Council comes into force on June 14, 2012.

EC2012-341

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 222190, LOT 26, PRINCE 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 one hundred and forty-two decimal six six (142.66) acres of land, being Provincial Property No. 222190 located in Lot 26, Prince County, Prince Edward Island and currently owned by JRL Investments Ltd. of Summerside, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal one four (1.14) acres, SUBJECT TO the subdivided parcel being consolidated with a new lot being subdivided from the adjacent Provincial Property No. 837070. Further, Council 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 June 14, 2012.

EC2012-342

**LIQUOR CONTROL ACT
REGULATIONS
AMENDMENT**

Pursuant to section 8 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14, the Prince Edward Island Liquor Control Commission, with the approval of the Lieutenant Governor in Council, made the following regulations:

1. Section 17 of the *Liquor Control Act* Regulations (EC704/75) is amended by the deletion of the words “11:00 a.m.” and the substitution of the words “9:00 a.m.”.

2. Section 26 of the regulations is amended

(a) in clause (a), by the deletion of the words “11:00 a.m.” and the substitution of the words “9:00 a.m.”; and

(b) in clause (b), by the deletion of the word “noon” and the substitution of the words “9:00 a.m.”.

3. Section 37 of the regulations is amended

(a) in clause (a), by the deletion of the words “11:00 a.m.” and the substitution of the words “9:00 a.m.”; and

(b) in clause (b), by the deletion of the word “noon” and the substitution of the words “9:00 a.m.”.

4. Section 43 of the regulations is amended

(a) in clause (a), by the deletion of the words “11:00 a.m.” and the substitution of the words “9:00 a.m.”; and

(b) in clause (b), by the deletion of the word “noon” and the substitution of the words “9:00 a.m.”.

5. Clause 50.2(3)(f) of the regulations is amended by the deletion of the words “11:00 a.m.” and the substitution of the words “9:00 a.m.”.

6. Section 79 of the regulations is amended by the deletion of the words “after 6:00 p.m. on Christmas Eve and all day on Christmas Day and Good Friday” and the substitution of the words “on Christmas Day”.

7. These regulations come into force on June 23, 2012.

EXPLANATORY NOTES

SECTIONS 1 to 5 provide that the holder of the following liquor licenses will be permitted to open or serve liquor at 9:00 a.m. daily instead of 11:00 a.m. or noon:

- (a) dining room license;
- (b) lounge;
- (c) club;
- (d) military canteen; and
- (e) caterer's.

SECTION 6 amends a provision that currently prohibits the sale of liquor in licensed premises, other than licensed dining rooms, on Christmas Eve, Christmas Day and Good Friday. The amendment in this section will now only prohibit the sale of liquor on Christmas Day.

SECTION 7 provides for the commencement of these regulations.

EC2012-343

LIQUOR CONTROL ACT LIQUOR AGENCY REGULATIONS

Pursuant to section 8 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14, the Prince Edward Island Liquor Commission, with the approval of the Lieutenant Governor in Council, made the following regulations:

- 1.** In these regulations, Definitions
- (a) “applicant” means the person submitting a proposal in response to a request for proposals by the Commission; applicant
- (b) “closing date” means the date and time of day before which proposals must be received by the Commission; closing date
- (c) “community” means an area of the province as specified from time to time by the Commission; community
- (d) “proposal” means the document submitted by an applicant to the Commission in response to a request for proposals and includes all information provided by the applicant which is required in the request for proposals to be provided to the Commission; proposal
- (e) “request for proposals” means the terms and conditions prescribed by the Commission by which the Commission will receive proposals for the appointment of a vendor to operate a liquor agency established by the Commission and which contains the criteria established by section 5 for the appointment of a vendor to operate a liquor agency; request for proposals
- (f) “Review Committee” means a committee of three persons appointed by the Commission to review all proposals received in response to a request for proposals. Review Committee
- 2.** Where the Commission is of the opinion that a community in Prince Edward Island is a suitable location for a liquor agency to be established, the Commission shall take such steps as it considers appropriate to determine if there is support in the community for the appointment of a vendor to operate a liquor agency. Location of liquor agency
- 3.** The Commission may appoint a vendor to operate a liquor agency within a community, if, in the opinion of the Commission, Criteria for appointment of vendor to operate liquor agency
- (a) the community has a population base capable of sustaining a liquor agency for all or part of a calendar year;
- (b) there is not an existing store or liquor agency located in the community; and
- (c) there is support in the community for the establishment of a liquor agency.
- 4.** (1) Where the Commission determines that a community meets the requirements of section 3 and wishes to appoint a vendor to operate a liquor agency in the community, the Commission shall issue a request for proposals. Request for proposals
- (2) Only those applicants who submit a proposal to the Commission in response to the request for proposals, and in accordance with these regulations, and who Eligible applicants
- (a) are not persons who are prohibited under the *Liquor Control Act* from selling, possessing or consuming liquor;
- (b) have not, within the five years immediately prior to the date of the submission of the proposal, been convicted of
- (i) an offence under the *Criminal Code* (Canada),
- (ii) an offence under the *Controlled Drugs and Substances Act* (Canada), or
- (iii) an offence under the *Food and Drugs Act* (Canada);
- (c) are not on parole or probation at the time of the submission of the proposal; and

(d) have no current or proposed affiliation with a liquor-related business, including the operation of an establishment licensed by the Commission,
are eligible to be appointed by the Commission as the vendor.

5. (1) The Commission, in its review of the proposals submitted by applicants in response to a request for proposals, shall consider the following: Factors considered

- (a) the applicant's business experience;
- (b) the applicant's financial stability;
- (c) the location of the proposed liquor agency within the community;
- (d) the proposed service to the public;
- (e) the discount schedules;
- (f) the on-site evaluation of the proposed premises completed by the Review Committee;
- (g) any other criteria considered by the Commission to be relevant to the operation of a liquor agency in the Province.

(2) The Commission shall not appoint an applicant as a vendor if the premises in which the applicant proposes to operate a liquor agency Excluded premises

- (a) are in, or form part of the premises of, a motel, hotel, licensed establishment or restaurant; or
- (b) are premises at which, in the opinion of the Commission, minors tend to congregate.

(3) For greater certainty, the Commission may appoint an applicant as a vendor if the premises in which the applicant proposes to operate a liquor agency are in, or form part of the premises of, Permitted premises

- (a) a convenience store, grocery store or motor vehicle service station; or
- (b) subject to subsection (2), any other retail business.

6. (1) Subject to the requirements of these regulations, a request for proposals shall be in a form prescribed by the Commission and shall include the criteria established by section 5, including criteria considered relevant by the Commission for the appointment of a vendor to operate a liquor agency. Form

(2) A copy of the proposal form, as prescribed by the Commission, shall be included in the request for proposals. Idem

(3) Proposals must be submitted using the prescribed proposal form. Idem

(4) The applicant shall pay to the Commission a non-refundable fee of \$100 before submitting a proposal. Fee

7. (1) The Commission shall establish the closing date for the submission of proposals in response to a request for proposals. Closing date

(2) No proposals received subsequent to the closing date shall be considered by the Commission. Idem

8. The Commission may decide not to appoint any applicant who has submitted a proposal in response to a request for proposals as a vendor to operate a liquor agency and the Commission is not obliged to appoint as vendor the applicant who submitted the highest rated proposal. Appointment

9. A request for proposals by the Commission shall be advertised by the Commission three times over the two-week period prior to the closing date in a newspaper in general circulation in the province. Advertisement

10. The advertisement of a request for proposals shall include the following information: Information in advertisement

- (a) the location where the Commission proposes to establish the liquor agency;
- (b) the location where a copy of the request for proposals may be picked up;
- (c) the closing date by which proposals must be received by the Commission in order to be considered.

11. (1) Immediately after the closing date for the submission of proposals, all proposals received by the Commission shall be given to and reviewed by a Review Committee. Review

(2) The Review Committee shall review each proposal in relation to the criteria contained in the request for proposals, and report the results of its review to the Commission within fourteen days of the closing date. Report

- 12.** (1) Within fourteen days after receiving the Review Committee's report the Commission shall determine which, if any, applicant will be appointed as vendor to operate a liquor agency established by the Commission, and the Commission shall notify each applicant of the Commission's decision by way of registered mail. Decision
- (2) The Commission's decision shall be final and binding. Decision final
- 13.** The *Liquor Control Act* Liquor Agency Regulations (EC730/94) are revoked. Repeal
- 14.** These regulations come into force on June 23, 2012. Commencement

EXPLANATORY NOTES

SECTION 1 sets out the definitions for the words and terms used in these regulations.

SECTION 2 requires the Commission, in the circumstances stated therein, to take steps to determine if there is support in a community for the appointment of a vendor to operate a liquor agency in the community.

SECTION 3 indicates the criteria relating to a community that the Commission needs to consider before appointing a vendor to operate a liquor agency in the community.

SECTION 4 requires the Commission to issue a request for proposals when it wishes to appoint a vendor and indicates which persons are eligible to be appointed as a vendor.

SECTION 5 sets out the factors the Commission is to consider when reviewing proposals from applicants for an appointment as a vendor.

SECTION 6 requires a request for proposals from the Commission to be in a form prescribed by the Commission and to include a proposal form that is also prescribed by the Commission. The section also requires a proposal to be submitted in that prescribed form and a fee of \$100 to be paid before the submission of the proposal.

SECTION 7 requires a request for proposals from the Commission to establish the closing date for the submission of proposals.

SECTION 8 indicates that the Commission may decide not to appoint any applicant who submits a proposal for an appointment as a vendor and that the Commission is not obliged to appoint the applicant with the highest rated proposal.

SECTIONS 9 and 10 require the Commission to advertise a request for proposals a number of times in a newspaper in general circulation and explain what information must be included in the advertisements.

SECTION 11 requires a Committee to review and issue a report on the proposals submitted by applicants.

SECTION 12 requires the Commission to determine which, if any, applicant shall be appointed as the vendor and to provide a notice of its decision by registered mail.

SECTION 13 provides for the repeal of the current regulations respecting liquor agencies.

SECTION 14 provides for the commencement of these regulations.

EC2012-344

**PHARMACY ACT
INTERCHANGEABLE DRUG PRODUCT SUBSTITUTION
REGULATIONS**

Pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, Council made the following regulations:

- 1. (1)** In these regulations,
- Definitions
- (a) “drug product” means a drug product as defined in the *Drug Product Interchangeability and Pricing Act* R.S.P.E.I. 1988, Cap. D-15; drug product
- (b) “formulary” means the formulary established under the *Drug Product Interchangeability and Pricing Act*; formulary
- (c) “interchangeable drug product” means an interchangeable drug product as defined in the *Drug Product Interchangeability and Pricing Act*; interchangeable drug product
- (d) “patient” means the person for whom a prescription has been given by a prescriber; patient
- (e) “prescriber” means prescriber
- (i) a person authorized by the law of any province or territory to practise as a medical practitioner, a dentist or a veterinarian, or
- (ii) a person authorized by the Minister under section 14.1 of the Act to give a prescription;
- (f) “representative” means an adult who attends a pharmacy on behalf of a patient to obtain a drug product for the patient. representative
- (2)** Where Conflict with formulary
- (a) a pharmacist is dispensing a drug product for a person who is eligible for benefits under the *Drug Cost Assistance Act* R.S.P.E.I. 1988, Cap. D-14 or another drug benefit program of the province; and
- (b) there is a conflict between what is required under a provision of section 2 or 3 and the formulary,
- the pharmacist shall comply with the requirements of the formulary to the extent of the conflict.
- 2. (1)** Before dispensing a drug product specified in a prescription, a pharmacist shall determine whether any interchangeable drug products may be substituted for that drug product, except where the prescriber has, in accordance with section 3, instructed that an interchangeable drug product should not be substituted for the drug product specified in the prescription. Interchangeable drug product
- (2) Where a pharmacist determines under subsection (1) that an interchangeable drug product may be substituted for the drug product specified in a prescription, the pharmacist shall explain to the patient or a representative of the patient Explanation
- (a) the nature of the interchangeable drug product list;
- (b) the relative prices of the drug product specified in the prescription and any interchangeable drug products that may be substituted for that drug product; and
- (c) that the patient or a representative of the patient may request the substitution of an interchangeable drug product for the drug product specified in the prescription.
- (3) Where a patient or a representative of a patient requests the substitution of an interchangeable drug product for the drug product specified in a prescription, the pharmacist shall, subject to section 3, dispense the interchangeable drug product requested by the patient or a representative of the patient. Substitution requested
- (4) Where a patient or the representative of a patient does not request the substitution of an interchangeable drug product for the drug product specified in a prescription, the pharmacist shall dispense the drug product specified in the prescription. Substitution not requested

- 3.** (1) Where a prescriber is of the opinion that an interchangeable drug product should not be substituted for the drug product specified in a written prescription, the prescriber shall clearly write on the prescription the words “No Substitution”. Written provision for no substitutions
- (2) Where a prescriber is of the opinion that an interchangeable drug product should not be substituted for the drug product specified in a prescription given orally or by electronic transmission, the prescriber shall give such an instruction each time a prescription is so given. Oral or electronic provision for no substitutions
- (3) A pharmacist shall comply with the instructions of a prescriber given in accordance with subsection (1) or (2) when dispensing the prescription initially and when dispensing any refills of the same prescription, unless the prescriber otherwise instructs. Duty of pharmacist
- 4.** The Board shall, for the purposes of section 17 of the Act, consider a contravention of these regulations by a pharmacist to be improper professional conduct. Improper professional conduct
- 5.** No action lies against a prescriber or a pharmacist on the grounds that an interchangeable drug product that may be substituted for the drug product specified in a prescription was dispensed or not dispensed in accordance with these regulations. Exemption from liability
- 6.** The *Pharmacy Act* Interchangeable Drug List Regulations (EC346/09) are revoked. Revocation
- 7.** These regulations come into force on July 1, 2012. Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations. It also provides that where a pharmacist is dispensing a drug product for a person who is eligible for benefits under a provincial drug benefit program, any conflict between a provision of section 2 or 3 of these regulations and the formulary shall be resolved in accordance with the formulary to the extent of the conflict.

SECTION 2 requires a pharmacist, before dispensing a drug product, to determine whether any interchangeable drug products may be substituted for it, unless a prescriber has instructed that there should be no substitutions. The section requires a pharmacist to advise the patient or the patient’s representative regarding substitutions. It allows the patient or a representative of the patient to request the substitution of an interchangeable drug product and requires the pharmacist, subject to section 3, to comply with such a request. It also provides that where a patient or the representative of a patient does not request a substitution, the pharmacist shall dispense the drug product prescribed.

SECTION 3 provides for a prescriber to instruct that an interchangeable drug product should not be substituted for the drug product in a prescription and requires a pharmacist to abide by such instruction.

SECTION 4 provides that the contravention of these regulations by a pharmacist is improper professional conduct.

SECTION 5 exempts a prescriber or a pharmacist from liability for substituting or not substituting, in accordance with these regulations, an interchangeable drug product that may be substituted for a drug product specified in a prescription.

SECTION 6 revokes the *Pharmacy Act* Interchangeable Drug List Regulations (EC346/09).

SECTION 7 provides for the commencement of these regulations.