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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

PHARMACEUTICAL PROFESSION ACT

MR. JONSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 38
Mr. Jonson

BILL 38

1988

PHARMACEUTICAL PROFESSION ACT

(Assented to , 1988)

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

Definitions

1(1) In this Act,

- (a) “approved faculty of pharmacy” means an academic institution or a faculty of pharmacy designated as an approved faculty of pharmacy under section 9(1);
- (b) “Association” means the Alberta Pharmaceutical Association;
- (c) “by-laws” means by-laws of the Council made pursuant to section 91;

- (d) “certified pharmacy” means a pharmacy located in
- (i) a hospital, health unit, correctional institution or other health or social care institution or facility, or
 - (ii) a wholesale operation, compounding centre, repackaging facility or other operation that handles drugs in which the practice of pharmacy takes place,
- in respect of which a pharmacy certificate is issued under section 31;
- (e) “compound” means the application of professional pharmaceutical knowledge for the purpose of mixing together 2 or more ingredients of which at least one is a drug, but does not include the reconstitution or mixing of a drug by a person referred to in section 2(5)(b) or (d) for administration to a patient;
- (f) “Council” means the Council of the Association;
- (g) “dispense” means to provide a drug pursuant to a prescription but does not include the administration of a drug;
- (h) “drug” means a substance or a combination of substances included in the Schedules;
- (i) “former Act” means the *Pharmaceutical Association Act*, chapter P-7 of the Revised Statutes of Alberta 1980;
- (j) “Infringement Committee” means the Infringement Committee established under section 43;
- (k) “Investigating Committee” means an Investigating Committee established from time to time under section 56;
- (l) “inspector” means an inspector appointed under section 44;
- (m) “licensed pharmacy” means a pharmacy that sells drugs to the public in respect of which a pharmacy licence is issued under section 26;
- (n) “licensee” means a pharmacist who holds a pharmacy licence or pharmacy certificate;
- (o) “member” means a person whose name appears in a register referred to in section 11(1)(a) to (c);
- (p) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (q) “patient” means a person to whom a drug is dispensed or administered pursuant to an order or prescription from a physician or dentist;
- (r) “pharmacist” means an individual, other than a restricted practitioner, who is issued a certificate of registration under this Act and who holds an annual certificate entitling him to engage in the practice of pharmacy pursuant to this Act and the regulations;
- (s) “pharmacy”, except where the context indicates otherwise, means the physical facility used for the practice of pharmacy;

- (t) “practice of pharmacy” means
 - (i) responsibility for preparing, distributing and controlling drugs in a pharmacy,
 - (ii) compounding a drug,
 - (iii) dispensing a drug,
 - (iv) selling a drug by retail,
 - (v) disseminating information on the safe and effective use of a drug when dispensing or selling the drug,
 - (vi) subdividing or breaking up a manufacturer’s original package of a drug for the purpose of re-packaging the drug in larger or smaller quantities for re-distribution or sale by retail,
 - (vii) operating a pharmacy insofar as the operation relates to the practice of pharmacy, or
 - (viii) supervising the practice of pharmacy;
- (u) “Practice Review Committee” means the Practice Review Committee established under Part 6;
- (v) “prescription” means a direction given verbally or in writing by a physician, dentist, registered veterinarian or podiatrist directing a pharmacist or restricted practitioner to dispense, for the person named in the direction, a stated amount of a drug specified in the direction;
- (w) “prescription department” means the portion of a licensed pharmacy where drugs included in Schedules 1 and 2 must be compounded, dispensed and stored for sale to the public and drugs included in Schedule 3 may be stored for sale to the public;
- (x) “professional products department” means the portion of a licensed pharmacy where drugs included in Schedule 3 and the health related products prescribed in the regulations may be displayed;
- (y) “proprietor” means a person who exercises a significant degree of control over
 - (i) the management and policies of a licensed pharmacy, and
 - (ii) the conduct of a pharmacist or restricted practitioner who is employed by the licensed pharmacy;
- (z) “proprietary misconduct” means conduct of a proprietor that contravenes this Act or the regulations;
- (aa) “Registrar” means the Registrar appointed under section 10;
- (bb) “restricted practitioner” means an individual, other than a pharmacist, who is registered in a register described in section 11(1)(b) and who is entitled to engage in the practice of pharmacy subject to conditions or restrictions prescribed in the regulations, and includes a pharmacy intern;

(cc) “sell” means to trade in exchange for money or other valuable consideration and includes

- (i) keeping for sale,
- (ii) advertising or offering for sale,
- (iii) bartering, giving or delivering, or attempting to barter, give or deliver;

(dd) “Universities Co-ordinating Council” means the Universities Co-ordinating Council established under the *Universities Act*.

(2) In this Act, a reference to “pharmacy” is deemed to include a reference to “pharmaceutical dispensary”, “hospital dispensary” and “drug store”.

PART 1

PRACTICE OF PHARMACY

Exclusive scope
and application
of Act

2(1) Subject to subsections (4), (5) and (6), a person is guilty of an offence who, not being a pharmacist or restricted practitioner, engages in the practice of pharmacy.

(2) Nothing in this Act authorizes or allows a restricted practitioner who is a holder of a certificate of registration to engage in the practice of pharmacy contrary to the limitations, conditions or restrictions applicable to his certificate of registration or to the restricted practitioner.

(3) Nothing in this Act authorizes or allows a licensee to engage in the practice of pharmacy contrary to the limitations, conditions or restrictions applicable to his pharmacy licence or to the licensee.

(4) Nothing in this Act

(a) applies to or affects the practice of any profession or occupation by any person practising under the authority of any other enactment,

(b) applies to a person who is authorized by law to sell drugs to a pharmacist, physician, dentist, registered veterinarian, podiatrist or optometrist,

(c) applies to the sale of livestock medicine pursuant to the *Livestock Medicine Regulations* (Alta. Reg. 300/64),

(d) applies to a wholesale dealer who supplies drugs in the ordinary course of wholesale dealing, if the drugs are in sealed manufacturers' packages, or

(e) prevents a person from engaging in the practice of pharmacy

(i) under the direct supervision of a pharmacist,

(ii) in the presence of a pharmacist, and

(iii) in accordance with any other conditions that may be prescribed in the regulations.

(5) Nothing in this Act prevents

(a) an employee who works in a health, social care or correctional institution or a senior citizen lodge that is operated or

funded by the Government and who is designated by the institution or lodge to administer drugs from administering a drug, orally or topically, to a patient of the health or social care institution, to a resident of a senior citizen lodge in respect of whom there is a prescription from a physician or dentist or to an inmate of a correctional institution;

(b) a person who is authorized under the *Nursing Profession Act* to engage in exclusive nursing practice who is employed by an institution, facility or agency that is operated or funded by the Government from selecting a drug from a supply of drugs, reconstituting or mixing a drug or administering a drug to a patient of the institution, facility or agency;

(c) a registered nursing assistant, psychiatric nurse or mental deficiency nurse who is employed by an institution, facility or agency that is operated or funded by the Government from selecting a drug from a supply of drugs or administering a drug to a patient of the institution, facility or agency;

(d) a community health nurse as defined in the *Public Health Act* who is employed by the Government or by a local board of a health unit or an agency that is operated or funded by the Government from selecting a drug from a supply of drugs, reconstituting or mixing a drug, administering a drug to a patient or providing a drug for self-administration to a patient.

(6) Nothing in this Act interferes with the right of a hospital board to operate a hospital pursuant to the *Hospitals Act*.

Use of titles, etc.

3(1) No person, except a pharmacist or restricted practitioner, shall

(a) represent or hold out, expressly or by implication, that he is entitled to engage in the practice of pharmacy, or represent or hold himself out as a pharmacist or restricted practitioner, as the case may be, or

(b) use any sign, emblem, title or advertisement implying that he is a pharmacist or restricted practitioner.

(2) No person except a pharmacist or proprietor shall use the designation "pharmacy", "pharmaceutical dispensary", "drug store" or "drug" or any similar designation, to describe a retail or wholesale business.

(3) No person except a pharmacist shall use the following titles:

(a) pharmacist;

(b) pharmaceutical chemist;

(c) druggist;

(d) apothecary;

or any similar designation or any suffix, prefix, word, title or designation, abbreviated or otherwise, implying that he is registered as a member of the Association or engaged in or entitled to engage in the practice of pharmacy.

- Prohibition **4** No person shall knowingly employ a person who is not a pharmacist or restricted practitioner to engage in the practice of pharmacy except in accordance with section 2(4)(e).
- Injunction **5** The Court of Queen's Bench, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes this Part or Part 4 or Schedule 1 or 2 notwithstanding any penalty that may be provided by this Act in respect of that contravention.

PART 2

ALBERTA PHARMACEUTICAL ASSOCIATION

- Association **6(1)** The Alberta Pharmaceutical Association is continued as a corporation.
- (2) The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.
- (3) The Association has the power to assist, in a manner and in an amount that the Council may determine, an organization having similar aims and objectives.
- (4) The Association shall require pharmacists and restricted practitioners to comply with any agreement it enters into that establishes
- (a) maximum dispensing fees, and
 - (b) the maximum mark-up on the wholesale cost of drugs.
- Council **7(1)** There is hereby established a governing body of the Association called the Council.
- (2) The Council shall manage and conduct the business and affairs of the Association and exercise the rights, powers and privileges of the Association in the name and on behalf of the Association.
- (3) The Council shall submit to the Minister in a form satisfactory to him an annual report on those matters of the business and affairs of the Association that the Minister requires.
- (4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.
- Composition of the Council **8(1)** The Council shall consist of
- (a) not fewer than 9 pharmacists or the number of pharmacists prescribed by the by-laws, whichever is greater, each of whom shall be elected in accordance with the by-laws,
 - (b) if the number of persons elected under clause (a) does not exceed 10, 1 member of the public or, if the number of persons elected under clause (a) is more than 10, 2 members of the public, who shall be appointed by the Minister for a 2-year term of office from a list of not fewer than 3 members of the public nominated by the Council,

- (c) the Dean of the Faculty of Pharmacy and Pharmaceutical Sciences at the University of Alberta or his designate, and
 - (d) ex officio members, if any, appointed by the Council.
- (2) The office of a member of the Council elected under subsection (1)(a) is vacated if
- (a) the member by a notice in writing delivered to the President of the Association or the Registrar resigns from his office as a member of the Council,
 - (b) the conduct of the member is found pursuant to Part 7 to constitute unskilled practice of pharmacy or professional misconduct,
 - (c) the member ceases to be a resident of Alberta,
 - (d) the member dies or is found to be of unsound mind, or
 - (e) the member ceases to be a pharmacist.
- (3) An ex officio member does not have voting rights on the Council.
- (4) If the Council fails, within 45 days after being requested to do so by the Minister, to make a nomination for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Council without the Council's nomination.
- (5) A member of the Council appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or a successor is appointed.
- (6) The Minister may, after consultation with the Council, revoke the appointment of a member of the Council appointed under subsection (1)(b).
- (7) The Minister may, in the absence of any payment by the Council to the member for that purpose, pay to a member of the Council appointed under subsection (1)(b) travelling and living expenses incurred by that member for his attendance at a meeting of the Council while away from his usual place of residence and fees in an amount prescribed by the Minister.
- (8) The powers, duties and operation of the Council are not affected by
- (a) the fact that no one is appointed as a member of the Council under subsection (1)(b),
 - (b) the revocation under subsection (6) of the appointment of a member of the Council, or
 - (c) the resignation from the Council of a member appointed under subsection (1)(b), (c) or (d).
- (9) Subject to section 76(3), the failure of a member appointed under subsection (1)(b), (c) or (d) to attend a meeting of the Council does not affect or restrict the Council from exercising any powers or performing any duties at that meeting.
- (10) The members of the Council shall elect from among themselves the officers of the Association specified in the by-laws in the manner and for the term prescribed in the by-laws.

PART 3
REGISTRATION

- Approved faculty of pharmacy** **9(1)** The Universities Co-ordinating Council may grant to and withdraw from
- (a) an academic institution, or
 - (b) a faculty of pharmacy that is recognized by the Pharmacy Examining Board of Canada
- the designation “approved faculty of pharmacy”.
- (2) A grant or withdrawal of a designation under subsection (1) is subject to the approval of the Lieutenant Governor in Council.
- (3) Until a designation is granted under subsection (1), “approved faculty of pharmacy”, for the purposes of this Part, means a faculty of pharmacy recognized by the Pharmacy Examining Board of Canada.
- Registrar** **10(1)** The Council shall appoint a Registrar for the purposes of this Act.
- (2) In addition to the powers, duties and functions of the Registrar under this Act, the Registrar has any additional duties and functions set out by the Council or prescribed in the regulations.
- Registers** **11(1)** The Registrar shall maintain, subject to the direction of the Council, the following registers:
- (a) a register of pharmacists;
 - (b) a register for each class or category of restricted practitioner established under the regulations;
 - (c) a register for each class or category of non-practising member established under the regulations;
 - (d) a register of licensed pharmacies and the licensees who operate them;
 - (e) a register of certified pharmacies and the licensees who operate them.
- (2) The Registrar shall, on request and during regular office hours, permit any person to inspect the register referred to in subsection (1)(a) containing the names of registered pharmacists and the status of each registration.
- (3) The Registrar shall not enter, remove or re-enter a name or memorandum in a register except in accordance with this Act and the regulations.
- Registration Committee** **12(1)** There is hereby established a Registration Committee consisting of individuals appointed by the Council in accordance with the by-laws.
- (2) The Registration Committee shall consider and decide on applications for registration under section 13 and shall undertake any other functions and duties as directed by the Council.

(3) The Registration Committee may delegate its authority under this Act, the regulations and the by-laws to the Registrar.

Application for
registration

13 An application for registration as a pharmacist shall be approved by the Registration Committee if the applicant

(a) produces documentation satisfactory to the Registration Committee showing that, within the time period prescribed in the regulations,

(i) the applicant has obtained an undergraduate degree in pharmacy from an approved faculty of pharmacy or the Universities Co-ordinating Council is satisfied that the applicant's academic qualifications are substantially equivalent to an undergraduate degree in pharmacy from an approved faculty of pharmacy,

(ii) the applicant has passed the examinations and met the conditions prescribed by the Universities Co-ordinating Council, and

(iii) the applicant has met any internship requirements prescribed in the regulations,

(b) is a Canadian citizen, has been lawfully admitted to Canada for permanent residence or resides in Canada temporarily pursuant to an international agreement,

(c) establishes that his name has not been removed for cause from the register of an association of persons authorized to engage in the practice of pharmacy in Canada or elsewhere,

(d) establishes that he is not and has not been suspended as a result of professional misconduct by an association of persons governing the practice of pharmacy in Canada or elsewhere, and

(e) meets any other requirements prescribed in the regulations.

Application
not approved

14 If the Registration Committee does not approve an application for registration as a pharmacist, the Registration Committee shall

(a) forthwith notify the applicant in writing giving reasons for its decision,

(b) if the applicant does not meet the academic requirements referred to in section 13(a)(i) and (ii), refer the applicant to the Universities Co-ordinating Council for direction respecting the courses or examinations, or both, that the Universities Co-ordinating Council considers necessary for the applicant to be eligible for registration, and

(c) if the Registration Committee is not satisfied that the applicant meets the requirements referred to in section 13(a)(iii) or (b) to (f), notify the applicant of his right to appeal the decision of the Registration Committee to the Council.

Appeal to
Council

15(1) An applicant other than an applicant referred to in section 14(b) whose application for registration as a pharmacist is not approved by the Registration Committee may, by notice in writing within 30 days of receipt of a notice of refusal or within 30 days of

a deemed refusal, appeal the decision of the Registration Committee to the Council, specifying the reasons for the appeal.

(2) For the purposes of subsection (1), if the Registration Committee fails to make a decision in respect of an application for registration within 90 days of the date on which an applicant applies in person, the application shall be deemed to have been refused.

(3) On receipt of a notice of appeal under this section, the Council shall schedule a review of the applicant's application for registration to be heard within 120 days after receipt of the notice of appeal by the Council.

(4) An applicant who appeals a decision of the Registration Committee under this section

(a) shall be notified in writing by the Council of the date, place and time of the appeal, and

(b) is entitled to appear with counsel and make representations to the Council or a special committee of Council at the appeal.

(5) A member of the Registration Committee who is also a member of the Council or special committee of Council may participate in the appeal but shall not vote on a decision under this section.

(6) On reviewing an application under this section, the Council or special committee of Council may make any decision the Registration Committee could have made and shall notify the applicant of its decision.

Registration of
pharmacist

16(1) The Registrar shall enter in the register of pharmacists the name of a person

(a) whose application for registration as a pharmacist has been approved by the Registration Committee, the Council or a special committee of Council, as the case may be, and

(b) who has paid the fees prescribed in the by-laws.

(2) On entering the name of a person in the register of pharmacists, the Registrar shall issue a certificate of registration to him.

Annual certificate

17(1) A pharmacist shall pay the annual fee prescribed in the by-laws to the Registrar or to any person authorized by the Registrar to accept payment of the fee.

(2) The Registrar shall issue an annual certificate in accordance with the by-laws to a pharmacist

(a) whose registration is not under suspension or cancelled,

(b) who has acquired the minimum number of continuing education units prescribed in the regulations,

(c) who meets any other requirements or conditions prescribed in the regulations for the issuance of an annual certificate, and

(d) who has paid the annual fee in an amount and by the due date prescribed in the by-laws.

- (3) Subject to this Act, an annual certificate entitles a pharmacist
 - (a) to engage in the practice of pharmacy as a pharmacist during the year for which the annual certificate is issued, and
 - (b) to represent or hold himself out as a pharmacist.
- (4) An annual certificate expires on the date prescribed in the by-laws.

**PART 4
PHARMACIES**

General

- | | |
|---|--|
| Practice only in pharmacy | <p>18 A pharmacist or restricted practitioner may engage in the practice of pharmacy only in</p> <ul style="list-style-type: none"> (a) a licensed pharmacy, (b) a certified pharmacy, or (c) a pharmacy located in a place referred to in section 1(1)(d) that operates without a pharmacy certificate. |
| Application to become a licensee | <p>19(1) A pharmacist who intends to operate</p> <ul style="list-style-type: none"> (a) a licensed pharmacy shall apply for a pharmacy licence, or (b) a pharmacy other than a licensed pharmacy may apply for a pharmacy certificate. <p>(2) An application under subsection (1) shall be forwarded to the Registrar.</p> <p>(3) Subject to sections 24 and 25, no pharmacy may be operated as a licensed pharmacy unless a pharmacy licence has been issued in respect of that pharmacy.</p> <p>(4) Nothing in this Act prevents the operation of a pharmacy referred to in section 18(c) if no pharmacy certificate has been issued in respect of that pharmacy.</p> |
| Duration of licence or certificate | <p>20(1) A pharmacy licence or pharmacy certificate remains in force until the date prescribed in the regulations and may be renewed in accordance with this Act, the regulations and the by-laws.</p> <p>(2) A pharmacy certificate may be cancelled at any time by the holder of the certificate.</p> |
| Display of licence, certificate, code of ethics | <p>21(1) A licensee shall display in a conspicuous public part of the pharmacy of which he is the licensee</p> <ul style="list-style-type: none"> (a) the current pharmacy licence or pharmacy certificate, as the case may be, for the pharmacy, and (b) the code of ethics of the Association. <p>(2) A pharmacist or restricted practitioner shall display his certificate of registration in a conspicuous public part of the pharmacy in which he engages in the practice of pharmacy.</p> |

Liability of licensee or proprietor

22(1) A contravention of this Act or the regulations by a licensee or proprietor constitutes

(a) in the case of a contravention by a licensee, professional misconduct, or

(b) in the case of a contravention by a proprietor, proprietary misconduct.

(2) A licensee or a proprietor is liable for a contravention of this Act or the regulations committed with the express or implied consent of the licensee or the proprietor

(a) in the case of a consent given by a licensee, by a person employed or supervised by the licensee or by an agent of the licensee, and

(b) in the case of a consent given by a proprietor, by a person employed by the proprietor or by an agent of the proprietor.

Prohibition

23 A pharmacy that is located in a hospital, health unit, correctional institution or other health or social care institution or facility shall dispense drugs only to

(a) patients of the hospital, health unit, correctional institution or other health or social care institution or facility in which the pharmacy is located,

(b) patients of a facility that is affiliated with the hospital, health unit, correctional institution or other health or social care institution or facility in which the pharmacy is located, or

(c) patients of an institution or facility that has entered into an agreement with the hospital, health unit, correctional institution or other health or social care institution or facility in which the pharmacy is located providing for the sharing of pharmacy facilities and services.

Suspension or cancellation of licence or certificate

24(1) On the suspension or cancellation of a pharmacy licence pursuant to this Act, the pharmacy designated on the pharmacy licence may, if permitted by the Council, continue to operate for the period prescribed in the regulations if the proprietor or his agent immediately places the pharmacy under the personal management, control and supervision of a pharmacist other than the pharmacist whose pharmacy licence is suspended or cancelled.

(2) A pharmacist hired under subsection (1) may manage, control and supervise a pharmacy without a pharmacy licence for the period prescribed in the regulations.

(3) Subject to subsection (2), this Part applies to a pharmacist hired under subsection (1) as if he were the licensee of the pharmacy for the period prescribed in the regulations.

(4) The Council may suspend or cancel a pharmacy certificate pursuant to this Act, but a suspension or cancellation does not preclude the pharmacy designated on the pharmacy certificate from continuing to operate.

Death or incapacity of licensee

25(1) If the holder of a pharmacy licence or pharmacy certificate dies or becomes incapacitated, his pharmacy licence or pharmacy certificate terminates.

(2) A licensed pharmacy whose pharmacy licence is terminated may, if permitted by the Council, continue to operate for the period prescribed in the regulations if the proprietor or his agent immediately places the pharmacy under the personal management, control and supervision of a pharmacist.

(3) A pharmacist hired under subsection (2) may manage, control and supervise a pharmacy without a pharmacy licence for the period prescribed in the regulations.

(4) Subject to subsection (3), this Part applies to a pharmacist hired under subsection (2) as if he were the licensee of the pharmacy for the period prescribed in the regulations.

(5) A certified pharmacy may continue to operate notwithstanding the termination of the pharmacy certificate relating to that pharmacy.

Licensed Pharmacy

Issuance of pharmacy licence

26(1) The Registrar shall not issue or renew a pharmacy licence unless he is satisfied that the applicant

(a) is a pharmacist,

(b) will personally manage, control and supervise the pharmacy insofar as the management, control and supervision relate to the practice of pharmacy,

(c) subject to the regulations, will ensure that a pharmacist is present in the pharmacy at all times,

(d) has an adequate and suitable supply of drugs, and

(e) has compounding and dispensing equipment and a pharmaceutical reference library that comply with the requirements of the regulations.

(2) The Registrar shall enter in the register of licensed pharmacies

(a) the name of a person to whom he issues a pharmacy licence under subsection (1),

(b) the name of the pharmacy in respect of which the person referred to in clause (a) is the licensee, and

(c) any other information prescribed in the regulations

on payment by the person of the annual fee in an amount and by the date prescribed in the by-laws.

(3) The holder of a pharmacy licence shall, within 14 days after employing a pharmacist to engage in the practice of pharmacy in the premises designated on the pharmacy licence, advise the Registrar of the name of that employee.

Obligation of licence holder

27(1) The holder of a pharmacy licence shall ensure

(a) that the pharmacy in respect of which he is the licensee contains a prescription department,

(b) that drugs included in Schedules 1 and 2 are stored for sale to the public in the prescription department, and

(c) if there is no professional products department in the pharmacy, that the drugs included in Schedule 3 are stored for sale to the public in the prescription department.

(2) If a licensed pharmacy contains a professional products department, the licensee of the pharmacy shall ensure

(a) that the professional products department is located immediately adjacent to the prescription department,

(b) that drugs included in Schedule 3 are displayed in the professional products department,

(c) that only health related products prescribed in the regulations are displayed in that department in addition to drugs included in Schedule 3, and

(d) that the drugs and health related products displayed in the professional products department are sold under the supervision of a pharmacist.

(3) A holder of a pharmacy licence shall

(a) maintain the pharmacy, stock and compounding and dispensing equipment in a clean and sanitary condition and in proper working condition, and

(b) comply with the standards for the practice of pharmacy prescribed in the regulations.

(4) The holder of a pharmacy licence shall not

(a) hold more than 1 pharmacy licence, or

(b) permit a proprietor of the licensed pharmacy or a person who is not a pharmacist to direct, influence, control or participate in the management or operation of the licensed pharmacy in a way that contravenes this Act or the regulations.

Leased pharmacy **28**(1) If the premises in which a licensed pharmacy operates are leased, the rental payable in respect of the premises shall not be based on a percentage of the sales by the pharmacy of drugs sold pursuant to prescriptions.

(2) Subsection (1) does not apply

(a) to a lease that is in force at the time this Act comes into force, or

(b) to 1 renewal of a lease referred to in clause (a), if the terms of the renewal are not substantially different from the terms of the lease, for a period not exceeding 5 years.

Identification of pharmacy **29** If a licensed pharmacy does not occupy 100% of the public area of the premises in which it is located, the licensed pharmacy shall be identified in accordance with the regulations.

Sale of pharmacy **30** On the sale of the business of a licensed pharmacy where the proprietor of the pharmacy changes, the pharmacy licence terminates.

Certified Pharmacy

Issuance of
pharmacy
certificate

31(1) The Registrar shall not issue or renew a pharmacy certificate unless he is satisfied that the applicant

- (a) is a pharmacist engaging in the practice of pharmacy in a place referred to in section 1(1)(d),
- (b) will personally manage, control and supervise the pharmacy insofar as the management, control and supervision relate to the practice of pharmacy,
- (c) subject to the regulations, will ensure that a pharmacist is present in the pharmacy at all times,
- (d) has an adequate and suitable supply of drugs, and
- (e) has compounding and dispensing equipment and a pharmaceutical reference library that comply with the requirements of the regulations.

(2) The Registrar shall enter in the register of certified pharmacies

- (a) the name of a person to whom he issues a pharmacy certificate under subsection (1),
- (b) the name of the pharmacy in respect of which the person referred to in clause (a) is the licensee, and
- (c) any other information prescribed in the regulations

on payment by the person of the annual fee in an amount and by the date prescribed in the by-laws.

(3) The holder of a pharmacy certificate shall, within 14 days after employing a pharmacist to engage in the practice of pharmacy in the premises designated on the pharmacy certificate, advise the Registrar of the name of that employee.

Obligation of
certificate holder

32 The holder of a pharmacy certificate shall

- (a) maintain the pharmacy, stock and compounding and dispensing equipment in a clean and sanitary condition and in proper working condition, and
- (b) comply with the standards for the practice of pharmacy prescribed in the regulations.

PART 5

SUSPENSION AND CANCELLATION

Suspension and
cancellation

33(1) The certificate of registration, annual certificate, pharmacy licence or pharmacy certificate of a member is suspended when a decision to suspend the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate is made in accordance with this Act or at a later time specifically directed by the Infringement Committee, the Investigating Committee, the Council or the Court of Appeal.

(2) The Registrar shall, when a decision to suspend a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been made, enter a memorandum of the suspension in the appropriate register, indicating the period of the suspension.

(3) The certificate of registration, annual certificate, pharmacy licence or pharmacy certificate of a member is cancelled when a decision to cancel the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate is made in accordance with this Act or at a later time specifically directed by the Infringement Committee, the Investigating Committee, the Council or the Court of Appeal.

(4) The Registrar shall, when a decision to cancel a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been made, enter a memorandum of the cancellation in the appropriate register.

(5) If the Registrar is satisfied that a person registered under this Act has died, he shall enter a memorandum to that effect in the register.

(6) If the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate of a member has been cancelled or suspended under this Act, the member shall surrender to the Registrar the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be.

Suspension
on default

34(1) The Council may direct the Registrar to suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate of a member who

(a) is in default of payment of annual fees, penalties or costs or any other fees, dues or levies payable under this Act, the regulations or the by-laws, or

(b) has not acquired the minimum number of continuing education units prescribed in the regulations,

on the expiration of the period specified in subsection (2), unless the member complies with a written notice served on the member by the Council.

(2) The notice under subsection (1) shall state that the Registrar may suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate unless

(a) the member pays the fees, penalties, costs, dues or levies within 30 days after the date of service of the notice, or

(b) the member obtains the continuing education units specified in the notice within the period specified in the notice,

as the case may be.

Cancellation
by request

35(1) The Registrar shall not cancel a certificate of registration, annual certificate or pharmacy licence of a member at the member's request unless the request for the cancellation has been approved by the Council.

(2) When a request for a cancellation under subsection (1) is approved by the Council, the Registrar shall cancel that registration.

Cancellation of
registration
made in error

36 The Council may direct the Registrar to cancel a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate issued in error.

Cancellation of falsely obtained registration

37(1) If the Council is satisfied, after a hearing on the matter, that a person obtained registration in a register established under this Act by means of a false or fraudulent representation or declaration, either verbal or written, the Council shall order that one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, of that person be cancelled.

(2) Part 7 applies to a hearing held by the Council under subsection (1).

Reinstatement

38(1) The Council may direct the Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Council may prescribe and subject to any other conditions prescribed in the regulations,

(a) to note in the applicable register the expiration of a period of suspension in a case where a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been suspended, or

(b) to reinstate in the applicable register the name of a member whose certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been cancelled.

(2) On reinstating a name pursuant to subsection (1), the Registrar shall reissue a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate to its former holder.

(3) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider any application under this Part for reinstatement of a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate may participate in or vote at any proceedings of the Council under this section, and the Registrar and the Association's solicitor may participate in those proceedings.

PART 6

PRACTICE REVIEW COMMITTEE

Committee established

39 There is hereby established the Practice Review Committee consisting of not fewer than 5 persons as follows:

(a) not fewer than 4 pharmacists who, in the opinion of the Council, have a combination of knowledge and experience suitable for fulfilling the responsibilities of the Practice Review Committee, appointed by the Council, and

(b) the Dean of the Faculty of Pharmacy and Pharmaceutical Sciences at the University of Alberta or his designate.

Powers of Committee

40(1) The Practice Review Committee

(a) may on its own initiative and shall at the request of the Council inquire into and report to and advise the Council in respect of

(i) the assessment and development of educational standards and experience requirements that may be desirable as conditions precedent to continuing registration under this Act,

(ii) the evaluation of desirable standards of competence of members generally,

(iii) any other matter that the Practice Review Committee from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of pharmacy under this Act and the regulations, and

(iv) the practice of pharmacy generally,

and

(b) may conduct, in accordance with this Act and the regulations, a review of the practice of a member.

(2) If a member does not co-operate with the Practice Review Committee in carrying out an inquiry or review, the Practice Review Committee may make a complaint in writing to the Infringement Committee, and the failure or refusal to co-operate may be held by the Infringement Committee to be professional misconduct within the meaning of section 57.

Duties on
conclusion of
inquiry or review

41(1) After each inquiry or review under section 40, the Practice Review Committee

(a) shall make a written report to the Council on the inquiry or review,

(b) may make recommendations to the Council regarding the matter inquired into or reviewed, with reasons for the recommendations,

(c) may make recommendations to a member as to his conduct in the practice of pharmacy, and

(d) if it is of the opinion that the conduct of a member constitutes or may constitute either unskilled practice of pharmacy or professional misconduct within the meaning of section 57,

(i) shall forthwith refer the matter relating to that conduct to the Registrar for an inquiry under Part 7, and the Registrar shall deal with the referral as if it were a complaint, and

(ii) may, if it makes a referral under subclause (i), recommend to the Infringement Committee that one or more of the certificate of registration, annual certificate or pharmacy licence, as the case may be, of the member be temporarily suspended pending the outcome of proceedings under Part 7.

(2) On receiving a recommendation under subsection (1)(d)(ii), the Infringement Committee may, where there is a question of serious risk to the public, suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be.

(3) The member may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the Registrar, apply for an order of the Court staying the decision of the Infringement Committee.

**PART 7
DISCIPLINE**

- Definitions** **42** In this Part,
- (a) “conduct” includes an act or omission;
 - (b) “investigated person” means
 - (i) a member or a proprietor, or
 - (ii) in a case to which section 48(2) applies, a former member, former licensee or former proprietor
- in respect of whose conduct an investigation or hearing is held under this Part;
- (c) “records” includes drugs, prescriptions, prescription containers, receipts, invoices, ledgers, books of account, patient files, documents, papers, notes, photographs, books, films and other materials and things.
- Infringement Committee** **43(1)** There is hereby established the Infringement Committee consisting of the President of the Association and the Registrar.
- (2) The Infringement Committee shall exercise the powers and perform the duties set out in this Part.
- Inspectors** **44(1)** The Council shall appoint 1 or more inspectors for the purposes of this Act.
- (2) In addition to the powers, duties and functions of an inspector under this Act, an inspector has any additional duties and functions prescribed by the Council or in the regulations.
- Inspection of licensed or certified pharmacy** **45(1)** An inspector may inspect the operation of a licensed or certified pharmacy and shall report his findings to the Registrar on the conclusion of each inspection.
- (2) If an inspector reports to the Registrar that a licensed pharmacy does not appear to meet the standards required of a licensed pharmacy under this Act and the regulations, the Registrar shall, if he is unable to resolve the matter on his own, refer the matter to the Infringement Committee and the Infringement Committee shall deal with the matter as a complaint in accordance with this Part.
- (3) If an inspector reports to the Registrar that a certified pharmacy does not appear to meet the standards required of a certified pharmacy under this Act and the regulations, the Registrar shall, if he is unable to resolve the matter on his own, refer the matter to the Practice Review Committee and the Practice Review Committee shall deal with the matter in accordance with Part 6.
- Entry of premises and inspection of records** **46(1)** The Registrar or an inspector may at all reasonable times and in accordance with the guidelines and procedures prescribed in the regulations for the inspection of pharmacies enter a licensed or certified pharmacy for the purpose of carrying out his duties under this Act.

(2) Any record required to be kept by a pharmacist under this Act and the regulations or under any enactment referred to in the Schedules shall be available for inspection by the Registrar or an inspector.

Duty of inspector **47** An inspector shall inform the Registrar of any perceived or apparent professional misconduct on the part of a member or any perceived or apparent proprietary misconduct on the part of a proprietor and the perceived or apparent misconduct shall be dealt with as a complaint in accordance with this Part and the regulations.

Complaints **48(1)** A person may complain to the Registrar about the conduct of a member or proprietor and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) If, after the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate of a member or licensee has been suspended or cancelled under this Act or any predecessor to this Act, or after a proprietor has ceased to be a proprietor,

(a) a complaint is made about the former member, former licensee or former proprietor, and

(b) the complaint relates to conduct occurring before the suspension or cancellation occurred or before the former proprietor ceased to be a proprietor,

the complaint may, notwithstanding the suspension or cancellation or the change in status of the proprietor, be dealt with within 5 years following the date of suspension or cancellation or the change in status of the proprietor as if the suspension, cancellation or change in status had not occurred.

(3) Subsection (2) does not apply to a complaint regarding conduct of a proprietor that occurred before this Act comes into force.

Referral to Infringement Committee **49** The Registrar shall

(a) if a complaint is made to him under section 47 or 48, or

(b) if he has reason to believe that the conduct of a member or proprietor constitutes or may constitute unskilled practice of pharmacy, professional misconduct or proprietary misconduct, whether a complaint is made or not,

refer the matter to the Infringement Committee.

Preliminary investigation **50(1)** The Infringement Committee may direct that a preliminary investigation into the conduct of a member or proprietor be held and may appoint an inspector or other person to conduct the preliminary investigation.

(2) A person conducting a preliminary investigation may require the investigated person or any other member or proprietor

(a) to produce to him any records in the possession of or under the control of the investigated person or other member or proprietor, and

(b) to attend at the preliminary investigation.

(3) The Association may apply ex parte to the Court of Queen's Bench for an order

(a) directing the investigated person or any other member or proprietor to produce to the person conducting a preliminary investigation any records in his possession or under his control, if it is shown that he failed to produce them when required by the person conducting the preliminary investigation, or

(b) directing any person to produce to the person conducting a preliminary investigation any records that are or may be relevant to the complaint being investigated.

(4) A person conducting a preliminary investigation may investigate any other matter related to the professional or proprietary conduct of the investigated person or the skill in practice of the member that arises in the course of the investigation.

(5) A person conducting a preliminary investigation shall, on concluding the preliminary investigation, report his findings to the Infringement Committee.

(6) If a member or proprietor does not co-operate with a person conducting a preliminary investigation, the person conducting the preliminary investigation may make a complaint in writing to the Infringement Committee, and the failure or refusal to co-operate may be held by the Investigating Committee to be professional or proprietary misconduct.

Decision of
Infringement
Committee

51(1) At the conclusion of a preliminary investigation, the Infringement Committee

(a) shall direct that no further action be taken if it is of the opinion that

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice of pharmacy, professional misconduct or proprietary misconduct,

(b) may accept a voluntary withdrawal, submitted in writing by a member, withdrawing his right to practise pharmacy, or

(c) if it does not make a direction under clause (a) or accept a voluntary withdrawal under clause (b), shall refer the matter under investigation to an Investigating Committee.

(2) The Registrar shall serve on the investigated person and on the complainant a notice setting out the decision of the Infringement Committee under subsection (1) and the reasons for the decision.

Voluntary
withdrawal

52(1) If the Infringement Committee accepts a voluntary withdrawal under section 51(1)(b), the Infringement Committee may direct the member to obtain counselling or treatment.

(2) A voluntary withdrawal remains in effect until the Infringement Committee is satisfied that the conduct or complaint that was the subject of the preliminary investigation has been resolved, at which time the Infringement Committee may impose conditions on the member's entitlement to engage in the practice of pharmacy, gener-

ally or in any field of the practice, including the conditions that the member

- (a) practise under supervision,
- (b) not engage in sole practice,
- (c) permit periodic inspections by a person authorized by the Infringement Committee to carry out inspections,
- (d) permit periodic audits of drugs, or
- (e) report to the Infringement Committee or the Registrar on specific matters.

(3) Notwithstanding the acceptance of a voluntary withdrawal by the Infringement Committee, the Infringement Committee may at any time refer the conduct or complaint that was the subject of the preliminary investigation to an Investigating Committee.

Appeals
Committee

53(1) The Council shall in accordance with the regulations appoint from among its members an Appeals Committee consisting of not fewer than 3 persons, of whom at least one shall be a person appointed under section 8(1)(b).

(2) The Appeals Committee shall exercise the powers and perform the duties set out in this Part.

Appeal by
complainant to
Appeals
Committee

54(1) A complainant who is served with a notice under section 51 that no further action will be taken may, by notice in writing to the Registrar, mailed within 30 days of the service of the notice on the complainant, appeal that direction to the Appeals Committee.

(2) On an appeal under subsection (1), the Appeals Committee shall do one or more of the following:

- (a) make any decision that in its opinion ought to have been made by the Infringement Committee;
- (b) quash, vary or confirm the decision of the Infringement Committee;
- (c) refer the matter back to the Infringement Committee for further consideration in accordance with any direction that the Appeals Committee may make.

(3) The Appeals Committee shall notify the investigated person and the complainant in writing of its decision and the reasons for its decision.

(4) If the Appeals Committee determines that a complaint is frivolous or vexatious, it may order that the costs of the appeal under this section be paid in accordance with the regulations.

Suspension
pending decision

55(1) Notwithstanding anything in this Act, the Infringement Committee may, where there is a question of serious risk to the public,

- (a) if the investigated person is a member, suspend a certificate of registration, annual certificate or pharmacy licence,
- (b) if the investigated person is a proprietor of a licensed pharmacy, order that no member may engage in the practice of phar-

macy in the licensed pharmacy in which the situation that gave rise to the matter under investigation occurred, or

(c) make an order under both clauses (a) and (b)

pending the outcome of proceedings under this Part.

(2) The investigated person may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the Registrar, apply for an order of the Court staying a decision of the Infringement Committee under subsection (1).

Investigating
Committee

56(1) If a matter is referred to an Investigating Committee

(a) by the Infringement Committee under section 51(1)(c) or 52(3),
or

(b) by the Appeals Committee under section 54(2),

the Council shall in accordance with the by-laws appoint an Investigating Committee.

(2) An Investigating Committee shall consist of not fewer than 2 pharmacists other than the President of the Association and the Registrar.

(3) An Investigating Committee shall exercise the powers and perform the duties set out in this Part.

Unskilled
practice or
misconduct

57 Conduct of a member or proprietor that

(a) in the opinion of an Investigating Committee,

(i) is detrimental to the best interests of the public,

(ii) contravenes this Act or the regulations,

(iii) contravenes any Act of the Parliament of Canada or of the Legislature of Alberta relating to the compounding, dispensing, sale, supply or distribution of drugs,

(iv) harms or tends to harm the standing of the profession of pharmacy generally, or

(v) displays a lack of knowledge of or lack of skill or judgment in the practice of pharmacy,

or

(b) results in a conviction of an indictable offence,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of pharmacy, professional misconduct or proprietary misconduct, whichever the Investigating Committee finds.

Rights of
investigated
person

58(1) The Association, the investigated person and the complainant may appear and be represented by counsel at a hearing before an Investigating Committee.

(2) Proceedings before an Investigating Committee or the Council shall be held in private.

(3) Notwithstanding subsection (2), the Association may, after the expiration of any appeal period, publish in accordance with the regulations

(a) the name of an investigated person in respect of whom an order is made under section 67 or 68, and

(b) the circumstances relevant to the finding of professional or proprietary misconduct.

Notice of hearing **59**(1) On referral of a matter to an Investigating Committee under section 51(1)(c) or on a determination being made under section 54(2) that a hearing should be held, the Investigating Committee appointed for the purposes of that matter shall hold a hearing.

(2) The hearing referred to in subsection (1) shall be scheduled on a date within 120 days after the date on which the matter is referred under section 51(1)(c) or a determination is made under section 54(2).

(3) The Registrar shall cause to be served on the investigated person and the complainant at least 15 days before the hearing date a notice of hearing stating the date, time and place at which the Investigating Committee will hold a hearing and identifying in general terms the complaint or matter in respect of which the hearing will be held.

Further investigation **60** An Investigating Committee may investigate and hear any other matter concerning the conduct of an investigated person that arises in the course of the investigation, but in that event the Investigating Committee shall declare its intention to investigate the further matter and shall permit the investigated person sufficient opportunity to prepare his answer to the further matter.

Evidence **61**(1) Evidence may be given before the Investigating Committee in any manner that the Investigating Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, the Registrar, a person appointed by the Infringement Committee and a member of the Council, the Investigating Committee, the Practice Review Committee and the Appeals Committee are conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

Witness **62**(1) The investigated person and any other person who, in the opinion of the Investigating Committee, has knowledge of the complaint or matter being investigated are compellable witnesses in any proceeding under this Part.

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Investigating Committee and shall not be excused from answering any question on the ground that the answer might tend to

(a) incriminate him,

(b) subject him to punishment under this Act, or

(c) establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings, in a prosecution under Part 10 or in any proceedings under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application made ex parte by the Association may direct the issuing of a commission for obtaining the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.

Notice to attend and produce records

63(1) The attendance of witnesses before the Investigating Committee and the production of records may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the records, if any, that the witness is required to produce.

(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall, without charge, issue and deliver to that person or his counsel or agent any notices that that person requires for the attendance of witnesses or the production of any record.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for production under subsection (1) or (2) is entitled to be paid the same fees in the same manner as are payable to a witness in an action in the Court of Queen's Bench.

Failure to attend or give evidence

64(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Investigating Committee in compliance with a notice to attend, or

(ii) to produce any records in compliance with a notice to produce them,

or

(b) who refuses to be sworn or to answer any question he is directed to answer by the Investigating Committee.

(2) If the witness referred to in subsection (1) is the investigated person, his failure or refusal may be held to be professional or proprietary misconduct.

Hearing in absence of investigated person

65 The Investigating Committee, on proof of service on the investigated person of the notice of hearing, may

(a) proceed with the hearing in the absence of the investigated person or his agent, and

(b) act, decide or report on the matter being heard in the same way as if the investigated person were in attendance.

Findings of
Investigating
Committee

66(1) The Investigating Committee may find that the conduct of an investigated person constitutes neither unskilled practice of pharmacy nor professional or proprietary misconduct.

(2) The Investigating Committee may find that the conduct of an investigated person constitutes unskilled practice of pharmacy or professional misconduct, or both, or proprietary misconduct and shall deal with the investigated person in accordance with this Part.

Orders of
Committee

67(1) If the Investigating Committee finds that the conduct of an investigated person constitutes unskilled practice of pharmacy or professional misconduct, or both, or proprietary misconduct, the Committee may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, of an investigated person either generally or from any field of the practice of pharmacy for a stated period;
- (c) suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, of an investigated person either generally or from any field of practice until
 - (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit his practice;
- (e) impose conditions on the investigated person's entitlement to engage in the practice of pharmacy either generally or in any field of the practice, including the conditions that the investigated person
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) not function as a licensee for a specified period,
 - (iv) permit periodic inspections by a person authorized by the Committee to carry out inspections,
 - (v) permit periodic audits of drugs, or
 - (vi) report to the Committee or the Council on specific matters;
- (f) direct the investigated person to pass a particular course of study or satisfy the Committee or the Council as to his competence generally or in a specified field of practice;
- (g) direct the investigated person to satisfy the Committee that a disability or addiction can be or has been overcome, and suspend

one or more of the investigated person's certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, until the Committee is so satisfied;

(h) require the investigated person to take counselling that in the opinion of the Committee is appropriate;

(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Committee, were not rendered or were improperly rendered or in respect of which the fee was unjustified for any reason;

(j) cancel one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, of an investigated person;

(k) if the investigated person is a proprietor, order that no member may engage in the practice of pharmacy in the pharmacy in which the situation that gave rise to the matter under investigation occurred, until the Investigating Committee is satisfied that

(i) the situation that gave rise to the matter under investigation has been corrected, or

(ii) the standards prescribed in this Act and the regulations have been met by the pharmacy in which the situation that gave rise to the matter under investigation occurred.

(2) If the certificate of registration or an annual certificate of a member is suspended or cancelled, he shall not practise pharmacy during the period of the suspension or cancellation, as the case may be, and any pharmacy licence or pharmacy certificate issued in his name shall be cancelled.

(3) The Investigating Committee may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances, including that

(a) a further or new investigation be held into any matter,

(b) the Investigating Committee be convened to hear a complaint without a preliminary investigation,

(c) a matter be referred to the Practice Review Committee, or

(d) a complaint or conduct be referred to any other entity having jurisdiction to review complaints.

(4) If the Investigating Committee is satisfied that an investigated person has contravened an order under subsection (1), it may, without the necessity of a further hearing,

(a) if the investigated person is a member, cancel or suspend one or more of the certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be,

(b) if the investigated person is a proprietor, order that no member may engage in the practice of pharmacy in the pharmacy in which the situation that gave rise to the matter under investiga-

tion occurred, for a period of time that the Investigating Committee considers appropriate, or

(c) make an order under both clauses (a) and (b).

Costs and fines **68(1)** The Investigating Committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 67, order that the investigated person pay

(a) all or part of the costs of an investigation, a hearing or an appeal determined in accordance with the regulations,

(b) if the investigated person is an individual, a fine not exceeding \$10 000 for each finding of unskilled practice or professional or proprietary misconduct and \$50 000 in the aggregate for all such findings arising out of the hearing, to the Association,

(c) if the investigated person is not an individual, a fine not exceeding \$75 000 for each finding of proprietary misconduct, to the Association, or

(d) both the costs under clause (a) and the fine under clause (b) or (c), as the case may be,

within the time set by the order.

(2) If the person ordered to pay a fine or costs, or both, under subsection (1) fails to pay the fine or costs within the time ordered, the Investigating Committee may

(a) if the person ordered to pay is a member, suspend one or more of the member's certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, and

(b) if the person ordered to pay is a proprietor of a licensed pharmacy, order that no member may engage in the practice of pharmacy in the licensed pharmacy in which the situation that gave rise to the matter under investigation occurred

until the fine or costs, or both, are paid.

(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

Written decision **69** The Investigating Committee shall, within a reasonable time after the conclusion of a hearing, make a written decision on the matter, which decision shall consist of

(a) a description of each finding made by it,

(b) the reasons for each finding made by it, and

(c) a statement of any order made by it.

Service of decision and record of hearing **70(1)** The Investigating Committee shall forward to the Registrar

(a) the decision, and

(b) the record of the hearing, consisting of all evidence presented before it, including

(i) all exhibits,

(ii) all documents, and

(iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.

(2) The Registrar shall, on receiving the decision of the Investigating Committee and the record referred to in subsection (1),

(a) serve a copy of the decision on the investigated person and the complainant, if any, and

(b) provide a copy of the decision to each member of the Council.

Examination
of record

71 The investigated person may examine the record or any part of the record of the proceedings before the Investigating Committee and hear any recording or examine any mechanical or handwritten record of evidence given before the Investigating Committee.

Rehearing

72 The Investigating Committee may, if there is new evidence available that was not available or that for good reason was not presented at the hearing under section 59, rehear any matter already heard by it under section 59 and, for that purpose, has the same power and authority and is subject to the same duties as it had and was subject to in connection with the first hearing.

Stay pending
appeal

73(1) The decision of the Investigating Committee remains in effect pending an appeal to the Council unless the Council on application stays the decision pending the appeal.

(2) The decision of the Council remains in effect pending an appeal to the Court of Appeal unless the Court on application stays the decision pending the appeal.

Appeal to
Council

74(1) An investigated person, a complainant or the Infringement Committee may appeal to the Council a finding or an order, or both, of an Investigating Committee.

(2) An appeal under subsection (1) shall be commenced by a written notice of appeal, which shall

(a) describe the finding or order appealed, and

(b) state the reasons for the appeal.

(3) A notice of appeal under this section shall be served on the Registrar within 30 days after the date on which the decision of the Investigating Committee is served on the investigated person.

(4) The Registrar shall, on receiving a notice of appeal under subsection (3), give to each member of the Council and to the investigated person and the complainant a copy of the notice of appeal and make available to each member of the Council and to the investigated person and the complainant a copy of the record of the proceedings before the Investigating Committee and the decision of the Investigating Committee.

Notice of hearing
of appeal

75(1) The Registrar shall, on receiving a notice of appeal under section 74, cause to be served on the investigated person and the complainant a notice of hearing of an appeal stating the date, time and place at which the Council will hear the matters appealed.

Powers of
Council on
appeal

(2) The Council shall schedule the hearing of the appeal on a date within 120 days after the date of service of the notice of appeal.

76(1) The Infringement Committee, the complainant and the investigated person may appear and be represented by counsel at the hearing of an appeal before the Council.

(2) The members of the Investigating Committee who heard the matter and whose decision is appealed from shall be excluded from participating in or voting on the matter appealed to the Council.

(3) Notwithstanding this Act, the regulations or the by-laws, the Council may perform its functions under this Part if it has a quorum of not fewer than 4 members.

(4) The appeal to the Council shall be founded on the record of the proceedings before the Investigating Committee and the decision of the Investigating Committee.

(5) Sections 61 to 65 apply to proceedings before the Council.

(6) The Council on an appeal may

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council,

(b) on granting special leave for that purpose, receive further evidence, and

(c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the Investigating Committee.

(7) The Council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:

(a) make any finding or order that in its opinion ought to have been made by the Investigating Committee,

(b) quash, vary or confirm the finding or order of the Investigating Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Investigating Committee for further consideration in accordance with any direction that the Council may make.

(8) The Council may make an award as to costs under this Part determined in accordance with the regulations.

Written decision

77(1) The Council shall, within 120 days after the date of the conclusion of the proceedings before it, make a written decision on the matter and shall forward the decision to the Registrar.

(2) The Registrar shall, on receiving the decision under subsection (1), serve a copy of the decision on the investigated person, the complainant and the Infringement Committee.

Appeal to Court

78(1) An investigated person may appeal to the Court of Appeal any finding or order made by the Council under section 76(7).

- (2) An appeal under this section shall be commenced
- (a) by filing a notice of appeal with the Registrar of the Court, and
 - (b) by serving a copy of the notice of appeal on the Council
- within 30 days from the date on which the decision of the Council is served on the appellant.

Appeal on the record **79** The appeal to the Court of Appeal shall be founded on the record of the proceedings before the Council and the decision of the Council.

Powers of Court on appeal **80(1)** The Court of Appeal on hearing the appeal may

- (a) make any finding or order that in its opinion ought to have been made,
- (b) quash, vary or confirm the decision of the Council or any part of it, or
- (c) refer the matter back to the Council for further consideration in accordance with any direction of the Court.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

Misrepresentation of status **81** The conduct of a person who represents or holds out that he is registered in a register set out in section 11(1) and in good standing while his certificate of registration, annual certificate, pharmacy licence or pharmacy certificate, as the case may be, is suspended or cancelled constitutes professional misconduct.

Employer to recognize sanctions **82** No employer or other person shall knowingly require a member to perform a service or undertake any work that would result in the member's contravening an order or direction of the Infringement Committee, the Investigating Committee, the Council or a court of competent jurisdiction.

Notice to employer **83** If the registration of a member is suspended or cancelled or the practice of a member is ordered to be limited, the person who is the subject of the cancellation, suspension or limitation shall forthwith notify his employer of the cancellation, suspension or limitation.

PART 8

GENERAL

Service of documents **84** When this Act, the regulations or the by-laws require that a document or notice be served on any person, the document or notice is sufficiently served if it is served personally on that person or sent to him by single registered mail at his address last shown on the register or records of the Association or, if personal service is not possible or the Association has no business address or other mailing address for that person, by publishing the document at least twice, not more than a week apart, in a local newspaper circulating at or near the address last shown for that person on the register or records of the Association.

Certificate
of Registrar

85 A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a member,
- (b) a proprietor, or
- (c) an officer of the Association or a member of the Council or of a committee or board established under this Act, the regulations or the by-laws,

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Protection from
liability

86(1) No action lies against

- (a) the Registrar, a person conducting a preliminary investigation, an inspector, a member of a committee or board established under this Act, the regulations or the by-laws, the Council, the Association or any person acting on the instructions of any of them, or
- (b) any member, officer or employee of the Association

for anything done by him in good faith under this Act, the regulations or the by-laws.

(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a member if the communication is published to or by

- (a) the Association or an officer or employee of the Association,
- (b) a member of the Council or of a committee or board established under this Act, the regulations or the by-laws,
- (c) a person conducting a preliminary investigation, or
- (d) a person acting on the instructions of a person or entity referred to in clauses (a) to (c),

in good faith in the course of investigating the conduct or in the course of any proceeding under this Act or the regulations relating to the conduct.

Prohibition re
municipal licence

87 No municipality has the power to require a member to obtain a licence from the municipality to engage in the practice of pharmacy.

Dispensing
generic drugs

88 If a prescription refers to a drug or drug combination by a brand name or a name other than its generic name, the pharmacist or restricted practitioner who dispenses the prescription may dispense a drug or drug combination that is the generic or brand name equivalent of that named in the prescription, unless the prescriber indicates otherwise

- (a) by designating the name of the manufacturer on the prescription, or
- (b) by specifying that no generic or brand name equivalent may be dispensed.

Packaging and
labelling

89 Before being dispensed or offered for sale, all drugs shall be properly packaged and labelled in accordance with the regulations or any enactment referred to in the Schedules.

PART 9

REGULATIONS AND BY-LAWS

Regulations

90(1) The Council may make regulations

- (a) establishing requirements, including character requirements, to be met by applicants for registration as pharmacists;
- (b) prescribing the time period within which applicants for registration must have completed the requirements in section 13(a);
- (c) prescribing further conditions to be met before a certificate of registration, an annual certificate, a pharmacy licence or a pharmacy certificate is issued or renewed;
- (d) respecting the establishment and operation by the Council or a committee designated by the Council of a compulsory continuing education program for members;
- (e) providing for the evaluation of experience and training requirements for applicants for registration as members and for the examination of the applicants with respect to those requirements;
- (f) prescribing qualifications of pharmacy interns and the terms and conditions of internship;
- (g) prescribing standards for the practice of pharmacy;
- (h) establishing guidelines and procedures for the inspection of licensed and certified pharmacies and prescribing the records to be kept by licensees or proprietors of pharmacies;
- (i) prescribing the records to be kept by pharmacists;
- (j) regarding the use of computers in the practice of pharmacy;
- (k) governing the nature or contents of advertising, if any, which may or may not be permitted;
- (l) establishing classes or categories of restricted practitioners for the purposes of section 11(1)(b) and prescribing rights and duties of restricted practitioners;
- (m) prescribing restrictions, conditions or limitations on the practice of pharmacy by restricted practitioners;
- (n) establishing classes or categories of non-practising members for the purposes of section 11(1)(c) and prescribing rights and duties of non-practising members;
- (o) respecting the establishment, contents and maintenance of registers under section 11(1);
- (p) respecting the removal from the registers of any memorandum or entry made in them under this Act or the regulations;
- (q) providing for additional duties and functions of inspectors and the Registrar;

- (r) respecting the procedures for hearings, inquiries, reviews and preliminary investigations by the Infringement Committee or a person appointed by the Infringement Committee, the Investigating Committee, the Practice Review Committee, the Council and the Appeals Committee in matters relating to the conduct or practice of members or proprietors whether or not a complaint has been made;
- (s) respecting the costs payable on the conclusion of an investigation, hearing or appeal before the Investigating Committee or the Council;
- (t) respecting reviews of the practice of a member by the Practice Review Committee or a person authorized by that Committee;
- (u) respecting registration procedures;
- (v) governing the publication of a notice of the suspension or cancellation of a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate or of any other decision under Part 7 in a form and manner prescribed by the Council;
- (w) respecting conditions to be met by a person whose certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been suspended or cancelled under this Act and who is applying for reinstatement under Part 5 and respecting committees of inquiry for reinstatement under Part 5;
- (x) respecting the conditions under which the name of a person whose certificate of registration, annual certificate, pharmacy licence or pharmacy certificate has been suspended or cancelled may be reinstated in a register and the conditions under which a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate may be reissued;
- (y) requiring members and proprietors to maintain a business address or other mailing address in Alberta and to inform the Registrar in writing within a prescribed period of that address and of any change in that address;
- (z) prescribing the period during which a licensed pharmacy may continue to operate pursuant to section 24 or 25, as the case may be;
- (aa) providing for the renewal of a pharmacy licence or pharmacy certificate;
- (bb) respecting requirements that apply to the identification of a licensed pharmacy;
- (cc) prescribing health related products that may be displayed for sale in the professional products department of a licensed pharmacy;
- (dd) adding a drug to or removing a drug from Schedule 1 or 2;
- (ee) prescribing further conditions on the sale of drugs included in Schedule 1;
- (ff) prescribing further conditions that must be met by a person who engages in the practice of pharmacy under section 2(4)(e);

- (gg) prescribing the manner in which drugs are to be packaged and labelled;
- (hh) prescribing compounding and dispensing equipment and prescribing the minimum pharmaceutical reference library required by a pharmacy for the purposes of sections 26 and 31;
- (ii) prescribing a date for the purposes of section 20(1);
- (jj) prescribing the circumstances in which a pharmacist may be absent from a pharmacy for the purposes of sections 26(1)(c) and 31(1)(c).

(2) Pharmacists comprising at least 10% of the membership of the Association may at any time petition the Council to consider the making, amendment or repeal of a regulation under subsection (1), and the Council shall give the petitioners an opportunity to make representations concerning the petition through legal counsel or some other representative.

(3) A regulation under subsection (1) does not come into force unless it is approved by

- (a) a majority of members of the Association
 - (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote conducted in accordance with the by-laws,
- and
- (b) the Lieutenant Governor in Council.

By-laws

91(1) The Council may make by-laws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election and number of Council members and officers of the Association, the filling of vacancies on the Council and any committee or board established by the Council and the appointment of ex officio members of the Council and of any committee or board established by the Council, and prescribing the term of office and the duties and functions of those members, officers and ex officio members;
- (e) providing for the procedures for the election of pharmacists to the Council and the nomination of members of the public for appointment to the Council by the Minister;
- (f) providing for the division of Alberta into districts and prescribing the number of Council members to be elected from each district;
- (g) providing for the term of office of the Registrar and the appointment of an individual as an Acting Registrar who has all of the powers, duties and functions of the Registrar under this Act

and the regulations when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;

(h) governing the number of members that constitutes a quorum at meetings of the Association and the Council;

(i) providing for the appointment of members of the Registration Committee;

(j) governing, subject to this Act, the operation, proceedings and quorum of the Investigating Committee and the Practice Review Committee, the designation of chairmen and vice-chairmen, the appointment of acting members and ex officio members and the procedures for filling vacancies, and prescribing the terms of office, duties and functions of ex officio members;

(k) setting fees and expenses payable to members of the Council or of committees or boards established under this Act, the regulations or the by-laws for attending to the business of the Association;

(l) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;

(m) respecting the fees, dues and levies payable by members to the Registrar or to the Association or a person designated by the Association by by-law to receive such payments;

(n) respecting the annual fee payable to the Association in respect of a pharmacy licence and pharmacy certificate;

(o) governing the publication of the names of applicants approved by the Registrar for registration as members of the Association;

(p) authorizing the Council to prescribe the form of a certificate of registration, an annual certificate, a pharmacy licence, a pharmacy certificate and any other form or document that may be required for the purposes of this Act, the regulations or the by-laws;

(q) respecting the holding of votes by mail or any other method on any matter relating to the Association;

(r) governing the establishment, operation and proceedings of committees or boards, the appointment and revocation of members and acting members of those committees or boards and the procedures for filling vacancies on those committees or boards;

(s) providing for the delegation of any power or duty of the Council under this Act, the regulations or the by-laws, with or without conditions, to a committee established by the Council, except the power to make, amend, repeal or suspend a regulation or by-law of the Council;

(t) governing the establishment, operation and proceedings of societies or chapters of the Association;

(u) setting the date on which an annual certificate expires;

(v) establishing and providing for the publishing of a code of ethics respecting the practice of pharmacy, the maintenance of

the dignity and honour of the profession of pharmacy and the protection of the public interest;

(w) adding to or deleting from the minimum pharmaceutical reference library required under the regulations the name of a particular book, periodical or journal.

(2) Pharmacists comprising at least 10% of the membership of the Association may at any time petition the Council to consider the making, amendment or repeal of a by-law under subsection (1) and the Council shall give the petitioners an opportunity to make representations to the Council concerning the petition through legal counsel or some other representative.

(3) A by-law under subsection (1) does not come into force unless it is approved by a majority of members of the Association

(a) present and voting at a general meeting, or

(b) voting in a mail vote conducted in accordance with the by-laws.

(4) The *Regulations Act* does not apply to by-laws of the Association.

Lieutenant
Governor
in Council
regulations

92 The Lieutenant Governor in Council may, after consultation with the Council, make regulations adding a drug to or removing a drug from Schedule 3.

PART 10

PROHIBITIONS AND PENALTIES

Practice
prohibitions

93(1) A person whose certificate of registration or annual certificate is cancelled or suspended under this Act or any predecessor to this Act shall not, without the consent of the Council, practise pharmacy or directly or indirectly associate himself in the practice of pharmacy with a person permitted under this Act to engage in the practice of pharmacy.

(2) No person permitted under this Act to engage in the practice of pharmacy shall, except with the consent of the Council, engage in the practice of pharmacy directly or indirectly with, employ, or be employed by, a person whose registration is cancelled or suspended.

(3) If the Council permits a member or proprietor to associate with, employ or be employed by a person whose registration has been cancelled or suspended under this Act, the association or employment shall be in the capacity and subject to the terms and conditions prescribed by the Council.

(4) It is an offence for a person to procure or attempt to procure a certificate of registration, annual certificate, pharmacy licence or pharmacy certificate by making a fraudulent statement, either verbal or written, and a person who authorizes, permits or acquiesces in the offence is also guilty of the offence.

Penalties

94(1) Every individual and every officer, employee or agent of a corporation who contravenes this Act is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000,

- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) Every corporation that contravenes this Act is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$5000,
- (b) for a 2nd offence, to a fine of not more than \$10 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$50 000.

(3) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

Liability of proprietor and licensee

95 A prosecution or conviction of either the proprietor or the licensee of a licensed pharmacy is not a bar to the prosecution or conviction of the other.

PART 11

TRANSITIONAL AND CONSEQUENTIAL

Registration continued

96 *An individual who is a member of The Alberta Pharmaceutical Association under the former Act is deemed to be registered as a member under this Act.*

Council continued

97 *The members of the Council elected under the former Act are deemed to be members of the Council under this Act, elected for the same period and holding the same offices.*

Application for registration continued

98 *An application for registration made under the former Act but not concluded before the coming into force of this Act shall be dealt with under this Act.*

Discipline proceedings continued

99(1) *Any complaint made or discipline proceedings that were commenced but not concluded before the coming into force of this Act shall be concluded under the former Act as though this Act had not come into force.*

(2) Any complaint made after the coming into force of this Act that relates to conduct occurring all or partly before the coming into force of this Act shall be dealt with under the former Act.

Licence continued

100 *A pharmacy licence issued under the former Act is deemed to be a pharmacy licence under this Act.*

Amends RSA 1980 cL-17

101 *The Liquor Control Act is amended in section 90 by striking out “druggist” and substituting “pharmacist or restricted practitioner under the Pharmaceutical Profession Act”.*

Amends RSA 1980 cL-22

102 *The Livestock Diseases Act is amended in section 9 by striking out “Pharmaceutical Association Act) persons other than pharmaceutical chemists” and substituting “Pharmaceutical Profession Act) persons other than pharmacists or restricted practitioners under the Pharmaceutical Profession Act”.*

Amends
RSA 1980 cP-11

103 *The Podiatry Act is amended in section 11 by striking out “pharmaceutical chemist under the Pharmaceutical Association Act” and substituting “pharmacist or restricted practitioner under the Pharmaceutical Profession Act”.*

Consequential

104 *In the following provisions “Pharmaceutical Association Act” is struck out wherever it occurs and “Pharmaceutical Profession Act” is substituted:*

Act	Section
Agrologists Act	31
Licensing of Trades and Businesses Act	2(b)
Medical Profession Act	77(2)
Nursing Profession Act	1(f)

Repeal

105 *The Pharmaceutical Association Act is repealed.*

Coming
into force

106 *This Act comes into force on Proclamation.*

SCHEDULE 1

- 1 The drugs included in this Schedule shall be
- (a) sold only in a pharmacy,
 - (b) dispensed, other than to patients or inmates, only pursuant to a prescription, and
 - (c) in a licensed pharmacy, stored for sale to the public only in the prescription department.
- 2(1) The drugs in this Schedule include:
- (a) drugs set out in the Schedule to the *Narcotic Control Act* (Canada);
 - (b) drugs set out in Schedule G to the *Food and Drugs Act* (Canada);
 - (c) drugs set out in Schedule F to the regulations under the *Food and Drugs Act* (Canada);
 - (d) the following drugs:
 - (i) aconite;
 - (ii) p-aminosalicylic acid;
 - (iii) arsenic and its salts and compounds for human use;
 - (iv) aspidium for oral use;
 - (v) bacitracin for parenteral administration;
 - (vi) belladonna, its alkaloids and preparations and compounds thereof except for external or transdermal use;
 - (vii) bethanacol and its salts;
 - (viii) benztropine;
 - (ix) biperiden;
 - (x) cantharides, its derivatives and preparations;
 - (xi) carbamyl choline and its salts;
 - (xii) chenopodium ambrosioides;
 - (xiii) citrovorum factor (folinic acid) and its salts;
 - (xiv) colchicum and its derivatives;
 - (xv) corticotrophin (ACTH) and its preparations;
 - (xvi) cylandelate;
 - (xvii) cyclopentolate and its salts;
 - (xviii) cycrimine;
 - (xix) deanol and its salts;
 - (xx) dicyclomine hydrochloride as a single entity;
 - (xxi) digitalis, its glycosides and preparations;
 - (xxii) dipyridamole;

- (xxiii) ephedrine and its salts (products for internal use containing ephedrine and its salts as the single active ingredient);
 - (xxiv) epinephrine and its salts and preparations;
 - (xxv) ethopropazine and its salts;
 - (xxvi) isopropamide and its salts;
 - (xxvii) isoxsuprine and its salts;
 - (xxviii) local anesthetics for ophthalmic or parenteral use;
 - (xxix) methenamine and its salts;
 - (xxx) methoxsalen;
 - (xxxi) nylidrin and its salts;
 - (xxxii) oxytocin;
 - (xxxiii) papaverine;
 - (xxxiv) phenazopyridine and its salts;
 - (xxxv) pinaverium and its salts;
 - (xxxvi) podophyllum resin;
 - (xxxvii) potassium perchlorate;
 - (xxxviii) prenylamine and its salts;
 - (xxxix) primaquine and its salts;
 - (xl) probenecid;
 - (xli) procyclidine;
 - (xlii) pyridostigmine and its salts;
 - (xliii) pyrimethamine;
 - (xliv) quinacrine;
 - (xlv) quinidine and its salts;
 - (xlvi) theophylline, its salts and derivatives (except the theophylline salt of diphenhydramine [dimenhydrinate] and pambrom);
 - (xlvii) trihexphenidyl;
 - (xlviii) yohimba and alkaloids, preparations and compounds thereof;
- (e) pentazocine.

- (2) Drugs referred to in subsection (1)(a) shall be dispensed in accordance with the *Narcotic Control Act* (Canada) and the regulations under that Act.
- (3) Drugs referred to in subsection (1)(b) and (c) shall be dispensed in accordance with the *Food and Drugs Act* (Canada) and the regulations under that Act.
- (4) Drugs referred to in subsection (1)(d) shall be dispensed or sold under the same conditions that apply to drugs listed in Part II of

Schedule F to the regulations under the *Food and Drugs Act* (Canada).

- (5) The drug referred to in subsection (1)(e) shall be dispensed
 - (a) only on a written prescription, and
 - (b) in a licensed pharmacy, subject to the conditions prescribed in the regulations.

SCHEDULE 2

- 1 The drugs included in this Schedule shall be
 - (a) sold only in a pharmacy,
 - (b) sold only by or under the direct supervision of a pharmacist, and
 - (c) in a licensed pharmacy, stored for sale to the public only in the prescription department.
- 2 No member or proprietor shall, in advertising a drug included in this Schedule, make a representation other than with respect to the name, price and quantity of the drug.
- 3 The drugs in this Schedule include:
 - (a) acetylcysteine;
 - (b) benzoyl peroxide as a single active ingredient, in concentrations of 5% or less;
 - (c) acetylsalicylic acid — 80 mg. (in a salicylate product in a dosage form intended for oral administration and especially recommended for children);
 - (d) camphorated oil, to which shall be affixed a distinctive “poison” label in addition to the preparation’s regular label;
 - (e) cyproheptadine hydrochloride;
 - (f) dehydrocholic acid;
 - (g) dicyclomine hydrochloride in combination with other active ingredients;
 - (h) drugs for human use not included in Schedule 1 that are intended for administration by hypodermic injection;
 - (i) erythrityl tetranitrate;
 - (j) fluorides for oral or topical use except in dentrifices and mouthwashes and in preparations containing less than .045 mg. of fluorine (equivalent to 0.1 mg. of sodium fluoride) per daily recommended dose;
 - (k) hydrocortisone 0.5% for topical use;
 - (l) insulin;
 - (m) iodinated glycerol;
 - (n) iodine and its salts as single entities for oral use;
 - (o) iodized casein;
 - (p) ipecac as a single entity;
 - (q) isoiorbide dinitrate;
 - (r) loperamide;
 - (s) methyl salicylate (oil of wintergreen) or other alkyl salicylates as a single ingredient or in preparations in strengths of more than

30%, to which shall be affixed a distinctive “poison” label in addition to the preparation’s regular label;

- (t) nitroglycerin;
- (u) nystatin for topical use on the skin;
- (v) orphenadrine citrate;
- (w) pentaerythritol tetranitrate;
- (x) propylhexedrine;
- (y) scopolamine for transdermal use;
- (z) selenium disulfide (in strengths of more than 1%);
- (aa) silver salts.

4(1) A product that is removed from Schedule F to the regulations under the *Food and Drugs Act* (Canada) and approved for non-prescription sale in Canada shall be included in this Schedule.

(2) The inclusion of a drug in this Schedule pursuant to subsection (1) shall be reassessed every 2 years.

SCHEDULE 3

- 1** The drugs included in this Schedule shall be
 - (a) sold only in a pharmacy, and
 - (b) in a licensed pharmacy, displayed in the professional products department or stored for sale to the public in the prescription department.
- 2** No member or proprietor shall, in advertising a drug included in this Schedule, make a representation other than with respect to the name, price and quantity of the drug.
- 3** The drugs in this Schedule include:
 - (a) bacitracin and its salts for ophthalmic use;
 - (b) benzyl benzoate;
 - (c) crotamiton;
 - (d) drugs for veterinary use by hypodermic injection into an animal;
 - (e) lindane;
 - (f) phenylephrine and its salts as a single entity for oral use;
 - (g) phenylpropanolamine and its salts as a single entity for oral use;
 - (h) piperazine and its salts;
 - (i) polymixin B and its salts for ophthalmic use;
 - (j) pseudoephedrine and its salts as a single entity for oral use;
 - (k) pyrantel pamoate;
 - (l) pyrivinium pamoate;
 - (m) saccharin.