

2016 Bill 205

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 205**

**PHARMACY AND DRUG (PHARMACEUTICAL  
EQUIPMENT CONTROL) AMENDMENT ACT, 2016**

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MR. ELLIS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 205*  
*Mr. Ellis*

## **BILL 205**

2016

### **PHARMACY AND DRUG (PHARMACEUTICAL EQUIPMENT CONTROL) AMENDMENT ACT, 2016**

*(Assented to \_\_\_\_\_, 2016)*

#### **Preamble**

WHEREAS the safety and security of the public is a paramount concern to the professions of pharmacists and pharmacy technicians and to all Albertans;

WHEREAS the illegal use of synthetic drugs such as fentanyl can have dangerous effects, including loss of life, and the illegal manufacture and distribution of these drugs has negatively impacted the lives of far too many Albertans;

WHEREAS the control of equipment used to illegally manufacture and distribute drugs will assist in the prevention of illegal drug manufacturing, trafficking and other forms of illegal drug activity; and

WHEREAS it is in the best interests of the public to regulate who is authorized under the law to own and operate certain types of pharmaceutical equipment;

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

#### **Amends RSA 2000 cP-13**

**1 The *Pharmacy and Drug Act* is amended by this Act.**

**2 The following is added after section 18.7:**

## **EXPLANATORY NOTES**

- 1** Amends chapter P-13 of the Revised Statutes of Alberta 2000.
- 2** New part added concerning pharmaceutical equipment control.

## **Part 1.1 Pharmaceutical Equipment Control**

### **Definition**

**18.8** In this Part, “designated equipment” means a pill or tablet press, tablet machine, capsule filling machine or pharmaceutical mixer, as those terms may be defined in the regulations, and any other equipment prescribed by the regulations.

### **Pharmaceutical equipment**

**18.81** No person shall own, operate or possess designated equipment unless that person holds a licence under this Act or falls within one of the following exemptions:

- (a) an institution pharmacy;
- (b) a person authorized to compound or manufacture drugs under an Act of the Legislature of Alberta or of the Parliament of Canada;
- (c) any other person designated in the regulations.

### **Regulations**

**18.82** The Lieutenant Governor in Council may make regulations

- (a) prescribing types of equipment as designated equipment under section 18.8;
- (b) designating persons or classes of persons that are exempt from section 18.81;
- (c) respecting the seizure, removal and return of designated equipment;
- (d) respecting any matter that the Lieutenant Governor in Council considers necessary and advisable to carry out effectively the content and purpose of this Part.

**3 Section 38 is amended by adding “18.81,” after “12,”.**

**3** Section 38 presently reads:

*38 A person who contravenes section 2(2), 3, 10(2) or (3), 11(4), 12, 30, 31(2), 32(2), 33(2) or (3) or 37 is guilty of an offence.*

**4 Section 39(1) is amended by adding “, other than an offence under section 18.81,” after “under this Act”.**

**5 The following is added after section 39:**

**Penalties – pharmaceutical equipment offences**

**39.1** A person who is guilty of an offence under section 18.81 is liable

- (a) for a first offence, to a fine of not more than \$50 000,
- (b) for a 2nd offence, to a fine of not more than \$125 000,  
and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$375 000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

**6 This Act comes into force on January 1, 2017.**

**4** Section 39(1) presently reads:

*39(1) A person who is guilty of an offence under this Act is liable*

- (a) for a first offence, to a fine of not more than \$10 000,*
- (b) for a 2nd offence, to a fine of not more than \$25 000, and*
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$75 000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.*

**5** Penalties for pharmaceutical equipment offences.

**6** Coming into force.

# Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL