



Province of Alberta

# **PHARMACY AND DRUG ACT**

Revised Statutes of Alberta 2000  
Chapter P-13

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Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Pharmacy and Drug Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Pharmacy and Drug Act</b>		
Pharmaceutical Equipment Control.....	193/2016	
Pharmacy and Drug.....	240/2006	72/2009
Scheduled Drugs .....	66/2007	34/2012, 61/2016, 109/2016, 11/2017

# PHARMACY AND DRUG ACT

## Chapter P-13

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

### **Interpretation**

**1(1)** In this Act,

- (a) “college” means the Alberta College of Pharmacy;
- (a.1) “clinical pharmacist” means a pharmacist registered in the clinical register category of the college’s regulated members register;
- (a.2) “community pharmacy” means a pharmacy with respect to which a community pharmacy licence is issued;
- (a.3) “community pharmacy service” means a pharmacy service provided to or for a patient for which the patient or patient’s agent attends to receive the service at the pharmacy;
- (b) “complaints director” means the individual appointed under the *Health Professions Act* as the complaints director for the college;
- (b.1) “compound” means compound as defined in Schedule 7.1 to the *Government Organization Act*;

- (b.2) “compounding and repackaging pharmacy” means a pharmacy with respect to which a compounding and repackaging pharmacy licence is issued;
- (b.3) “compounding and repackaging pharmacy service” means
- (i) compounding drugs, or
  - (ii) repackaging drugs
- for a licensed pharmacy or institution pharmacy that dispenses or sells those drugs;
- (c) “council” means the council of the college;
- (d) “dispense” means, with respect to a drug, any one or more of the following:
- (i) evaluating a prescription for a drug;
  - (ii) assessing the patient and the patient’s health history and medication record;
  - (iii) packaging and labelling of a drug;
  - (iv) providing a drug to or for a person pursuant to a prescription;
- (e) “drug” means a substance or combination of substances referred to in section 31, 32 or 33 or defined as an emergency release drug or a special access drug and any combination of such a substance or substances with any other substance;
- (f) “emergency release drug” means an emergency release drug as defined in the regulations for the purposes of this Act;
- (g) “field officer” means the registrar and a field officer appointed under section 20;
- (h) “former Act” means the *Pharmaceutical Profession Act*;
- (i) “hearing tribunal” means a hearing tribunal of the college under the *Health Professions Act*;
- (j) “institution pharmacy” means a pharmacy that is operated by
- (i) an approved hospital as defined in the *Hospitals Act*,
  - (ii) a nursing home as defined in the *Nursing Homes Act*,

- (iii) a correctional institution as defined in the *Corrections Act*,
- (iv) a facility as defined in the *Mental Health Act*,
- (v) a diagnostic or treatment centre made available under section 49(b) of the *Mental Health Act*,
- (v.i) repealed 2005 c30 s2,
- (vi) a facility as defined in the *Social Care Facilities Review Committee Act*,
- (vii) a regional health authority or a provincial health board under the *Regional Health Authorities Act*, or
- (viii) a hospital, a penitentiary, a correctional institution, a health or social care institution or facility or a residential facility for persons who are aged or infirm or require special care, that is operated in Alberta by the Crown in right of Canada;
- (k) repealed 2005 c30 s2;
- (l) “licence” means a licence issued under section 5;
- (m) “licensed pharmacy” means a pharmacy with respect to which a licence is issued;
- (n) “licensee” means a clinical pharmacist who holds a licence;
- (n.1) “mail order pharmacy” means a community pharmacy with respect to which a mail order pharmacy licence is issued;
- (n.2) “mail order pharmacy service” means a pharmacy service provided to or for a patient for which neither the patient nor the patient’s agent attends at the community pharmacy to receive the service;
- (n.3) “major shareholder” means a shareholder who holds 20% or more of the shares issued by the corporation that carry the right to vote at a meeting of shareholders;
- (o) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (p) “misconduct” means an act or omission that
  - (i) contravenes this Act;

- (ii) is detrimental to the best interests of the public;
- (iii) is an attempt to obtain or results in obtaining a licence by false representation;
- (iv) contravenes any Act of the Legislature of Alberta or of the Parliament of Canada relating to the compounding, dispensing, manufacturing, prescribing, providing for sale, sale, supply or distribution of drugs;
- (v) results in a conviction for an indictable offence, the subject-matter of which is related to any matter described in this clause or to commercial matters;
- (vi) contravenes the *Health Professions Act* or a regulation made under that Act;
- (vii) constitutes consent described in section 25;
- (viii) results in carrying on the practice of pharmacy with a person who is contravening an order described in section 23(3) or under section 26, a condition imposed on a licence under this Act or an order under Part 4 of the *Health Professions Act* pursuant to a complaint under section 23 of this Act;
- (ix) conduct that harms the integrity of the profession of pharmacists;
- (q) “patient” means a recipient of a pharmacy service;
- (q.1) “patient’s agent” means, in respect of a patient, a member of the patient’s immediate family, an individual who has a close personal relationship with the patient or an individual who personally provides care to the patient;
- (r) “pharmacist” means an individual who is registered as a regulated member of the college under the *Health Professions Act* on the clinical register, the provisional register, the courtesy register or the student register and who holds a practice permit issued under that Act;
- (s) “pharmacy” means the premises or part of premises in or from which a pharmacy service is provided;
- (s.1) “pharmacy service” means the storing, compounding, dispensing or selling of drugs;
- (s.2) “pharmacy technician” means an individual who is registered as a regulated member of the college under the



*Health Professions Act* on the pharmacy technician register and who holds a practice permit issued under that Act;

- (t) repealed 2008 c34 s37;
- (u) “practice of pharmacy” means the scope of practice described in section 3 of Schedule 19 to the *Health Professions Act*;
- (v) “prescription” means a direction by a person who is authorized by an Act of the Legislature of Alberta or an Act of the Parliament of Canada to prescribe drugs, directing that a drug be dispensed to or for the patient named in the direction;
- (w) “prescription department” means prescription department as defined in the regulations for the purposes of this Act;
- (w.1) “Prescription Drug List” means the list established under section 29.1 of the *Food and Drugs Act* (Canada);
- (x) “property” in sections 18.2 to 18.7 means drugs, blood products, parenteral nutrition, prescription records and health care aids and devices and any other property used in or in relation to the practice of pharmacy;
- (y) “proprietor” means a person who owns, manages or directs the operation of a facility in which a licensed pharmacy is located and exercises a significant degree of control over
  - (i) the management and policies of the licensed pharmacy, or
  - (ii) the conduct of the regulated members who are employed by the licensed pharmacy;
- (z) “public area” means public area as defined in the regulations for the purposes of this Act;
- (z.1) “record” means the records of a pharmacy, whether in written, photographic, magnetic, electronic or other form, and includes, without limitation,
  - (i) the records of the proprietor of the pharmacy, the licensee, the regulated members engaged by the proprietor or any other person associated with the pharmacy,
  - (ii) any record required to be kept under this Act, the *Health Professions Act*, the *Controlled Drugs and Substances*

*Act (Canada) or the Food and Drugs Act (Canada) or the regulations or standards under those Acts,*

- (iii) a record of all prescriptions the pharmacy receives, including an identification of the prescriptions that the pharmacy transfers to another pharmacy or pharmacist,
  - (iv) a record of all drugs dispensed from or through the pharmacy, including the prescription, the name of the drug, the amount dispensed, the name and contact information of the patient and the name and contact information of the prescribing practitioner,
  - (v) a record of the pharmacy services provided, including the name of the person or persons who dispensed a drug,
  - (vi) a record of the names and contact information of the patients to whom pharmacy services are provided,
  - (vii) a record of the counselling services provided to a patient, and
  - (viii) any other record created or received by a proprietor, licensee, regulated member engaged by the proprietor or other person associated with the pharmacy and the provision of pharmacy services;
- (aa) “registrar” means the individual appointed under the *Health Professions Act* as the registrar for the college;
- (aa.1) “regulated member” means a regulated member, as defined in the *Health Professions Act*, who is registered with the college;
- (bb) “satellite pharmacy” means a pharmacy that is operated by a community pharmacy and with respect to which a satellite pharmacy licence is issued;
- (bb.1) “satellite pharmacy service” means a community pharmacy service provided at a satellite pharmacy;
- (cc) “sell” includes
- (i) to distribute, trade or barter in exchange for money or other valuable consideration,
  - (ii) to distribute or give away without expectation or hope of compensation or reward,
  - (iii) to keep for sale, and

- (iv) to advertise or offer for sale;
- (cc.1) “special access drug” means a drug authorized for sale under the *Food and Drug Regulations*, C.R.C., c870, and identified as a special access drug by Health Canada’s Special Access Programme;
- (dd) “specialized pharmacy service” means a service other than a pharmacy service that is defined in the regulations as a specialized pharmacy service for the purposes of this Act.
- (2)** In this Act, a reference to “this Act” includes the regulations and bylaws made under this Act and codes of ethics and standards for the operation of licensed pharmacies adopted under this Act.

RSA 2000 cP-13 s1;2002 c24 s13;2005 c30 s2;  
2007 c18 s5;2008 c34 s37;2008 c38 s2;  
2013 c13 s2;2017 c22 s40

### Exemption

**2(1)** Subject to this section, nothing in this Act

- (a) applies to a person who is authorized by law to sell drugs to a pharmacist, physician, dentist, registered veterinarian, podiatrist or optometrist;
- (b) applies to a sale of drugs carried out in accordance with the *Animal Health Act*;
- (c) repealed 2005 c30 s3;
- (d) applies to a wholesale dealer who supplies drugs in the ordinary course of wholesale dealing, if the drugs are in sealed manufacturer’s packages.

**(2)** A person described in subsection (1)(a) or (d) must

- (a) provide to the registrar in writing the information required by the regulations,
- (b) keep records as required by the regulations, and
- (c) on request, produce information and records referred to in this subsection to the registrar, a field officer or the complaints director.

**(3)** If a person fails to comply with a request under subsection (2)(c), the college may apply to the Court of Queen’s Bench for an order directing that person to produce information and records referred to in subsection (2) to the registrar, field officer or complaints director.

(4) An individual who is authorized to compound or dispense a drug in the practice of a profession other than pharmacy under the *Health Professions Act*, another enactment regulating the practice of a health profession or the *Veterinary Profession Act* may compound or dispense a drug from premises other than a licensed pharmacy or an institution pharmacy, but only in accordance with that enactment.

(5) Nothing in subsection (4) authorizes an individual to

- (a) use a word or phrase the use of which is regulated by section 37, or
- (b) provide a pharmacy service other than incidentally to the practice of the profession as authorized under the *Health Professions Act*, the other enactment described in subsection (4) or the *Veterinary Profession Act*.

RSA 2000 cP-13 s2;2005 c30 s3;2007 cA-40.2 s76;  
2008 c38 s3;2009 c53 s131

#### **Licence required**

**3** Subject to section 4 and the regulations, no person shall provide a pharmacy service unless the service is provided

- (a) from a licensed pharmacy with an appropriate category of licence, and
- (b) in accordance with this Act and any conditions imposed on the licence.

RSA 2000 cP-13 s3;2005 c30 s4;2008 c38 s4

#### **Institution pharmacy**

**4(1)** An institution pharmacy is not required to be a licensed pharmacy to provide a pharmacy service to

- (a) patients of the hospital, nursing home, institution, facility or centre in which the institution pharmacy is located,
- (b) patients of a hospital, nursing home, institution, facility or centre described in section 1(1)(j) that is affiliated with the hospital, nursing home, institution, facility or centre in which the institution pharmacy is located, or
- (c) patients of a hospital, nursing home, institution, facility or centre described in section 1(1)(j) that has entered into an agreement with the hospital, nursing home, institution, facility or centre in which the institution pharmacy is located to provide for shared pharmacy facilities and services.

- (2) An institution pharmacy is not required to be a licensed pharmacy to compound or dispense
- (a) a special access drug,
  - (b) a drug to be added to a home parenteral therapy preparation, or
  - (c) a drug required by an individual who cannot readily obtain it from a community pharmacy or a satellite pharmacy.
- (3) Despite subsections (1) and (2), an institution pharmacy must be a licensed pharmacy with an appropriate category of licence
- (a) if a pharmacy service provided from the institution pharmacy is provided to persons other than patients, or
  - (b) if persons are charged for a pharmacy service or drug provided from the institution pharmacy.
- (4) For the purposes of this section, “patient” means an individual who receives a drug as part of a health service delivered by a hospital, nursing home, centre, institution or facility described in section 1(1)(j)(i) to (viii).

RSA 2000 cP-13 s4;2005 c30 s5;2008 c38 s5

## **Part 1 Licensed Pharmacies**

### **Licences**

- 5(1)** The following categories of licence may be issued under this Act:
- (a) a community pharmacy licence;
  - (b) a compounding and repackaging pharmacy licence;
  - (c) a mail order pharmacy licence;
  - (d) a satellite pharmacy licence.
- (2) A community pharmacy licence authorizes the provision of community pharmacy services from the community pharmacy that is the subject of the licence.
- (3) A compounding and repackaging pharmacy licence authorizes the provision of compounding and repackaging pharmacy services from a compounding and repackaging pharmacy that is the subject of the licence, but does not authorize the dispensing or selling of a

drug to or for a patient unless the licensee also holds a community pharmacy licence.

(4) A mail order pharmacy licence authorizes the provision of mail order pharmacy services from the community pharmacy that is the subject of the licence.

(5) A satellite pharmacy licence authorizes the provision of satellite pharmacy services by the community pharmacy that is the subject of the licence at the location stated on the licence.

(6) Only a clinical pharmacist may apply for a licence.

(7) An application to the registrar for a licence must be in the form required by the registrar.

(8) Only one licence in each category may be issued to a licensee with respect to a pharmacy, except that more than one satellite pharmacy licence may be issued with respect to a community pharmacy.

RSA 2000 cP-13 s5;2005 c30 s6;2008 c38 s6

#### **Issuance of licences**

**5.01(1)** The registrar may issue a licence referred to in section 5 to an applicant if the registrar is satisfied that

- (a) the applicant
  - (i) is a clinical pharmacist,
  - (ii) meets the licensing requirements set out in the regulations,
  - (iii) will personally manage, control and supervise the practice of pharmacy in the licensed pharmacy, and
  - (iv) will comply with this Act, any condition imposed on the licence and any order made under this Act,
- (b) the proprietor will act in accordance with this Act,
- (c) the pharmacy
  - (i) meets the requirements set out in the regulations, and
  - (ii) will be operated in compliance with this Act, any condition imposed on the licence and any order made under this Act,

- (d) the pharmacy services will be provided without undermining patient safety, the quality of patient care or the integrity of the drug distribution system,
  - (e) the applicant has paid the fees, dues and levies prescribed in the bylaws and any arrears or penalties, and
  - (f) in the case of an application for a satellite pharmacy licence, the patients who are expected to attend the satellite pharmacy require a pharmacy service that cannot be effectively provided in a community pharmacy, or if there is another reason, satisfactory to the registrar, that makes it necessary for those patients to receive a pharmacy service at a satellite pharmacy.
- (2)** With respect to each application for a licence, the applicant and the proprietor must each
- (a) provide a statutory declaration stating whether the applicant or proprietor has been convicted of an indictable offence related to misconduct, fraud or commercial matters within Canada or a similar offence outside Canada, and
  - (b) if so convicted, provide evidence satisfactory to the registrar of effective rehabilitation.
- (3)** The registrar must consider an application, make a decision and give the applicant a copy of the decision as soon as reasonably possible.
- (4)** The registrar must state on the licence the category of licence, the name of the licensee and the name and location of the pharmacy with respect to which the licence is issued and the date on which the licence expires.
- (5)** The registrar must enter in the register under this Act
- (a) the category of licence issued,
  - (b) the home address of the licensee,
  - (c) the business telephone and fax numbers and business mailing and e-mail addresses of the licensee,
  - (d) the name, mailing address and street address of the pharmacy in respect of which the clinical pharmacist is issued the licence, and of any proprietor of the pharmacy,

- (e) the name of any pharmacist employed or previously employed to engage in the practice of pharmacy within the pharmacy described in clause (d),
  - (f) any conditions imposed on the licence,
  - (g) any other information required under the regulations, and
  - (h) the date on which the licence expires.
- (6) The registrar may impose conditions on a licence in accordance with the regulations
- (a) at the time the licence is issued, or
  - (b) at another time if, in the registrar's opinion, the conditions are necessary to protect patient safety, the quality of patient care or the integrity of the drug distribution system.
- (7) A licence remains in effect for the term provided for in the bylaws.

2008 c38 s6

**Review of a decision**

- 5.1(1)** If an applicant is refused a licence under section 5.01 or the renewal of a licence under section 7 or is dissatisfied with a condition imposed on a licence, the applicant may, by written request to the registrar within 30 days of being notified of the refusal to issue or renew the licence or the imposition of a condition on a licence, request a review of the registrar's decision.
- (2) The written request under subsection (1) must state the name of the applicant, identify the decision in respect of which a review is requested and set out the reasons why the licence should be issued or renewed or why a condition should be varied or removed.
- (3) The council must establish a panel of 3 members of the council that includes a public member, as defined in the *Health Professions Act*, and schedule a review within 60 days of receipt of the written request for a review.
- (4) If a member designated under subsection (3) is not available or not capable of carrying out the powers and duties of a member, the panel may continue the review in which the member was participating and carry out its powers and duties with respect to that review.
- (5) A power or duty carried out by a panel of the council is a power or duty carried out by the council.



- (6) Two or more panels of the council may carry out their powers and duties simultaneously.
- (7) The applicant and the registrar may appear with or without counsel and make representations to the panel at a review.
- (8) On reviewing the decision pursuant to a request under subsection (1), the panel may confirm, reverse or vary the decision of the registrar and may direct the registrar to issue or renew a licence and may direct the conditions to be imposed on or removed from the licence.
- (9) The panel must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.
- (10) The college may, in accordance with the bylaws, charge a fee for a review.
- (11) A decision of a panel under this section is final.

2005 c30 s7;2008 c38 s7

#### **Registrar to maintain register**

- 6(1)** The registrar must maintain a register of the licensees and the pharmacies in respect of which licences are issued.
- (2) If a member of the public, during regular business hours, requests information on the register respecting a named licensed pharmacy, proprietor, licensee or regulated member employed within a licensed pharmacy, the college must provide the information described in section 5.01(5), except clause (b) of that subsection, with respect to the request.

RSA 2000 cP-13 s6;2005 c30 s8;2008 c34 s37;2008 c38 s8

#### **Renewal of licence**

- 7(1)** On application by the licensee, the registrar may renew a licence if the registrar is satisfied that
- (a) the licensee and the licensed pharmacy continue to meet the requirements of section 5.01,
  - (a.1) the licensee and proprietor have, in the current application, complied with section 5.01(2)(a) and, if applicable, have provided satisfactory evidence under section 5.01(2)(b),
  - (b) the information under section 5(5) pertaining to the licence is correct,
  - (c) the licensee has provided the information required by the regulations, and

- (d) the licensee has paid the renewal fee, dues and levies prescribed in the bylaws and any arrears or penalties.

**(1.1)** The registrar must consider the application, make a decision and give the applicant a copy of the decision as soon as reasonably possible.

**(2)** The registrar may, in accordance with the regulations, impose conditions on a renewed licence.

RSA 2000 cP-13 s7;2005 c30 s9;2008 c38 s9

#### **Display of licence**

**8** A licensee must display the licence in a conspicuous public part of the pharmacy that the licensee manages, controls and supervises.

1999 cP-7.3 s8

#### **Notice of pharmacy personnel**

**9** A licensee must, in accordance with the regulations, inform the registrar as to who is employed in the practice of pharmacy at the pharmacy and who is the proprietor of the pharmacy and must inform the registrar of any change with respect to the employees or the proprietor.

RSA 2000 cP-13 s9;2005 c30 s10

#### **Obligations of licensee**

**10(1)** A licensee must

- (a) ensure that the licensed pharmacy operates in accordance with this Act,
- (b) ensure that due diligence is exercised in the dispensing of drugs in accordance with the standards of practice under the *Health Professions Act* for the practice of pharmacy,
- (c) comply with any conditions imposed on the licence, and
- (d) ensure that
  - (i) all drugs dispensed to or for a patient are dispensed pursuant to a prescription that has been received by the pharmacy,
  - (ii) counselling in respect of a patient is conducted in accordance with the standards of practice under the *Health Professions Act* for the practice of pharmacy,
  - (iii) a patient or a patient's agent is able, with reasonable ease, to contact a clinical pharmacist who is engaged by the pharmacy,

- (iv) all required records are created and maintained in accordance with this Act,
- (v) the drugs being dispensed by or through the pharmacy meet the laws of Canada and Alberta,
- (vi) pharmacy services are provided by regulated members, and
- (vii) a pharmacist providing services within the practice of pharmacy does so under the management of the licensee.

**(1.1)** Records must be kept under the care and control of the licensee.

**(2)** A licensee must manage, control and supervise the operation of the licensed pharmacy.

**(3)** A licensee must report to the college any proprietor who directs, influences or attempts to direct or influence the management or operation of the licensed pharmacy in a way that contravenes or could result in the contravention of

- (a) this Act;
- (b) the *Health Professions Act*;

(b.1) Schedule 7.1 of the *Government Organization Act*;

- (c) any Act or regulation under an Act of the Legislature of Alberta or of the Parliament of Canada relating to the compounding or dispensing, manufacturing, sale, supply or distribution of drugs.

RSA 2000 cP-13 s10;2005 c30 s11;2008 c38 s10

#### **Proprietor's obligation**

**11(1)** A proprietor must maintain an address for notices and service in Alberta and must, in accordance with the regulations, inform the registrar of it and any changes to it.

**(2)** A proprietor shall not direct or influence or attempt to direct or influence the management or operation of a licensed pharmacy in any way that contravenes or could result in the contravention of

- (a) a condition imposed on the licence,
- (b) an order made under this Act,
- (c) this Act,

- (d) the Health Professions Act,
  - (e) Schedule 7.1 of the *Government Organization Act*, or
  - (f) any Act or any regulation under an Act of the Legislature of Alberta or the Parliament of Canada relating to the compounding, prescribing, dispensing, manufacturing, sale, supply or distribution of drugs.
- (3) A proprietor must ensure that all required records are created and maintained in accordance with this Act.
- (4) If a proprietor knows or has reason to believe that a licensee is acting in contravention of the licensee's obligations under section 10, the proprietor must report the alleged contravention to the registrar.

RSA 2000 cP-13 s11;2005 c30 s12;2008 c38 s11

#### **Pharmacist in attendance**

**11.1** Unless the regulations authorize otherwise, a licensee must ensure that there is always a pharmacist who is registered in either the clinical register category or the courtesy register category of the college's regulated members register present and supervising the practice of pharmacy at the licensed pharmacy when the public has access to the licensed pharmacy.

2005 c30 s13

#### **Practice visits**

**11.2** A licensee and a proprietor must co-operate with practice visits that are conducted in accordance with section 51 of the *Health Professions Act*.

2005 c30 s13

#### **Pharmacy lease**

**12(1)** If the premises in which a licensed pharmacy operates are leased, the rent payable in respect of the premises may not be based on a percentage of the revenue obtained from the sale of drugs sold pursuant to prescriptions.

(2) Repealed 2005 c30 s14.

RSA 2000 cP-13 s12;2005 c30 s14

#### **Identification of licensed pharmacy**

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

1999 cP-7.3 s13

#### **Licence terminates**

**14(1)** A licence terminates

- (a) on the death of a licensee,
- (b) if the licensee ceases to be responsible for the management, control or supervision of a licensed pharmacy,
- (b.1) subject to subsection (1.1), if the location of the pharmacy changes from the location indicated on the register under section 5(5)(b),
- (c) if the licensee's certificate of registration or practice permit issued under the *Health Professions Act* is suspended or cancelled under that Act,
- (d) if an order is made against the proprietor of a licensed pharmacy under section 26(1)(e),
- (e) if the proprietor of the pharmacy designated on the licence changes,
- (e.1) subject to subsection (1.2), if there is a change in a major shareholder of a proprietor that is a corporation, or
- (f) if the licence is cancelled pursuant to section 23(3).

**(1.1)** A licence does not terminate under subsection (1)(b.1) if the licensee has given the registrar advance notice in accordance with the regulations and the registrar has approved the change in location on being satisfied that the new pharmacy complies with this Act, any condition imposed on the licence and any order made under this Act.

**(1.2)** A licence does not terminate under subsection (1)(e.1) if the licensee has given the registrar advance notice in accordance with the regulations and the registrar has approved the change on being satisfied that the licensee and proprietor will comply with this Act, any condition imposed on the licence and any order made under this Act.

**(2)** Despite subsection (1), if a licence is terminated under subsection (1)(a), (b) or (c) and the proprietor or the proprietor's agent immediately places the pharmacy under the personal management, control and supervision of another clinical pharmacist, the registrar may grant permission to the proprietor to continue to operate the pharmacy for the period of time prescribed in the bylaws.

**(3)** The registrar may impose conditions on the permission granted under subsection (2).

**(4)** A pharmacist who operates a pharmacy under subsection (2)

- (a) may manage, control and supervise a pharmacy without a licence,
- (b) may carry out the powers of a licensee, and
- (c) must carry out the duties of a licensee, subject to any conditions imposed under subsection (3).

RSA 2000 cP-13 s14;2005 c30 s15;2008 c38 s12

#### **Suspension on default**

**15(1)** The registrar may suspend a licence if the licensee is in default in the payment of fees, penalties, costs, dues or levies payable under this Act on the expiration of the period specified in subsection (2) unless the licensee complies with a written notice served on the licensee personally or by certified mail.

**(2)** A notice under subsection (1) must state that the registrar may suspend the licence unless the licensee receives the fees, penalties, costs, dues or levies from the licensee within 30 days after the date of service of the notice.

1999 cP-7.3 s15

#### **Termination of licence issued in error**

**16** The registrar may terminate a licence issued in error.

1999 cP-7.3 s16

#### **Termination by request**

**17(1)** A licensee may request the registrar to terminate the licence.

**(2)** The registrar shall not terminate a licence at the licensee's request if a complaint has been made under this Act or the *Health Professions Act* relating to the licensee, the proprietor or the licensed pharmacy, unless the request for termination has been approved by the council.

1999 cP-7.3 s17

#### **Entry of suspension, termination, expiry in register**

**18(1)** The registrar must, when a licence is suspended or terminated, enter a memorandum of the suspension or termination in the register and, in the case of a suspension, indicate the terms of the suspension.

**(2)** If a licence has been suspended or terminated, the licensee must, on the request of the registrar, surrender the licence to the registrar.

1999 cP-7.3 s18

#### **Custodian**

**18.1** If

- (a) pharmacy services are no longer provided at the licensed pharmacy, or
- (b) the licensee does not comply with section 10(2),

the Court of Queen's Bench may, on application by the college, either without notice or on any notice that the Court requires, by order, appoint a pharmacist, the college or any other suitable person as custodian to have custody of the licensed pharmacy for the purpose of temporarily managing the licensed pharmacy.

2005 c30 s16

#### **Additional orders**

**18.2** In addition to appointing a custodian under section 18.1, the Court may, by order,

- (a) direct a sheriff to seize, remove and place in the custody of the custodian any or all of the property of the licensed pharmacy that is the subject of the order, and
- (b) authorize the sheriff to enter on land or premises or open any receptacle if there is reason to believe that property of the licensed pharmacy that is the subject of the order may be found on the land or premises or in the receptacle.

2005 c30 s16;2009 c53 s131

#### **Ancillary orders**

**18.3** The Court of Queen's Bench may, in an order under section 18.1 or on application at any later time, without notice or on any notice that the Court requires,

- (a) direct a holder of property of the licensed pharmacy that is the subject of an order under section 18.1 to deal with, hold, pay over or give the property to the custodian or to some other person the Court considers proper,
- (b) remove a custodian appointed by the order under section 18.1 and appoint another custodian,
- (c) give directions and advice to the custodian about the disposition of any or all of the property held by the custodian,
- (d) give directions as to the payment of the custodian's fees and the person by whom or property out of which they are to be paid, or
- (e) give directions or make further orders as the situation requires.

2005 c30 s16

**Prompt service of order**

**18.4(1)** Unless otherwise directed, an order under section 18.1, 18.2 or 18.3 must be promptly served on the licensee whose licensed pharmacy is the subject of the order.

**(2)** The recipient of an order under section 18.1, 18.2 or 18.3, whether or not that person is the subject of the order, shall not dispose of any property that is the subject of the order unless directed to do so by the custodian or by order of the Court.

2005 c30 s16

**Examination and disposal of property and information**

**18.5(1)** A custodian must make reasonable attempts to provide information to patients of the licensed pharmacy whose property is under the control of the custodian, including

- (a) information that the custodian has been appointed, the effect of the appointment and how the patients' needs will be met, and
- (b) if appropriate, information and property that the patients are entitled to claim.

**(2)** If the custodian is satisfied that a patient or other person is entitled to any information or property that is the subject of an order or direction under section 18.1, 18.2 or 18.3, the custodian may deliver the information and property to the patient or other person entitled to it.

2005 c30 s16

**Modification or revocation of orders**

**18.6** A licensee with respect to a licensed pharmacy, or a proprietor of a licensed pharmacy, that is the subject of an order under section 18.1, 18.2 or 18.3 may apply to the Court of Queen's Bench at any time to have the order modified or terminated.

2005 c30 s16

**Custodian's fees and expenses**

**18.7(1)** The fees, costs and expenses of the custodian must be paid out of the property of the licensed pharmacy with respect to which the custodian is appointed and over which the custodian has authority, unless the Court otherwise directs.

**(2)** If the property is insufficient to pay the fees, costs and expenses of the custodian, the amount unpaid is a debt due to the college if the college has paid the fees, costs and expenses, or any of them, and may be recovered by the college in a civil action for debt.

2005 c30 s16



## 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, pharmaceutical mixer or tablet punch or die, as those terms may be defined in the regulations, and any other equipment prescribed by the regulations.

2016 c12 s2

### Pharmaceutical equipment

**18.81(1)** No person shall own, operate or possess designated equipment unless that person holds a licence or is a proprietor or is exempt under subsection (2).

**(2)** The following are exempt from subsection (1):

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

2016 c12 s2

### Regulations

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

- (a) prescribing types of equipment as designated equipment for the purposes of section 18.8;
- (b) defining terms for the purposes of section 18.8;
- (c) respecting the granting, cancellation and suspension of permits for any activity under this Part;
- (d) respecting the charging of fees for any permit issued under this Part;
- (e) designating persons or classes of persons as being exempt from section 18.81(1);
- (f) respecting the seizure, removal, return, sale and destruction of designated equipment;

- (g) respecting any matter that the Lieutenant Governor in Council considers necessary and advisable to carry out effectively the content and purpose of this Part.

2016 c12 s2

## **Part 2 Protection of the Public and Discipline**

### **Definitions**

**19** In this Part,

- (a) repealed 2008 c38 s13;
- (b) “substance” means any object or thing, including drugs and prescription containers.

RSA 2000 cP-13 s19;2008 c38 s13

### **Field officers**

**20(1)** The registrar

- (a) may appoint one or more field officers for the purposes of this Act, and
- (b) must provide identification for the field officers in accordance with the regulations.

**(2)** The registrar is a field officer for the purposes of this Act.

1999 cP-7.3 s20

### **Inspection or investigation**

**21(1)** Any record required to be created or maintained and any substance required to be kept under this Act, the *Health Professions Act*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada) or the regulations under those Acts must be available for inspection by a field officer.

**(2)** A field officer may, at any reasonable time, enter a licensed pharmacy and inspect the operation and records of the licensed pharmacy for the purpose of determining whether this Act is being complied with.

**(3)** Where a field officer has reasonable grounds to believe that a person has committed an offence under this Act or the regulations, the field officer, or a person authorized by the registrar, may, at any reasonable time, enter any premises, other than a private dwelling place, to conduct an investigation.

**(4)** On entering a licensed pharmacy or other premises, a field officer must, on request, produce identification provided for by the regulations.

**(5)** In carrying out an inspection or investigation a field officer may, at any reasonable time,

- (a) require any person to answer any relevant question and direct the person to answer the question under oath,
- (b) demand the production for examination of any records that are relevant to the inspection or investigation,
- (c) inspect and take samples of any substance in the licensed pharmacy or premises,
- (d) on giving a receipt for them, remove records and substances that are relevant to the inspection or investigation for the purpose of examining them, performing tests on them and making copies of them, and
- (e) make copies or take photographs of any record removed under clause (d).

**(6)** If a field officer removes any records or substances during an inspection or investigation, the field officer

- (a) must give a receipt for the records or substances to the person from whom they were taken, and
- (b) must return substances, if possible, and must return any records, within a reasonable time after they have served the purposes for which they were taken.

**(7)** On request, a field officer must provide a copy of any records removed during an inspection or investigation to the person from whom they were taken.

**(8)** The licensee or proprietor and any person engaged by the proprietor must co-operate with an inspection or investigation.

**(9)** The registrar, on the request of a field officer, may apply to the Court of Queen's Bench for

- (a) an order directing any person
  - (i) to produce to the field officer any records or substances relevant to the inspection or investigation in the person's possession or under the person's control,

- (ii) to give up possession of any record described in subclause (i) to allow the field officer to take it away to examine and copy it and perform tests on it and to return it within a reasonable time, and
- (iii) to give up possession of any substance described in subclause (i) to allow the field officer to take it away to examine it and perform tests on it and to return it, if possible, within a reasonable time,

and

- (b) an order directing any person to attend before the field officer to answer any relevant inquiries the field officer may have relating to the inspection or investigation.

**(10)** An application for an order under subsection (9) may be made without notice if the Court is satisfied that it is proper to make the order in the circumstances.

RSA 2000 cP-13 s21;2008 c38 s14

#### **Field officer's report**

**22(1)** A field officer must notify the registrar, as soon as practicable, of any perceived or apparent misconduct on the part of a proprietor or licensee.

**(2)** Within 90 days after completing an inspection or conducting an investigation, a field officer must

- (a) give a report to the registrar, licensee and proprietor setting out the findings of the inspection or investigation,
- (b) decide and advise the registrar, licensee and proprietor whether or not the results of the inspection or investigation were satisfactory, and
- (c) if the registrar has been notified under subsection (1), advise the proprietor and licensee of the notification.

**(2.1)** If the results of an inspection or investigation were not satisfactory, the field officer may direct the licensee or proprietor or both to undertake specified actions to ensure compliance with this Act.

**(2.2)** If a licensee or a proprietor has received a direction pursuant to subsection (2.1), the licensee or proprietor must comply with the direction.

- (3) On being notified under subsection (1) or on receipt of a report under subsection (2), the registrar may make a complaint in accordance with section 23 or 24.
- (4) On receiving a direction pursuant to subsection (2.1), a licensee or proprietor may, by written request to the registrar within 30 days of receipt of the direction, request a review of the direction.
- (5) The written request under subsection (4) must state the name of the applicant, identify the direction in respect of which a review is requested and set out the reasons why the direction should be reversed or varied.
- (6) The council must establish a panel of 3 members of the council that includes a public member, as defined in the *Health Professions Act*, and schedule a hearing within 60 days of receipt of the written request for a review.
- (7) If a member designated under subsection (6) is not available or not capable of carrying out the powers and duties of a member, the panel may continue the review in which the member was participating and carry out its powers and duties with respect to that review.
- (8) A power or duty carried out by a panel of the council is a power or duty carried out by the council.
- (9) Two or more panels of the council may carry out their powers and duties simultaneously.
- (10) The applicant and the field officer may appear with or without counsel and make representations to the panel at a review.
- (11) On reviewing the direction pursuant to a request under subsection (4), the panel may
- (a) confirm, reverse or vary the direction of the field officer and make any direction that the field officer could have made,
  - (b) refer the matter back to the field officer and direct the field officer to make a further assessment and make a direction under subsection (2.1), and
  - (c) make any further order the panel considers necessary for the purposes of carrying out its decision.
- (12) The panel must conduct the review as soon as reasonably possible and on making a decision must give the applicant, the field officer and the registrar a copy of its decision with the reasons for the decision.

(13) The college may, in accordance with the bylaws, charge a fee for a review.

(14) A decision under this section is final.

RSA 2000 cP-13 s22;2005 c30 s17;2008 c38 s15

#### **Regulated member complaints**

**23(1)** A complaint about the alleged misconduct of a regulated member must be made to the complaints director in accordance with the *Health Professions Act* and must be dealt with in accordance with Part 4 of that Act.

(2) Misconduct under this Act by a regulated member constitutes unprofessional conduct under the *Health Professions Act*.

(3) In addition to the orders that a hearing tribunal may make under Part 4 of the *Health Professions Act*, a hearing tribunal may make any one or more of the following orders:

- (a) suspend or cancel a licence under this Act;
- (b) impose conditions, in accordance with the regulations under this Act, on a licence under this Act;
- (c) direct that periodic inspections of the licensed pharmacy be conducted by a field officer at the cost of the regulated member;
- (d) direct that periodic audits of drugs be conducted by a field officer at the cost of the regulated member;
- (e) order that no regulated member may engage in the practice of pharmacy in the licensed pharmacy for the period of time set by the order;
- (f) order that conditions be imposed on the operation of the licensed pharmacy;
- (g) order that the regulated member pay the costs of the college associated with the enforcement of an order made under clauses (b) to (f).

(4) If a licence is suspended or cancelled by an order referred to in subsection (3), the registrar must note the suspension or cancellation on the register under this Act.

RSA 2000 cP-13 s23;2005 c30 s18

#### **Conditions, suspension during proceedings**

**23.1(1)** If a complaint has been made under section 23 or 24, a person or committee designated by the council may, on the

recommendation of the complaints director or the hearing tribunal, in accordance with the regulations,

- (a) impose conditions on the licence, or
- (b) suspend the licence,

until the completion of proceedings under this Part.

(2) A licensee or proprietor may apply to the Court of Queen's Bench for an order staying a decision by a person or committee under subsection (1).

(3) A copy of an application under subsection (2) must be served on the registrar.

2005 c30 s19;2009 c53 s131

#### **Non-pharmacist proprietor complaints**

**24(1)** A complaint about the alleged misconduct of a proprietor who is not a regulated member must be made to the complaints director in accordance with the requirements of the *Health Professions Act*.

(2) A complaint may be made under subsection (1) within 2 years from a licence being terminated under this Act or the former Act or a proprietor ceasing to be a proprietor, and the complaint may be dealt with as if the termination or ceasing to be a proprietor had not occurred.

(3) Sections 55 to 95, except sections 65, 80 and 82, of the *Health Professions Act* apply where a complaint is made under this section.

(4) For the purposes of the sections referred to in subsection (3), the proprietor who is the subject of the complaint must be treated as an investigated person is treated under the *Health Professions Act*.

(5) A hearing tribunal may find that the conduct of the proprietor who is the subject of the complaint does or does not constitute misconduct.

(6) A hearing tribunal may make an order under section 26 of this Act.

(7) If a hearing tribunal is of the opinion that there are reasonable and probable grounds to believe that the proprietor who is the subject of a complaint has committed a criminal offence, the hearing tribunal must direct the hearings director to send a copy of the written decision to the Minister of Justice and Solicitor General and on the request of the Minister of Justice and Solicitor General

also send a copy of the record of the hearing in accordance with section 80(2) of the *Health Professions Act*.

RSA 2000 cP-13 s24;2005 c30 s20;2013 c10 s34

#### **Vicarious misconduct**

**25** If a person employed by a proprietor or by an agent of a proprietor commits a misconduct with the express or implied consent of the proprietor, that consent constitutes misconduct by the proprietor.

1999 cP-7.3 s25

#### **Orders of tribunal**

**26(1)** If a hearing tribunal finds that the conduct of a proprietor constitutes misconduct, the hearing tribunal may make any one or more of the following orders:

- (a) caution the proprietor;
- (b) reprimand the proprietor;
- (c) direct that periodic inspections of the licensed pharmacy be conducted by a field officer at the cost of the proprietor;
- (d) direct that periodic audits of drugs be conducted by a field officer at the cost of the proprietor;
- (e) order that no regulated member may engage in the practice of pharmacy in the licensed pharmacy for the period of time set by the order;
- (f) order that conditions be imposed on the operation of the licensed pharmacy;
- (g) if the proprietor is an individual, direct that the proprietor pay to the college within the time set by the order a fine not exceeding \$10 000 for each finding of misconduct or \$50 000 in the aggregate for all findings of misconduct;
- (h) if the proprietor is not an individual, direct that the proprietor pay to the college within the time set by the order a fine not exceeding \$75 000 for each finding of misconduct;
- (i) direct, subject to the regulations, that the proprietor pay within the time set by the order all or part of the costs of the investigation or hearing.

**(2)** If the person ordered to pay a fine or costs fails to pay within the time set by the order, the hearing tribunal may order that no



regulated member may engage in the practice of pharmacy in the licensed pharmacy until the fine or costs, or both, are paid.

(3) The hearing tribunal may make any ancillary order that is required or appropriate in connection with any order referred to in subsection (1) or may make any other order it considers appropriate.

(4) A fine or costs ordered to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.

RSA 2000 cP-13 s26;2008 c34 s37

#### Information on orders

**27** If an order is made pursuant to section 23 or 26, the registrar

- (a) must enter the information on the register,
- (b) must provide the information to the regional health authority of the health region where services are normally provided by the pharmacy,
- (c) must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for services provided by the pharmacy,
- (d) must provide the information to another college if the registrar knows that the proprietor is a member of that college, and
- (e) subject to the regulations, may publish or distribute the information.

1999 cP-7.3 s27

#### Collection, use and disclosure of information

**27.1(1)** In this section,

- (a) “health information” means health information as defined in the *Health Information Act*;
- (b) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

(2) The registrar may collect and use information, including personal information and health information, acquired under this Act for the purposes of protecting or enhancing patient safety, the quality of patient care or the integrity of the drug distribution system.

- (3) Information, including personal information and health information, may be collected from or disclosed to
- (a) a body that regulates pharmacies in another jurisdiction,
  - (b) a body that regulates pharmacists in another jurisdiction,
  - (c) a body that regulates health professionals other than pharmacists in Alberta or in another jurisdiction,
  - (d) a law enforcement agency,
  - (e) the Government of Alberta or any agency of the Government, or
  - (f) the government of Canada or of any province or territory of Canada or any agency of the government of Canada or of a province or territory of Canada

for the purposes of protecting or enhancing patient safety, the quality of patient care or the integrity of the drug distribution system.

2008 c38 s16

#### **Reciprocal agreements**

**27.2(1)** The Minister may enter into agreements with any government, government agency or body referred to in section 27.1(3) or any other person or group of persons that regulates pharmacists or pharmacies

- (a) respecting any matter relating to the administration or enforcement of this Act, or
- (b) respecting the reciprocal enforcement of this Act and legislation in another jurisdiction.

(2) The Minister may make regulations respecting reciprocal enforcement agreements that may be entered into by the college with a body that regulates pharmacies or pharmacists in another jurisdiction.

2008 c38 s16

## **Part 3 Regulations and Bylaws**

#### **Council regulations**

**28(1)** The council may make regulations

- (a) respecting licensing, except the term of a licence;

- (a.1) respecting requirements and applications for licences and renewal of licences;
- (a.2) respecting licences, including limitations on a category of licence and the requirements that a pharmacy must meet;
- (a.3) exempting a person, or any class of persons, from the requirement of section 3;
- (b) respecting imposing conditions on a licence;
- (c) respecting the keeping of the register required under this Act and prescribing information that must be entered in the register;
- (d) respecting requirements that apply to the identification of a licensed pharmacy described in section 13 and the prescription department and the dispensary and patient services areas of a licensed pharmacy;
  - (d.1) respecting the operation of a licensed pharmacy;
  - (d.2) respecting the storage of drugs, blood products, parenteral nutrition and health care products, aids and devices in a pharmacy;
  - (d.3) respecting information management systems in pharmacies and the keeping of records by licensees and proprietors;
  - (d.4) respecting the termination of licences and the conduct of reviews;
- (e) respecting the physical facilities and space required for the prescription department of a licensed pharmacy;
- (f) respecting the supply of drugs that must be kept in a licensed pharmacy;
- (g) respecting advertising the services offered by a licensed pharmacy;
- (h) respecting the identification of field officers;
- (i) respecting the circumstances in which a licensed pharmacy may be temporarily without a pharmacist registered in either the clinical register category or the courtesy register category of the college's regulated members register and imposing conditions on the practice of pharmacy in the licensed pharmacy when such a pharmacist is not present;

- (i.1) respecting permanent and temporary closure of licensed pharmacies;
  - (i.2) respecting the imposition of conditions on and the suspension of licences under section 23.1;
  - (j) respecting the costs payable on the conclusion of an investigation, a hearing or an appeal;
  - (k) respecting the publication of information about orders made under section 23 or 26;
  - (l) respecting specified actions under section 22(2.1);
  - (m) respecting the information and notices and advice that are required by Part 1 to be submitted to the registrar;
  - (n) respecting the approval of bylaws;
  - (o) repealed 2005 c42 s3;
  - (p) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that has not been defined in this Act;
  - (p.1) respecting the creation and maintenance of records for the purposes of this Act;
  - (p.2) respecting the types of records that constitute records for the purpose of section 1(1)(z.1);
  - (q) repealed 2005 c30 s21;
  - (r) respecting specialized pharmacy services;
  - (s) respecting information and records for the purposes of section 2(2).
- (2)** Repealed 2005 c30 s21.
- (3)** A regulation under this section does not come into force unless it is approved by the Lieutenant Governor in Council.

RSA 2000 cP-13 s28;2005 c30 s21;2005 c42 s3;2008 c38 s17

#### **Bylaws**

**29(1)** The council may, in accordance with the regulations, make bylaws

- (a) prescribing the fees, dues and levies payable to the college respecting licences and reviews;

- (b) respecting the term of a licence;
- (c) authorizing the carrying out, under this Act, of any power or duty of the college under the *Health Professions Act* that is not inconsistent with this Act;
- (d) prescribing the period of time during which a licensed pharmacy may continue to operate under section 14(2);
- (e) authorizing the council to establish the form in which information required under this Act is to be provided and to establish any other forms for the purposes of this Act;
- (f) providing for the delegation of any power or duty of the council, the registrar, the complaints director or a field officer under this Act, with or without conditions, except the power to make or amend regulations under section 28 or bylaws under this section;
- (g) respecting the development or adoption of a code of ethics and standards for the operation of licensed pharmacies.

(2) The *Regulations Act* does not apply to a bylaw made under this section.

RSA 2000 cP-13 s29;2005 c30 s22

#### **Code of ethics, standards for the operation of licensed pharmacies**

**29.1(1)** The council may, in accordance with procedures set out in the bylaws, develop or propose the adoption of a code of ethics and standards for the operation of licensed pharmacies.

(2) The college must make available, for review and comment, a copy of a proposed code of ethics and proposed standards for the operation of licensed pharmacies to

- (a) its regulated members,
- (b) proprietors,
- (c) the Minister, and
- (d) any other person the council considers necessary.

(3) A council may adopt a code of ethics and standards for the operation of licensed pharmacies after it has reviewed and considered the comments received from a review described in subsection (2).

(4) The *Regulations Act* does not apply to codes of ethics and standards for the operation of licensed pharmacies approved under this section.

(5) The college must ensure that copies of the code of ethics and standards for the operation of licensed pharmacies adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.

2005 c30 s23

## Part 4 Drugs

**30** Repealed 2008 c38 s18.

### Schedule 1 drugs

**31(1)** Schedule 1 drugs are

- (a) the drugs set out in a Schedule to the *Controlled Drugs and Substances Act* (Canada),
- (b) the drugs set out in the Prescription Drug List, and
- (c) the drugs designated as Schedule 1 drugs pursuant to section 34.

(2) Schedule 1 drugs may

- (a) be, subject to subsection (3), compounded, dispensed or sold only pursuant to a prescription, and
- (b) in a licensed pharmacy, be compounded, dispensed, provided for sale or sold only in the dispensary, and
- (c) in a licensed pharmacy, be stored only in the dispensary or other secure site authorized by the standards for the operation of licensed pharmacies adopted under section 29.1.

(3) Repealed 2013 c13 s3.

RSA 2000 cP-13 s31;2005 c30 s25;2013 c13 s3

### Schedule 2 drugs

**32(1)** Schedule 2 drugs are

- (a) the drugs designated as Schedule 2 drugs pursuant to section 34, and

- (b) unless provided otherwise by regulation under section 34, the drugs removed from the Prescription Drug List and approved for non-prescription sale in Canada.

**(2)** Schedule 2 drugs may

- (a) be compounded, dispensed, provided for sale or sold only in a licensed pharmacy or an institution pharmacy,
- (b) be compounded, dispensed, provided for sale or sold only by or under the direct supervision of a pharmacist,
- (c) in a licensed pharmacy, be compounded, dispensed, provided for sale or sold only in the dispensary, and
- (d) in a licensed pharmacy, be stored only in the dispensary or other secure site authorized by the standards for the operation of licensed pharmacies adopted under section 29.1.

- (3)** No regulated member or proprietor shall, in advertising a Schedule 2 drug, make a representation other than with respect to the name, price and quantity of the drug.

RSA 2000 cP-13 s32;2005 c30 s26;2008 c34 s37;2013 c13 s4

**Schedule 3 drugs**

- 33(1)** Subject to the regulations under section 34, Schedule 3 drugs are the drugs designated as Schedule 3 drugs pursuant to section 34.

**(2)** Schedule 3 drugs may

- (a) be compounded, dispensed, provided for sale or sold only in a licensed pharmacy or an institution pharmacy, and
- (b) in a licensed pharmacy, be compounded only in the dispensary,
- (c) in a licensed pharmacy, be dispensed, provided for sale or sold only in the prescription department, and
- (d) in a licensed pharmacy, be stored only in the prescription department or other secure site authorized by the standards for the operation of licensed pharmacies adopted under section 29.1.

- (3)** No regulated member or proprietor shall, in advertising a Schedule 3 drug, make a representation other than with respect to the name, price and quantity of the drug.

RSA 2000 cP-13 s33;2005 c30 s27;2008 c34 s37

**Ministerial regulations**

**34(1)** The Minister may, after consulting with the council, make regulations respecting the designation of drugs, other than drugs described in section 31(1)(a) or (b), as Schedule 1, 2 or 3 drugs.

**(2)** In addition to or instead of making a regulation under subsection (1), the Minister may, after consulting with the council, declare the whole or a part of

- (a) a list in an enactment of Alberta or of another jurisdiction, or
- (b) a code, standard or list published by an organization,

that designates drugs and copies of which are available, to be in force with any variations that the Minister specifies and either as that list in the enactment or that code, standard or list, or the part of it, exists on a specified day or as amended from time to time.

RSA 2000 cP-13 s34;2007 c18 s5

## **Part 5 Offences and Penalties**

**Licence obtained by false statement**

**35** A person who obtains or attempts to obtain a licence by knowingly making a false statement, either oral or written, is guilty of an offence and a person who authorizes, permits or acquiesces in such an offence is also guilty of an offence.

1999 cP-7.3 s35

**Operation of a pharmacy without a licence**

**36(1)** A person who operates a licensed pharmacy while the licence is suspended is guilty of an offence.

**(2)** Subject to section 4(1) and (2) and regulations made under section 28(1)(a.3),

- (a) a person who operates a pharmacy but does not hold a licence, or does not hold the appropriate category of licence, is guilty of an offence;
- (b) a person who operates a pharmacy but does not comply with the conditions of a licence is guilty of an offence.

RSA 2000 cP-13 s36;2005 c30 s28;2008 c38 s19

**Prohibited use of word or phrase**

**37** No person except a licensee or proprietor may use the word or phrase pharmacy, pharmaceutical dispensary, drug store, apothecary or drug or any similar word or phrase, alone or in



combination with other words, in a manner that states or implies that premises or a business is a pharmacy unless the premises or business is a licensed pharmacy or an institution pharmacy.

RSA 2000 cP-13 s37;2008 c38 s20

#### **Offences**

**38** A person who contravenes section 2(2), 3, 10(2) or (3), 11(4), 12, 18.81(1), 30, 31(2), 32(2), 33(2) or (3) or 37 is guilty of an offence.

RSA 2000 cP-13 s38;2005 c30 s29;  
2008 c38 s21;2016 c12 s3

#### **Penalties**

**39(1)** A person who is guilty of an offence under this Act, other than an offence under section 18.81, 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.

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

RSA 2000 cP-13 s39;2016 c12 s4

#### **Penalties – pharmaceutical equipment offences**

**39.1(1)** A person who is guilty of an offence under section 18.81(1) 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 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment, 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 1 year or to both fine and imprisonment.

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

2016 c12 s5

**Liability of proprietor and licensee**

**40** 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.

1999 cP-7.3 s40

**Injunction**

**41(1)** The Court of Queen's Bench, on application by the council, may make an order directing a person to comply with this Act and may grant an injunction enjoining any person from doing any act that constitutes an offence under this Act notwithstanding any penalty that may be provided by this Act in respect of that offence.

**(2)** The Court of Queen's Bench may include terms respecting the seizure, removal and disposition of drugs when granting an injunction under this section.

RSA 2000 cP-13 s41;2005 c30 s30;2009 c53 s131

## **Part 6**

### **General Provisions**

**Protection from liability**

**42(1)** No action lies against any of the following in respect of anything done or omitted to be done in good faith under this Act:

- (a) the college or an officer or employee of the college, the members of the council or a field officer;
- (b) a member of the council or of a committee or another person exercising powers or carrying out duties in accordance with this Act or under Part 4 of the *Health Professions Act* with respect to a complaint under this Act;
- (c) a person acting on the instructions of a person or entity referred to in clause (a) or (b);
- (d) a licensee who makes a report under section 10(3);
- (e) the Minister, an employee under the administration of the Minister, an agent of the Minister or a person contracted by the Minister.

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

- (a) the college or an officer or employee of the college or a field officer,

- (b) a member of the council or of a committee or another person carrying out powers and duties under Part 4 of the *Health Professions Act*, or
- (c) a person acting on the instructions of a person or entity referred to in clause (a) or (b),

in good faith in relation to an inspection, inquiry, investigation or proceeding under this Act or the *Health Professions Act* with respect to a complaint under this Act.

RSA 2000 cP-13 s42;2005 c30 s31;2008 c34 s37;2008 c38 s22

#### **Licence continued**

**43** A pharmacy licence issued under the former Act is deemed to be a licence under this Act until it terminates in accordance with this Act.

1999 cP-7.3 s43

#### **Applications, complaints and proceedings continued**

**44(1)** An application for a pharmacy licence under the former Act that is not concluded when this Act comes into force must be concluded in accordance with the former Act as if this Act had not come into force.

**(2)** For the purposes of subsection (1), the powers and duties of the Registrar under the former Act are vested in and may be exercised by the registrar of the college.

**(3)** Any complaint made after this Act comes into force that relates to the conduct of a proprietor who is not a pharmacist occurring all or partly before the coming into force of this Act must be dealt with in accordance with the former Act.

**(4)** Any proceedings relating to a complaint made before the coming into force of this Act that relates to a proprietor who is not a pharmacist that have not been concluded before the coming into force of this Act must be concluded in accordance with the former Act.

**(5)** For the purposes of subsections (3) and (4), the powers and duties

- (a) of the Infringement Committee under the former Act are vested in and may be exercised by the complaints director,
- (b) of the Appeals Committee under the former Act are vested in and may be exercised by the complaint review committee of the college established under the *Health Professions Act*,

- (c) of the Investigating Committee under the former Act are vested in and may be exercised by a hearing tribunal,
- (d) of the Registrar under the former Act are vested in and may be exercised by the complaints director, and
- (e) of the Council under the former Act are vested in and may be exercised by the council of the college.

**(6)** Despite subsection (5), if proceedings referred to in subsection (4) that have not been concluded before the coming into force of this Act are a hearing before the Investigating Committee or an appeal before the Council under the former Act, the hearing or appeal must continue to be dealt with as if this Act had not come into force and the former Act had not been repealed, and the members of the Investigating Committee and the members of the Council under the former Act continue as the Investigating Committee and the Council for the purposes of the hearing or appeal until it is concluded, a decision is made and an order, if any, is made.

**(7)** A decision or order of the Investigating Committee, Appeals Committee, Council or council pursuant to subsection (3), (4), (5) or (6) is deemed to be a decision or order made in accordance with this Act.

**(8)** A pharmacy licence issued under subsection (1) is deemed to be a licence issued, subject to the same conditions, under this Act.

**(9)** In this section, “proceedings” means all of the procedures that are available under the former Act to investigate or inquire into conduct and resolve a complaint, including any of the following that relate to the investigation, inquiry or complaint:

- (a) receipt of complaints;
- (b) consideration of complaints;
- (c) deliberations;
- (d) consultations;
- (e) investigations;
- (f) inquiries;
- (g) reports;
- (h) hearings;

- (i) findings;
  - (j) decisions;
  - (k) reviews;
  - (l) appeals;
  - (m) orders;
  - (n) any other act of an administrative or quasi-judicial nature.
- 1999 cP-7.3 s44

#### **Transitional regulations**

**45(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under the former Act, including the interpretation of any transitional provision in this Act;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from the former Act.

**(2)** A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

**(3)** If there is a conflict between a regulation made under subsection (1) and section 44, the regulation prevails.

**(4)** A regulation made under subsection (1) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) two years after the regulation comes into force.

**(5)** The repeal of a regulation under subsection (4)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

1999 cP-7.3 s45

#### **Inspectors continued**

**46** An inspector appointed under the former Act is deemed to be a field officer under this Act until a successor is appointed.

1999 cP-7.3 s46

**Part 7**  
**Consequential Amendments,  
Repeals and Coming into Force**

**47 to 48** *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

**Repeal**

**49** The *Pharmaceutical Profession Act* is repealed on Proclamation.

1999 cP-7.3 s49

**Coming into force**

**50** This Act comes into force on Proclamation.

1999 cP-7.3 s50

*(NOTE: Proclaimed in force April 1, 2007.)*





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