

CHAPTER 241

PHARMACY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 25 of 1987

Amended by

Act No. 52 of 1991

Act No. 43 of 1992

Act No. 12 of 1995

ARRANGEMENT OF SECTIONS

1. Short title.
 2. Interpretation.
 3. Establishment of the Pharmacy Council.
 4. Procedure, etc., of the Council.
 5. Functions of the Council.
 6. Register of Pharmacists.
 7. Pharmacists to be registered.
 8. Certificates of registration to be displayed.
 9. Disciplinary proceedings.
 10. Consequences of disciplinary proceedings.
 11. Publication of notice of suspension, etc., in the *Gazette*.
 12. Power to remove name from Register on account of disability.
 13. Correction of entries in Register.
 14. Procedure after non-payment of annual registration fee by due date.
 15. Appeals to Judge in Chambers.
 16. Certification of premises.
 17. Registration of premises.
 18. Duration of certificate.
 19. Cancellation or suspension of certificate.
 20. Publication of specified drugs and poisons.
 21. Requirements in connection with sales of poison.
 22. Sale, etc., of drugs.
 23. Exemptions for certain premises.
 24. Restriction on opening of pharmacy.
 - 24A. Pharmacist shall not dispense prescription drug without prescription or instructions from practitioner.
 - 24B. Stock books.
 - 24C. Record forms generally.
 25. Use of titles forbidden unless registered.
 26. Inspectors, their powers, etc.
 27. Power of the Council to make regulations.
 28. Evidence by certificate of examination or analysis of sample.
 29. Offences and general penalty.
 30. Indemnity.
 31. Expenditure.
 32. Saving of other Acts.
- Schedule

CHAPTER 241 PHARMACY ACT

An Act to provide for the establishment of the Pharmacy Council, to regulate the registration and practice of pharmacists, and for connected matters.

[Act No. 25 of 1987 amended by Act No. 52 of 1991, Act No. 43 of 1992, Act No. 12 of 1995.]

[1st December, 1988.]

1. Short title

This Act may be cited as the Pharmacy Act.

2. Interpretation

In this Act—

“authorised seller of poisons” means a person appointed and registered as such in pursuance of regulations made under section 27(1)(d);

“Council” means the Pharmacy Council established under section 3;

“dentist” means a person registered in the Dental Register under the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act, Chapter 189;

“dispense” means the supplying of—

- (a) drugs on and in accordance with a prescription given by a medical practitioner, a dentist or a veterinary surgeon; or
- (b) the special drugs authorised by the Minister of Health to be prescribed by a registered family nurse practitioner;

“drug” means any substance or mixture of substances manufactured, sold, represented for use, or used in—

- (a) the diagnosis, treatment, alleviation or prevention of any disease, disorder, abnormal physical or mental state, or the symptoms thereof in human, animal or other biologically active species;
- (b) the restoration, correction or modification of organic functions in human, animal or other biologically active species;
- (c) the disinfection of premises where food is manufactured, prepared or stored, or the disinfection of water, air or equipment; and any substance or mixture of substances in common use when used or intended to be used as a drug;

“inspector” means a pharmacist appointed under section 26 to be an inspector;

“medical practitioner” means a person registered in the Medical Register under the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act, Chapter 189;

“midwife” means a person registered in the register of certified midwives pursuant to the Midwives Act, Chapter 194;

“Minister” means the Minister responsible for health;

“nurse” means a person registered in the register of nurses pursuant to the Nurses Registration Act, Chapter 214;

“pharmacist” means a person whose name appears in the Register of Pharmacists;

“pharmacy” means the business of a pharmacist and, where the context so admits, any premises where drugs, medicines, chemical substances and poisons are stored, compounded, dispensed, or sold or distributed by retail;

“poison” means any substance, whether a drug or not, that is dangerous to the health or life of any human or animal or other living thing and is specified as a poison by regulations made under section 27(1)(c);

“practice” means the performance of any function in the capacity of a pharmacist;

“Registrar” means the Registrar appointed under section 3 of the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act, Chapter 189;

“secretary” means the person for the time being performing the functions of secretary of the Council;

“veterinary surgeon” means a person registered in the Veterinary Surgeons Register under the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act, Chapter 189.

3. Establishment of the Pharmacy Council

There is established a body called the Pharmacy Council which shall comprise the following members—

- (a) the Chief Medical Officer;
- (b) the Chief Pharmacist;
- (c) one medical practitioner appointed by the Minister after consultation with the Grenada Medical Association;
- (d) one medical practitioners appointed by the Minister in his or her discretion;
- (da) one attorney-at-law admitted to practise in Grenada appointed by the Minister;
- (e) two pharmacists appointed by the Minister after consultation with the Pharmaceutical Association;
- (f) one pharmacist appointed by the Minister after consultation with the Grenada Chamber of Industry and Commerce; and
- (g) one agricultural officer appointed by the Minister after consultation with the Minister responsible for agriculture.

4. Procedure, etc., of the Council

(1) The Council may appoint such committees of its members as it thinks fit for the proper discharge of its functions, and may include therein persons who are not members of the Council and may delegate to a committee such functions as it considers necessary.

(2) Members of the Council shall hold office for a term of two years but shall be eligible for re-appointment.

(3) The Council shall elect from among its members a chairperson for a term of two years.

(4) In the absence of the chairperson from a meeting of the Council, the members present shall elect one of their number to preside at the meeting.

(5) Five members of the Council shall constitute a quorum for the transaction of business.

(6) The Council shall be responsible for making such other rules of procedure as it considers necessary for the transaction of business.

(7) The funds of the Council shall consist of such grants as may, from time to time, be made to it for the purposes of this Act.

(8) The Council shall in each year prepare and submit to the Minister, on or before the thirty-first day of March, a report of its proceedings during the twelve months ending on the thirty-first day of December in the preceding year.

(9) The Council shall, on or before the thirty-first day of October in each year, submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of January next and ending on the thirty-first day of December following.

(10) Members of the Council are entitled to such remuneration or allowances as the Minister of Finance, by Order, provides.

(11) The Chief Pharmacist shall, in addition to his or her other duties under this Act, perform the duties of secretary of the Council.

5. Functions of the Council

The functions of the Council shall be—

- (a) to decide matters relating to the registration of pharmacists;
- (b) to ensure the maintenance of high standards of practice and conduct of pharmacists;
- (ba) to set standards for the education and training of pharmacists;
- (c) to decide matters relating to the appointment and registration of persons as authorised sellers of poisons, in accordance with the regulations;
- (d) to make recommendations to the Minister with a view to achieving compliance with the requirements of this Act;
- (e) to decide matters relating to the registration of pharmacies;
- (f) to decide matters relating to the making of regulations under section 27;
- (g) to perform the duties that it is required by this Act to perform.

6. Register of Pharmacists

(1) The Registrar shall keep and maintain a register to be known as the Register of Pharmacists in which shall be entered the names and such particulars as may be prescribed of pharmacists registered under the provisions of this Act.

(2) The Register shall be available for inspection by members of the public at all reasonable times and a copy of the Register of Pharmacists shall be published in the *Gazette* by the Registrar at such times as may be prescribed.

7. Pharmacists to be registered

(1) No person shall engage in the practice of pharmacy unless he or she is registered as a pharmacist under this Act.

(2) If a person—

- (a) satisfies the Council that he or she—
 - (i) possesses the prescribed qualifications,
 - (ii) has attained the age of twenty-one years, and
 - (iii) is of good character;

- (b) makes application for registration to the Council in the manner approved by the Council; and
- (c) pays the registration fee prescribed,

he or she shall be entitled to be registered as a pharmacist.

(3) A registered pharmacist desiring to remain registered shall pay annually such fee for the renewal of his or her registration as is prescribed.

8. Certificates of registration to be displayed

No person shall carry on the business of a pharmacy unless there is conspicuously displayed on the premises—

- (a) a certificate of registration of the premises issued under section 16; and
- (b) a current certificate of registration of the pharmacist in charge of the pharmacy.

9. Disciplinary proceedings

(1) The Council may take disciplinary action against a pharmacist who has been convicted of an offence under this Act or has been guilty of professional misconduct.

(2) Professional misconduct is the wilful performance of an act, or the wilful omission to do an act, that is considered by the Council to be an act or, as the case may be, an omission inconsistent with the professional ethics and standards of competence reasonably to be expected of a pharmacist.

(3) Proceedings for the purposes of subsection (1) shall be instituted in the name “The Secretary of the Council”.

10. Consequences of disciplinary proceedings

(1) Where the Council, at the conclusion of disciplinary proceedings, is satisfied that a person has committed an act of professional misconduct or been convicted of an offence under this Act, it may—

- (a) censure him or her;
- (b) suspend his or her registration for a period not exceeding two years; or
- (c) in writing direct the Registrar to remove his or her name from the Register of Pharmacists.

(2) If the Council thinks fit, it may, in writing, direct the Registrar to restore to the Register a name that has been removed therefrom under this section or section 12 or 14.

(3) The Council may, in writing, direct a pharmacist whose name has been removed from the Register to return to the Registrar the certificate of his or her registration; and the pharmacist shall comply with the direction.

11. Publication of notice of suspension, etc., in the *Gazette*

The Registrar, as soon as possible after—

- (a) the suspension of the registration of a pharmacist;
- (b) the removal of a name from the Register; or
- (c) the restoration of a name to the Register,

shall publish a notice of the suspension, removal or restoration in the *Gazette*.

12. Power to remove name from Register on account of disability