

dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83 dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93

and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994, 386-95 dated 22 March 1995, 1179-95 dated 30 August 1995, 1638-95 dated 13 December 1995, 323-96 dated 13 March 1996, 759-96 dated 19 June 1996, 1287-96 and 1288-96 dated 9 October 1996, is further amended in section 22 by striking out in paragraph *k*. 1, after the word “dentist”, the following: “, except in the case of a service referred to in subparagraph *i* rendered to a beneficiary under 10 years of age”.

**2.** This Regulation comes into force on 2 January 1997.

1042

### Draft Regulation

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

#### Manufacturers and wholesalers of medications — Conditions of recognition

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized, the text of which appears below, may be made by the Minister of Health and Social Services upon the expiry of 15 days following this publication.

Under section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a period shorter than the 45-day period provided for in section 11 of that Act by reason of the urgency due to the following circumstances:

— the proposed measures must come into force on 1 January 1997, that is, on the same date as the list of medications drawn up under section 60 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32) and the basic prescription drug insurance plan;

— manufacturers of medications have been informed of the measures proposed by this draft Regulation and some of them have already submitted, in respect of medications that will appear on the list, guaranteed selling prices that differ depending on whether the medications will be sold to wholesalers or to pharmacists;

— furthermore, the application of the proposed measures forces the Régie de l'assurance-maladie du Québec to prepare amendments respecting the reimbursement of the cost of medications to pharmacists, taking into account the implementation of an interactive system for the basic prescription drug insurance plan.

The purpose of the draft Regulation is to make the concordance amendments required by the coming into force of the Act respecting prescription drug insurance and amending various legislative provisions.

It is also intended to allow a manufacturer of medications to submit, for the drawing up of the list of medications, different guaranteed selling prices for pharmacists and for wholesalers of medications.

The proposed amendment will regularize certain practices that are already in current use in other provinces. Manufacturers will be required to submit to the Minister a guaranteed selling price for wholesalers, from which, in particular, the distribution allowances granted under the other provincial medication programs will be deducted.

Furthermore, enabling Québec wholesalers to acquire certain products at prices similar to those paid by their Ontario competitors will enhance competitiveness. However, the difference in the wholesalers' and the pharmacists' guaranteed selling prices must not be too great. For this reason, the draft Regulation proposes to limit that difference to 9 %, i.e. the maximum profit margin presently in force for wholesalers.

Finally, the draft Regulation is also intended to prescribe that the profit margin of a wholesaler of medications may be limited to \$20 for medications whose guaranteed selling price is at least \$400. The increasing number of expensive medications entered on the list of medications makes it necessary to reconsider the systematic application to such modifications of a fixed percentage as a profit margin, where such a percentage generates an amount disproportionate to the actual distribution cost.

The proposed amendment will have a positive impact on the beneficiaries of the basic prescription drug insurance plan, on the Régie de l'assurance-maladie du Québec and on private insurers.

Further information may be obtained by contacting Mr. Marquis Nadeau, Conseil consultatif de pharmacologie, 1125, chemin Saint-Louis, 8<sup>e</sup> étage, Sillery (Québec), G1S 1E7, tel.: (418) 643-3140, fax: (418) 646-8349.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,  
*Minister of Health  
and Social Services*

## **Regulation to amend the Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized**

An Act respecting prescription drug insurance and amending various legislative provisions  
(1996, c. 32, s. 80)

**1.** The Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized, made by Order of the Minister of Health and Social Services No. 92-06 dated 6 July 1992, is amended by substituting “drawn up under section 60 of the Act respecting prescription drug insurance and amending various legislative provisions” for “provided for in section 4 of the Health Insurance Act (R.S.Q., c. A-29)”, “provided for in section 4 of the Health Insurance Act” and “provided for in section 4 of the Act” in paragraphs 1, 5 and 6 of section 2 and section 1 of Schedule I.

**2.** Schedule I is amended

(1) by substituting the following for subparagraph 2 of the second paragraph of section 1:

“(2) it may differ for sales to pharmacists or to wholesalers, but such difference may not exceed 9 %;” and

(2) by substituting “by section 53 of the Act respecting prescription drug insurance and amending various legislative provisions” for “by section 39 of the Health Insurance Act” in section 3.

**3.** The words “under section 58 of the Act respecting prescription drug insurance and amending various legislative provisions” are substituted for “under the second paragraph of section 40 of the Health Insurance Act (R.S.Q., c. A-29), enacted by section 572 of Chapter 42 of the Statutes of 1991” and “under the second paragraph of section 40 of the Health Insurance Act” in paragraph 1 of section 4 and in section 6 of Schedule I and in section 4 of Schedule II.

**4.** The following paragraph is added at the end of section 2 of Schedule II:

“The profit margin shall be limited to a maximum amount provided for in respect of certain medications entered on the list of medications drawn up under section 60 of the Act respecting prescription drug insurance and amending various legislative provisions.”.

**5.** Subparagraph 2 of the second paragraph of section 1 of Schedule I and the second paragraph of section 2 of Schedule II to the Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized, made by paragraph 1 of section 2 and section 4 of this Regulation, respectively, apply to commitments made by manufacturers or wholesalers of medications before the date of coming into force on this Regulation.

**6.** This Regulation comes into force on 1 January 1997.