tions. To calculate the professional allowances received by an owner pharmacist, the cost to acquire equipment referred to in this subparagraph may be spread over a reasonable number of years subsequent to the acquisition, taking into account the service life of the equipment; and

(5) the remuneration of pharmacists and pharmacy technical assistants assigned to maintaining or improving the delivery of professional services to promote the optimal use of medications, in particular the preparation and implementation of pharmaceutical care plans.

The limit set in this section is a maximum amount per generic drug manufacturer for a given pharmacy and a given year, corresponding to 20% of the total value of the sales by the manufacturer of generic drugs on the list of medications to an owner pharmacist or, as the case may be, to each owner pharmacist, for that same year, under the basic prescription drug insurance plan.

The expiry date set in this section is the last day of the sixth month following the end of the year in which the reduction, rebate, discount, premium, good, service, gratuity or other benefit was granted, paid or provided to the owner pharmacist.

For the purposes of the third and fourth paragraphs, "year" means a fiscal year of the pharmacy.

3. For the purposes of this Regulation, a good or service provided by a manufacturer of innovative drugs to an owner pharmacist or paid by such a manufacturer for the benefit of the owner pharmacist is an authorized benefit other than a professional allowance, provided that the good or service is used exclusively for one of the following purposes:

(1) the carrying out of training and continuing education programs and activities in Québec intended to upgrade the scientific knowledge or professional skills of pharmacists and pharmacy technical assistants. The cost of the programs or activities and their frequency must be reasonable in relation to the nature of the activities offered;

(2) the carrying out of activities intended for the general public that take place in the pharmacy concerning the promotion or protection of health, disease prevention and the communication of information on diseases or medications, and that are based on scientific grounds. The cost of the activities, their frequency and the number of patients involved per pharmacy must be reasonable in relation to the nature of the activities offered;

(3) the supply of educational equipment and material used in the pharmacy and intended to improve the management of chronic diseases and services to train in the reading of devices required for that purpose, in particular devices to measure arterial pressure, glycemia or used for asthma management or anticoagulant therapy, including the relevant software but excluding the purchase or rental of computers. The goods supplied may not constitute an inventory of devices or materials intended for sale at retail.

4. An owner pharmacist must keep a record of all the professional allowances and other benefits authorized under this Regulation, including any other benefit received by the pharmacist, directly or indirectly, from a manufacturer.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8153

Draft Regulation

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Conditions on which manufacturers and wholesalers of medications are recognized — Amendments

Notice is hereby given, in accordance with sections 10 and 11 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, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make the consequential amendments required by the coming into force of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

It also modifies the maximum profit margin that applies to drug wholesalers.

The proposed amendment will reduce some of the distortions that have appeared in the drug market and decrease the considerable disparity in the profit margins of wholesalers, which ranges from 5.00% to 7.15% without that difference necessarily reflecting a different level of services.

Lastly, the draft Regulation specifies, for the purposes of the basic prescription drug insurance plan (public plan and private plans), what benefits granted by a drug manufacturer to a pharmacist are authorized under the Act respecting prescription drug insurance (R.S.Q., c. A-29.01).

Further information may be obtained by contacting:

— as regards the consequential amendments and the profit margin of wholesalers:

André Comeau
Conseil du médicament
1195, avenue Lavigerie, 1er étage, bureau 100
Québec (Québec) G1V 4N3
Telephone: 418 643-3140
Fax: 418 646-8349

— as regards the benefits authorized for pharmacists:

Guy Simard
Direction de l'actuariat et de l'analyse des programmes
Régie de l'assurance maladie du Québec
1125, Grande Allée Ouest, 8e étage
Québec (Québec) G1S 1E7
Telephone: 418 682-3921
Fax: 418 643-7312

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,
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
(R.S.Q., c. A-29.01, s. 80; 2005, c. 40, s. 27)

1. The Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized is amended by replacing paragraph 3 of section 2 by the following:

"(3) he must hold a permit or licence issued under subsection 55(1) of the Controlled Drugs and Substances Act (S.C. 1996, c. 19) and be an authorized distributor holding a permit for the importation, production or sale of drugs and controlled substances issued under that subsection;".

2. Schedule I is amended in section 1

(1) by replacing "9" in subparagraph 2 of the second paragraph by "7";

(2) by replacing the third paragraph by the following:

"The guaranteed selling price is the price that a buyer must pay for a drug. It is reduced by the value of any reduction granted by the manufacturer as a rebate, discount or premium and by the value of any good or service provided without consideration to a buyer by the manufacturer, other than professional allowances or other benefits authorized under the Regulation respecting the benefits authorized for pharmacists **.".

3. Schedule I is amended in section 2

(1) by replacing paragraph 2 by the following:

"(2) the manufacturer may grant a discount for a payment made within 30 days following the purchase, provided that the discount does not exceed 2% of the net price;";

* The Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized, made by Order 92 06 dated 6 July 1992 (1992, *G.O.* 2, 3263) of the Minister of Health and Social Services, was last amended by the regulation made by Minister's Order 1999 dated 28 April 1999 (1999, *G.O.* 2, 1289). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

** The Regulation was published as a draft on page 1555.

(2) by replacing paragraph 4 by the following:

"(4) no reduction in the price of a drug may be granted to a buyer or an intermediary, including a wholesaler, a commercial name or a chain of pharmacies for the attainment of a fixed purchase volume for a given period, and no good or service may be provided without consideration or reduction as a rebate, discount or premium, other than a professional allowance or other benefit authorized for an owner pharmacist within the meaning of the Regulation respecting the benefits authorized for pharmacists, or a professional allowance for an owner pharmacist who deals through a wholesaler, a commercial name or a chain of pharmacies that is paid in whole to the owner pharmacist, and other than a discount referred to in paragraph 2;";

(3) by replacing "property given without consideration and no reduction given in the form of a rebate, discount or premium" in paragraph 5 by "good provided without consideration or reduction as a rebate, discount or premium, other than a professional allowance or other benefit authorized under the Regulation respecting the benefits authorized for pharmacists,".

4. Schedule I is amended by inserting the following after section 2:

"**2.1.** The manufacturer undertakes to reimburse to the Board an amount corresponding to the value of any reduction as a rebate, discount or premium, of any good, service or gratuity or of any other benefit granted to an owner pharmacist that is not a professional allowance or other authorized benefit within the meaning of the Regulation respecting the benefits authorized for pharmacists or a discount referred to in paragraph 2 of section 2. The manufacturer also undertakes to pay to the Board a sum corresponding to 20% of that amount as administrative expenses.

2.2. The generic drug manufacturer undertakes to send the Board an annual report on or before 1 March for the preceding calendar year giving the detail of the reductions as rebates, discounts or premiums, the gratuities, goods, services or any other benefit, other than the discount referred to in paragraph 2 of section 2, granted by the manufacturer to each owner pharmacist in Québec. The report must also state the value of all the sales of generic drugs on the list of medications that are sold directly to owner pharmacists or indirectly through wholesalers, a commercial name or a chain of pharmacies, under the basic prescription drug insurance plan. If a pharmacist owns more than one establishment, the data must be detailed by establishment. If a pharmacy is owned by a partnership of pharmacists or a joint-stock company, the data must be detailed by partnership or company and, where applicable, by establishment.

The manufacturer agrees to the Board sending the report to the Ministère de la Santé et des Services sociaux, the Conseil du médicament and the Ministère du Revenu du Québec. The manufacturer also undertakes to provide those departments and that body, on request, and the Board with all additional information they may require in relation to the content of the report.".

5. The English text of paragraph 5 of section 1 of Schedule II is replaced by the following:

"(5) no good may be provided without consideration and no reduction as a rebate, discount or premium may be granted to a buyer;".

6. Schedule II is amended by replacing "9" in the first paragraph of section 2 by "7".

7. The English text of the title of the Regulation is replaced by the following:

"Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications".

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8161

Draft Regulation

General and Vocational Colleges Act
(R.S.Q., c. C-29)

College education
— Amendments

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 College Education Regulations, appearing below, may be made by the Government on the expiry of 21 days following this publication.

The purpose of the draft Regulation is to modify certain conditions of admission to college studies to reflect the new rules governing certification of studies set out in the basic regulations for secondary education.

Under section 12 of the Regulations Act, the Regulation may be made within a shorter period than the period provided for in section 11 of that Act, by reason of the urgency owing to the following circumstances: