



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 41

(2011, chapter 37)

An Act to amend the Pharmacy Act

Introduced 15 November 2011
Passed in principle 22 November 2011
Passed 8 December 2011
Assented to 9 December 2011

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EXPLANATORY NOTES

This Act amends the Pharmacy Act to add to the activities reserved to pharmacists the renewal of prescriptions for a specified period, the adjustment of prescriptions, the substitution of another medication in the case of a complete disruption in the supply of the prescribed medication in Québec, the administration of medications to demonstrate proper usage, the prescription of certain medications when no diagnosis is required and, for pharmacists practising in a centre operated by a health or social services institution, the prescription and interpretation of laboratory analyses.

LEGISLATION AMENDED BY THIS ACT:

- Health Insurance Act (R.S.Q., chapter A-29);
- Professional Code (R.S.Q., chapter C-26);
- Pharmacy Act (R.S.Q., chapter P-10).

Bill 41

AN ACT TO AMEND THE PHARMACY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PHARMACY ACT

1. Section 10 of the Pharmacy Act (R.S.Q., chapter P-10) is amended

(1) by replacing “second paragraph” in subparagraph *a* of the first paragraph by “second and third paragraphs”;

(2) by adding the following subparagraphs at the end of the first paragraph:

“(g) establish standards for the form and content of pharmacists’ prescriptions within the scope of the activities described in subparagraphs 6, 7, 8 and 10 of the second paragraph of section 17 and the activity described in the third paragraph of that section;

“(h) determine conditions and procedures for the activities described in subparagraphs 6 to 10 of the second paragraph of section 17;

“(i) determine the cases in which a pharmacist may prescribe a medication under the third paragraph of section 17, as well as the applicable conditions and procedures.”;

(3) by inserting the following paragraph after the second paragraph:

“Before adopting a regulation under subparagraphs *g* to *i* of the first paragraph, the board of directors shall consult the Ordre professionnel des médecins du Québec.”

2. Section 17 of the Act is amended

(1) by replacing subparagraph 6 of the second paragraph by the following subparagraphs:

“(6) renewing a physician’s prescription, in accordance with the conditions and procedure determined by regulation, to avoid the interruption of the treatment prescribed to the patient by the physician; the renewal period cannot be longer than the original prescription period or, if the original prescription period was longer than one year, the renewal period cannot exceed one year;

“(7) adjusting a physician’s prescription, in accordance with the conditions and procedure determined by regulation, by modifying the form, dosage, quantity or directions of the prescribed medication;

“(8) in the case of a complete disruption in the supply of the prescribed medication in Québec, substitute another medication from the same therapeutic subclass, in accordance with the conditions and procedure determined by regulation;

“(9) administering a medication by oral, topical, subcutaneous, intradermal or intramuscular route or by inhalation, in accordance with the conditions and procedure determined by regulation, in order to demonstrate proper usage;

“(10) for pharmacists practising in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), prescribing and interpreting laboratory analyses for the purpose of monitoring the medication therapy, in accordance with the conditions and procedure determined by regulation.”;

(2) by adding the following paragraphs at the end:

“Despite the first paragraph, prescribing a medication when no diagnosis is required, including for preventive purposes, in the cases and in accordance with the conditions and procedure determined by regulation, is also reserved to pharmacists.

A pharmacist may engage in the professional activities described in subparagraphs 7, 8 and 9 of the second paragraph once a training certificate has been issued to the pharmacist by the Order pursuant to a regulation under paragraph *o* of section 94 of the Professional Code (chapter C-26).”

3. Section 35 of the Act is amended by replacing “second paragraph” in the first paragraph by “second and third paragraphs”.

HEALTH INSURANCE ACT

4. Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “, a dentist or a midwife” in the fourth paragraph by “, a dentist, a midwife or another professional authorized by law or a regulation under subparagraph *b* of the first paragraph of section 19 of the Medical Act”.

PROFESSIONAL CODE

5. Section 39.3 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “subparagraph 5” in the third paragraph by “subparagraphs 5 and 10”.

FINAL PROVISION

- 6.** The provisions of this Act come into force on the date or dates to be set by the Government.