



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 148
(2017, chapter 26)

**An Act to regulate generic medication
procurement by owner pharmacists and
to amend various legislative provisions**

**Introduced 5 October 2017
Passed in principle 14 November 2017
Passed 23 November 2017
Assented to 23 November 2017**

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EXPLANATORY NOTES

This Act provides that an owner pharmacist may not, in a calendar year, procure generic medications from the same manufacturer in excess of 50% of the monetary value of all the generic medications purchased by the pharmacist during that year; subject to certain exceptions. To that end, the Act enacts the Regulation to govern generic medication procurement by owner pharmacists.

The Act also requires every owner pharmacist to send the Régie de l'assurance maladie du Québec an annual report of purchases for each brand of generic medications purchased.

Penal sanctions are introduced for cases where an owner pharmacist fails to comply with these provisions.

Lastly, the Act includes technical and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting prescription drug insurance (chapter A-29.01);
- Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services (2016, chapter 28).

REGULATION ENACTED BY THIS ACT:

- Regulation to govern generic medication procurement by owner pharmacists (2017, chapter 26, section 13).

Bill 148

AN ACT TO REGULATE GENERIC MEDICATION PROCUREMENT BY OWNER PHARMACISTS AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

1. The Act respecting prescription drug insurance (chapter A-29.01) is amended by inserting the following section after section 8.1.2:

“8.1.3. An owner pharmacist must send the Board an annual report of purchases for each brand of generic medications entered on the list of medications purchased by the pharmacist during a calendar year. The report must be sent not later than 1 March of the following calendar year.”

2. Section 60.0.5 of the Act is amended by inserting the following sentence after the first sentence of the first paragraph: “The Minister may also, for the same reasons and in the same manner, suspend the application of the regulatory provisions enacted under paragraph 4.1 of section 80 governing generic medication procurement by owner pharmacists.”

3. Section 80 of the Act is amended by inserting the following paragraph after paragraph 4:

“(4.1) govern the procurement by owner pharmacists, from the same manufacturer, of generic medications entered on the list of medications; and”.

4. Section 80.2 of the Act is amended by replacing “a benefit authorized by regulation or a discount or, in the case of a wholesaler, a profit margin not provided for in the commitment” in paragraph 6 by “a discount, profit margin or other benefit authorized by regulation or provided for in the commitment, as the case may be”.

5. Section 80.5 of the Act, enacted by section 50 of chapter 28 of the statutes of 2016, is amended by replacing “or section 8.1.2” in the first paragraph by “, section 8.1.2 or section 8.1.3”.

6. Section 84.2.2 of the Act is amended by adding the following paragraph at the end:

“The same applies to an accredited manufacturer or wholesaler who contravenes section 60.0.6.”

7. The Act is amended by inserting the following section after section 84.3:

“84.3.0.1. An owner pharmacist who contravenes a provision of a regulation made by the Minister under paragraph 4.1 of section 80 is guilty of an offence and is liable to a fine of \$10,000 to \$100,000.”

8. Section 85 of the Act is amended by replacing “section 84.7” by “sections 84.3.0.1 and 84.7”.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

9. Section 2.0.13 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), enacted by section 65 of chapter 28 of the statutes of 2016, is amended

(1) in the second paragraph,

(a) by replacing “or mandates given to a third person” by “, mandates given to a third person, reports or other documents”;

(b) by inserting “or according to the appropriate model” after “on the appropriate form”;

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

“In addition, the Board may require that registers kept for the purposes of an Act, regulation or program referred to in the first paragraph be kept according to the model the Board provides.”;

(3) by inserting “and models” after “forms” in the third paragraph.

10. Section 20.1 of the Act is amended by replacing “or a drug manufacturer or wholesaler accredited by the Minister” by “, a drug manufacturer or wholesaler accredited by the Minister, or an intermediary”.

11. Section 40.1 of the Act is amended by striking out “section 22 or 70.0.1 of” in paragraph *d.3*.

ACT TO EXTEND THE POWERS OF THE RÉGIE DE L'ASSURANCE
MALADIE DU QUÉBEC, REGULATE COMMERCIAL PRACTICES
RELATING TO PRESCRIPTION DRUGS AND PROTECT ACCESS TO
VOLUNTARY TERMINATION OF PREGNANCY SERVICES

12. Section 81 of the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services (2016, chapter 28) is amended by replacing “sixth” by “seventh”.

REGULATION TO GOVERN GENERIC MEDICATION PROCUREMENT
BY OWNER PHARMACISTS

13. The Regulation to govern generic medication procurement by owner pharmacists, the text of which appears below, is enacted.

“REGULATION TO GOVERN GENERIC MEDICATION
PROCUREMENT BY OWNER PHARMACISTS

1. Subject to the second paragraph, an owner pharmacist may not, in a calendar year, procure generic medications entered on the list of medications from the same manufacturer in excess of 50% of the monetary value of all the generic medications purchased by the pharmacist during that year.

The purchase limit may be exceeded by a maximum of 5 percentage points during a calendar year. In such a case, the 50% purchase limit is reduced accordingly the following calendar year. However, the 50% limit may not be exceeded the calendar year following the one in which it was reduced.”

MISCELLANEOUS AND FINAL PROVISIONS

14. The Regulation to govern generic medication procurement by owner pharmacists, enacted by section 13, is deemed to have been made by the Minister under paragraph 4.1 of section 80 of the Act respecting prescription drug insurance (chapter A-29.01), enacted by section 3.

15. This Act comes into force on 23 November 2017, except section 9, which comes into force on 7 December 2017.