



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 31
(2020, chapter 4)

**An Act to amend mainly the Pharmacy
Act to facilitate access to
certain services**

**Introduced 13 June 2019
Passed in principle 31 October 2019
Passed 17 March 2020
Assented to 17 March 2020**

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EXPLANATORY NOTES

This Act makes amendments to add activities reserved to pharmacists in the practice of pharmacy.

The Act specifies that pharmacists may, in certain cases or in accordance with the conditions and procedure determined by regulation,

(1) prescribe and administer vaccines and, in emergency situations, certain other medications;

(2) prescribe all over-the-counter medications;

(3) prescribe any medication following a consultation request from a medication prescriber or in the context of advanced practice in partnership;

(4) assess the physical and mental condition of a person to ensure the proper use of medications;

(5) administer a medication by intranasal route;

(6) take specimens by introducing an instrument in the pharynx;

(7) adjust or renew prescriptions of all prescribers, not only those of physicians;

(8) stop medication therapy;

(9) in several situations, substitute, for a prescribed medication, another medication even if it does not belong to the same therapeutic subclass; and

(10) prescribe and interpret not only laboratory analyses but also any other test, to ensure the proper use of medications.

The Act also provides that the cost of prescription and administration services related to vaccination will be universally assumed by the Régie de l'assurance maladie du Québec for persons covered by the Québec Immunization Program.

Lastly, the Act extends the 15% limit regarding the professional allowance that pharmacists may receive to all products whose generic name is entered on the list of medications covered by the basic prescription drug insurance plan.

LEGISLATION AMENDED BY THIS ACT:

- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01);
- Pharmacy Act (chapter P-10).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5);
- Regulation respecting benefits authorized for pharmacists (chapter A-29.01, r. 1);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);
- Regulation respecting the administration of medication by pharmacists (chapter P-10, r. 3.1);
- Regulation respecting the prescription of a medication by a pharmacist (chapter P-10, r. 18.2).

REGULATION REPEALED BY THIS ACT:

- Règlement sur les activités de formation des pharmaciens pour l'ajustement d'une ordonnance d'un médecin et la substitution d'un médicament prescrit (chapter P-10, r. 1.2, French only).

Bill 31

AN ACT TO AMEND MAINLY THE PHARMACY ACT TO FACILITATE ACCESS TO CERTAIN SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PHARMACY ACT

1. Section 10 of the Pharmacy Act (chapter P-10) is amended

(1) by inserting “and subparagraph 3 of the third paragraph” after “paragraph” in subparagraph *h* of the first paragraph;

(2) by inserting “subparagraph 2 of” after “under” in subparagraph *i* of the first paragraph;

(3) by inserting “and the other interested professional orders” after “Québec” in the third paragraph.

2. Section 17 of the Act is amended

(1) in the second paragraph,

(a) by inserting the following subparagraph after subparagraph 1:

“(1.1) assessing the physical and mental condition of a person to ensure the proper use of medications;”;

(b) by replacing subparagraphs 5 to 10 by the following subparagraphs:

“(5) taking specimens by introducing an instrument in the pharynx;

“(6) renewing a prescription to avoid interruption of the treatment prescribed to a patient; the renewal period may not be longer than the original prescription period or, if the original prescription period is longer than one year, the renewal period may not exceed one year;

“(7) starting, adjusting or stopping a patient’s medication therapy;

“(8) substituting another medication for a prescribed medication in the following cases:

(a) there is a disruption in the supply of the prescribed medication in Québec;

(b) there is a problem relating to its administration;

(c) it poses a risk to the patient's safety;

(d) it is officially withdrawn from the Canadian market; in such a case, the substitution may occur not earlier than three months before the date of the withdrawal; or

(e) it is not available in the context of the activities of an institution;

“(9) administering a medication by oral, topical, subcutaneous, intranasal, intradermal or intramuscular route or by inhalation in the following cases:

(a) to demonstrate proper use of the medication;

(b) for vaccination purposes; or

(c) in an emergency situation;

“(10) prescribing and interpreting laboratory analyses or other tests, to ensure the proper use of medications.”;

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

“Despite the first paragraph, the activity of prescribing a medication is also reserved to pharmacists in the following cases:

(1) it is an over-the-counter medication determined in a regulation made under section 37.1 and the patient's clinical situation or any other circumstance so warrants;

(2) no diagnosis is required; or

(3) it is prescribed following a consultation request or in the context of advanced practice in partnership.”;

(3) by replacing “subparagraphs 7, 8 and 9” in the fourth paragraph by “subparagraph 9”.

HEALTH INSURANCE ACT

3. Section 3 of the Health Insurance Act (chapter A-29) is amended

(1) by inserting “or 71” after “section 70” in subparagraph *b* of the third paragraph;

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

“The Board also assumes, in accordance with the provisions of this Act and the regulations, the cost of the services determined by regulation that are required for pharmaceutical reasons and furnished by pharmacists and the cost of medications and supplies, as well as the cost of the related profit margin of a wholesaler accredited in accordance with the Act respecting prescription drug insurance (chapter A-29.01), in the cases determined by regulation, on behalf of every insured person.”

4. The Act is amended by inserting the following sections after section 3.1:

“**3.2.** For the purposes of the fourth paragraph of section 3, where the Board assumes the cost of an accredited wholesaler’s profit margin relating to medications the cost of which is assumed by another body, the Board must publish on its website the list, provided by the Minister, of such medications, including their cost and any related accredited wholesaler’s profit margin.

“**3.3.** The Minister determines, after consultation with the accredited wholesalers, the terms and conditions applicable to them with respect to the distribution to pharmacists of the medications referred to in section 3.2.

The Minister also determines which information must be provided to the Minister by an accredited wholesaler concerning that distribution and when it must be provided.”

5. Section 10 of the Act is amended by inserting “as well as the cost of services and medications determined by regulation and provided to an insured person” after “Act respecting prescription drug insurance (chapter A-29.01),” in the second paragraph.

6. The Act is amended by inserting the following section after section 22.0.0.1:

“**22.0.0.2.** A pharmacist, other than a pharmacist practising in an institution, must post in public view a list of services, medications and supplies that are insured in accordance with the fourth paragraph of section 3.”

7. Section 37 of the Act is repealed.

8. Section 69 of the Act is amended by inserting the following subparagraphs after subparagraph *e.2* of the first paragraph:

“(e.3) determine the cases in which the Board assumes the cost of a medication or a supply and the related wholesaler’s profit margin for the purposes of the fourth paragraph of section 3;

“(e.4) determine the services and medications the cost of which is assumed by the Board for the purposes of the second paragraph of section 10;”.

9. Section 71 of the Act is amended by replacing “fourth” in the introductory clause by “third”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

10. Section 22 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by replacing the fourth paragraph by the following paragraph:

“For the purposes of the third paragraph,

(1) the payment for pharmaceutical services or medications for which a pharmacist is claiming payment or has obtained payment includes a payment claimed or obtained from an insurer or an employee benefit plan administrator for any medication whose generic name is entered on the list of medications drawn up by the Minister under section 60;

(2) any benefit received by a pharmacist is presumed, in the absence of any evidence to the contrary, to have been received in connection with pharmaceutical services or medications for which the pharmacist has claimed or received payment.”

11. Section 84.5 of the Act is replaced by the following section:

“84.5. Every person who, by an act or omission, helps or, by encouragement, advice or consent or by an authorization or an order, induces another person to commit an offence under this Act is guilty of an offence and is liable to the same penalty as that prescribed for the offence that the person helped or induced the other person to commit.”

REGULATION RESPECTING THE APPLICATION OF THE HEALTH INSURANCE ACT

12. Section 60 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended, in the first paragraph,

(1) by replacing “and fourth paragraphs” in the introductory clause by “paragraph”;

(2) by inserting “or in an emergency situation” after “in order to establish its appropriate usage” in subparagraph *i*;

(3) by inserting “or 12” after “item 6” in subparagraph *k*;

(4) by inserting the following subparagraph after subparagraph *k*:

“(k.1) prescription of an over-the-counter medication determined in a regulation made under section 37.1 of the Pharmacy Act (chapter P-10), if the person’s clinical situation or any other circumstance so warrants;”;

(5) by inserting “or 12” after “item 6” in subparagraph *n*.

13. The Regulation is amended by inserting the following sections after section 60:

“**60.1.** The services rendered to prescribe, in accordance with the Regulation respecting the prescription of a medication by a pharmacist (chapter P-10, r. 18.2), and to administer, in accordance with the Regulation respecting the administration of medication by pharmacists (chapter P-10, r. 3.1), a medication required for the purpose of vaccinating an insured person covered by the Québec Immunization Program who meets the program’s conditions for receiving the vaccination free of charge must be considered insured services for the purposes of the fourth paragraph of section 3 of the Act.

“**60.2.** For the purposes of the fourth paragraph of section 3 of the Act, the Board assumes the cost of the supplies required to administer a vaccine referred to in section 60.1. That cost is set out in the list of medications drawn up by the Minister under section 60 of the Act respecting prescription drug insurance (chapter A-29.01).

In addition, the Board assumes the cost of the wholesaler’s profit margin, if any, relating to the supplies referred to in the first paragraph or to a vaccination referred to in section 60.1.

“**60.3.** The cost of the services referred to in section 60.1 and of the supplies referred to in section 60.2 may be assumed by the Board in accordance with section 10 of the Act where they are provided by a person and in a pharmacy referred to in the second paragraph of that section.”

REGULATION RESPECTING BENEFITS AUTHORIZED FOR PHARMACISTS

14. Section 2 of the Regulation respecting benefits authorized for pharmacists (chapter A-29.01, r. 1) is amended, in the third paragraph,

(1) by replacing “drugs on the” by “drugs whose generic name is entered on the”;

(2) by striking out “, under the basic prescription drug insurance plan”.

REGULATION RESPECTING THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

15. Section 1.1 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended, in the first paragraph,

(1) by inserting “or in an emergency situation” after “in order to establish its appropriate usage” in subparagraph 5;

(2) by inserting “or 12” after “item 6” in subparagraph 7;

(3) by inserting the following subparagraph after subparagraph 7:

“(7.1) prescription of an over-the-counter medication determined in a regulation made under section 37.1 of the Pharmacy Act (chapter P-10), if the person’s clinical situation or any other circumstance so warrants;”;

(4) by inserting “or 12” after “item 6” in subparagraph 10.

RÈGLEMENT SUR LES ACTIVITÉS DE FORMATION DES PHARMACIENS POUR L’AJUSTEMENT D’UNE ORDONNANCE D’UN MÉDECIN ET LA SUBSTITUTION D’UN MÉDICAMENT PRESCRIT

16. The Règlement sur les activités de formation des pharmaciens pour l’ajustement d’une ordonnance d’un médecin et la substitution d’un médicament prescrit (chapter P-10, r. 1.2, French only) is repealed.

REGULATION RESPECTING THE ADMINISTRATION OF MEDICATION BY PHARMACISTS

17. Section 1 of the Regulation respecting the administration of medication by pharmacists (chapter P-10, r. 3.1) is amended

(1) by striking out “in order to demonstrate its appropriate use” in the first paragraph; and

(2) by inserting “, if applicable,” after “and” in the second paragraph.

18. The Regulation is amended by inserting the following sections after section 1:

“1.1. A pharmacist may administer any vaccine to a patient 6 years of age or over. However, a pharmacist may administer required travel vaccines and the influenza vaccine to a patient 2 years of age or over.

“1.2. In an emergency situation, a pharmacist may administer an over-the-counter medication or salbutamol.”

REGULATION RESPECTING THE PRESCRIPTION OF A MEDICATION BY A PHARMACIST

19. Schedule I to the Regulation respecting the prescription of a medication by a pharmacist (chapter P-10, r. 18.2) is amended by adding the following at the end:

“12. Vaccination.

“13. Emergency requiring the administration of salbutamol.”

FINAL PROVISION

20. This Act comes into force on 17 March 2020, except paragraph 1 of section 1, subparagraph *b* of paragraph 1 of section 2 insofar as it replaces subparagraphs 6 to 8 and 10 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10), and paragraph 2 of section 2 insofar as it enacts subparagraph 3 of the third paragraph of section 17 of the Pharmacy Act, which come into force on the date or dates to be set by the Government.