

CONSOLIDATION OF PHARMACY ACT
R.S.N.W.T. 1988,c.P-6

(Current to: April 1, 2013)

AS AMENDED BY:

- S.Nu. 2001,c.10,s.7
s.7 in force May 29, 2001
- S.Nu. 2003,c.17,s.22
s.22 in force January 1, 2004
- S.Nu. 2006,c.20
In force December 5, 2006, except s.3(b),4,6-14
s.3(b),4,6-14 in force July 5, 2007: SI-003-2007
- S.Nu. 2008,c.18,s.61
s.61 in force July 31, 2009: SI-003-2009
- S.Nu. 2010,c.14,s.17
s.17 in force June 10, 2010
- S.Nu. 2010,c.25,s.37
s.37 in force March 21, 2011: SI-001-2011
- S.Nu. 2012,c.17,s.24
s.24 in force June 8, 2012

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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SCHEDULE A

Repealed

SCHEDULE B

Repealed

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Repealed

SCHEDULE D

Repealed

PHARMACY ACT

INTERPRETATION

Definitions

1. In this Act,

"dentist" means a dentist as defined in the *Dental Profession Act*; (*dentiste*)

"merchant" means a person licensed as a merchant under the *Business Licence Act* or under a municipal by-law; (*commerçant*)

"narcotic" means a narcotic as defined in the *Narcotic Control Regulations* made under the *Controlled Drugs and Substances Act* (Canada); (*stupéfiant*)

"nurse" means a registered nurse, a nurse practitioner or a temporary certificate holder under the *Nursing Profession Act* (Northwest Territories), a licensed practical nurse under the *Licensed Practical Nurses Act*, or a person registered under the law of a province or a territory to practice the profession of nursing or practical nursing; (*infirmière ou infirmier*)

"nurse practitioner" means a nurse practitioner under the *Nursing Profession Act* (Northwest Territories); (*infirmière praticienne*)

"pharmaceutical chemist" means a person who is entitled to practise the profession of pharmaceutical chemistry under this Act; (*pharmacien*)

"Register" means the Pharmaceutical Chemists Register referred to in subsection 3(1); (*registre*)

"registered midwife" means a registered midwife as defined in section 1 of the *Midwifery Profession Act*; (*sage-femme autorisée*)

"Registrar" means the Registrar of Health Professions appointed under the *Dental Profession Act*; (*registraire*)

"veterinary surgeon" means a veterinary surgeon as defined in the *Veterinary Profession Act*. (*vétérinaire*)

S.Nu. 2001,c.10,s.7(2); S.Nu. 2003,c.17,s.22; S.Nu. 2006,c.20,s.3; S.Nu. 2008,c.18,s.61(2); S.Nu 2010,c.14,s.17(2); S.Nu. 2010,c.25,s.37.

APPLICATION

Application

2. Nothing in this Act or the regulations shall be deemed to prohibit or prevent
- (a) a medical practitioner from exercising a privilege conferred by any Act relating to the practice of medicine and surgery in Nunavut;

- (a.1) a nurse practitioner from exercising a privilege conferred by the *Nursing Act* or the *Nursing Profession Act* (Northwest Territories) relating to the practice of a nurse practitioner in Nunavut;
 - (a.2) a registered midwife from exercising a privilege conferred by the *Midwifery Profession Act* relating to the practice of a registered midwife in Nunavut;
 - (b) a person from supplying goods of any kind to a pharmaceutical chemist, medical practitioner, dentist or veterinary surgeon;
 - (c) a medical practitioner, dentist, veterinary surgeon, registered midwife or a nurse acting under the supervision or direction of a medical practitioner or dentist from supplying a patient with such medicines as the patient may require;
 - (d) an executor, administrator or trustee of the estate of a deceased pharmaceutical chemist from continuing the business of the deceased if the business is in good faith conducted by a pharmaceutical chemist; or
 - (e) a person employed as a pharmacist by the armed forces of Canada or by a visiting force as defined in the *Visiting Forces Act* (Canada) from practising as a pharmaceutical chemist.
- S.Nu. 2006,c.20,s.2,4; S.Nu. 2008,c.18,s.61(3).

REGISTRATION AND LICENSING

Pharmaceutical Chemists Register

3. (1) The Registrar shall keep a register called the Pharmaceutical Chemists Register, and shall enter in the Register the names, addresses and qualifications of all persons who are, under this Act, entitled to be registered in the Register.

Licences

(2) The Registrar may issue a licence to any person who is registered in the Register. S.Nu. 2001,c.10,s.7(3),(4).

Qualifications for registration

4. (1) A person who

- (a) **repealed, S.Nu. 2006,c.20,s.5;**
- (b) satisfies the Registrar that he or she
 - (i) is registered as a pharmaceutical chemist in a province or another territory, or holds a certificate of qualification as a practising pharmaceutical chemist issued by the Pharmacy Examining Board of Canada, and
 - (ii) has not been removed from the register of pharmaceutical chemists or had his or her privileges as a practising pharmaceutical chemist suspended in any province or territory for disciplinary reasons, or
- (c) is a medical practitioner,

and who pays the prescribed fee, is entitled to be registered in the Register.

Exception

(2) The Registrar may register a person who does not qualify under subparagraph (1)(b)(i), for a single period of one year, for the purpose of giving the person an opportunity to obtain the necessary qualifications under subparagraph (1)(b)(i), where

- (a) the person satisfies the Registrar that he or she is professionally qualified and proficient to practise as a pharmaceutical chemist; and
- (b) the Registrar is satisfied that special circumstances exist that necessitate registering such a person.

Determining qualifications and professional proficiency

(3) For the purpose of determining professional qualifications and proficiency under subsection (2), the Registrar may obtain the advice and assistance of professional and academic bodies and individuals in the field of pharmaceutical chemistry.

Registration fee

(4) Every person who applies for registration in the Register must pay the Registrar the prescribed registration fee with the application for registration.

(5) Repealed, S.Nu. 2006,c.20,s.5.

S.Nu. 2001,c.10,s.7(5),(6),(7),(8); S.Nu. 2006,c.20,s.2,5; S.Nu 2010,c.14,s.17(3).

Registration certificate

5. The Registrar may issue a registration certificate in the prescribed form to a person who under section 4 is entitled to be and is registered in the Register, and the registration certificate shall show that the person is registered. S.Nu. 2001,c.10,s.7(9).

Licence fee

6. Every person who is registered in the Register shall pay to the Registrar, at the time the person's name is entered in the Register and subsequently on or before March 31 in each year, the prescribed annual licence fee. S.Nu. 2001,c.10,s.7(10).

Removal for non-payment of fees

7. (1) Subject to subsection (2), the Registrar shall remove from the Register the name of a person registered who fails to comply with the provisions of this Act with respect to licence fees and the licence issued to that person is invalid until such time as that person is again registered in the Register.

Extension of time

(2) The Registrar may grant an extension of time for payment of fees before removing the name of a person from the Register where reasons satisfactory to the Registrar are advanced to the Registrar as to why the licence fee has not been paid at the required time or within the required period, but the Registrar shall in no case grant an extension of time exceeding 60 days.

Reinstatement

(3) A person whose name is removed from the Register under subsection (1) is entitled to have his or her name reinstated on the Register if the person pays the prescribed fee in addition to the fee in respect of which his or her name was removed from the Register. S.Nu. 2001,c.10,s.7(11),(12).

Validity of licence

8. No licence is valid unless

- (a) the licence fee in respect of the year for which the licence is issued is paid; and
- (b) the holder of the licence is registered under subsection 3(1).

Duration of licence

9. A licence expires on March 31 next following the day on which the licence came into force.

Temporary licence

10. (1) The Registrar may grant a temporary licence to practise the profession of pharmaceutical chemistry for a period specified by the Registrar not exceeding six months and on such other terms and conditions as the Registrar may specify in the licence, to any person who

- (a) satisfies the Registrar of those matters referred to in subparagraphs 4(1)(b)(i) and (ii); and
- (b) pays the prescribed fee.

Scope of practice under temporary licence

(2) Notwithstanding anything in this Act, a person who holds a temporary licence issued under subsection (1) may practise the profession of pharmaceutical chemist in Nunavut as though the person were registered and licensed under this Act, subject to the terms and conditions of the temporary licence and subject to this Act.

S.Nu. 2001,c.10,s.7(13); S.Nu. 2006,c.20,s.2.

PRACTICE OF PHARMACEUTICAL CHEMISTRY

Entitlement to practise

11. Subject to section 2, no person is entitled

- (a) to practise the profession of pharmaceutical chemistry, or
- (b) to recover a fee, reward or remuneration for medicines, materials or appliances provided by him or her in practising the profession of pharmaceutical chemistry,

unless he or she holds a licence under this Act at the time the medicines, materials or appliances are provided.

Rights of licence holder to practise and recover fees

12. A person who holds a licence is entitled to practise the profession of pharmaceutical chemistry in Nunavut and to bring an action for the recovery of reasonable charges for any medicines, materials or appliances supplied by him or her.

S.Nu. 2006,c.20,s.2.

13. Repealed, S.Nu. 2006,c.20,s.6.

14. Repealed, S.Nu. 2006,c.20,s.6.

15. Repealed, S.Nu. 2006,c.20,s.6.

16. Repealed, S.Nu. 2006,c.20,s.6.

17. Repealed, S.Nu. 2006,c.20,s.6.

18. Repealed, S.Nu. 2006,c.20,s.6.

19. Repealed, S.Nu. 2006,c.20,s.6.

20. Repealed, S.Nu. 2006,c.20,s.6.

21. Repealed, S.Nu. 2006,c.20,s.6.

DISCIPLINE

Board of Inquiry

22. (1) The Commissioner may establish a Board of Inquiry composed of two or more persons appointed by the Commissioner for the purpose of investigating

- (a) any complaint made against a person practising as a pharmaceutical chemist with respect to any alleged contravention of this Act or the regulations; or
- (b) any complaint of malpractice or infamous, disgraceful or improper conduct on the part of a person practising as a pharmaceutical chemist.

Meaning of improper conduct

(2) Without restricting the generality of the expression "improper conduct", a pharmaceutical chemist is guilty of improper conduct who

- (a) is convicted of an offence under an Act of Canada or an Act of Nunavut relating to the sale of narcotics; or
- (b) is shown to be addicted to the excessive use of intoxicating liquors or narcotics.

Powers of Board of Inquiry

(3) A Board of Inquiry may

- (a) make rules and regulations under which the inquiry is to be held;
- (b) summon and bring before it any person whose attendance it considers necessary to enable the Board of Inquiry properly to inquire into the matter complained of;
- (c) swear and examine all persons referred to in paragraph (b) under oath;
- (d) compel the production of documents; and
- (e) do all things necessary to provide a full and proper inquiry.

Finding of Board of Inquiry

(4) A Board of Inquiry shall, after investigation of a complaint under this section, make a finding and shall immediately report its finding to the Commissioner.

Quorum

(5) A majority of the members of a Board of Inquiry constitutes a quorum and a finding by a majority of a Board of Inquiry on any matter is final.

Offence

(6) Every person is guilty of an offence who

- (a) fails, without valid excuse, to attend an inquiry as required under this section;
 - (b) fails to produce any document, book or paper in his or her possession or under his or her control as required under this section; or
 - (c) at any inquiry under this section
 - (i) refuses to be sworn or to affirm, or to declare, as the case may be, or
 - (ii) refuses to answer any proper question put to him or her by the Board of Inquiry.
- S.Nu. 2006,c.20,s.2,7.

Action of Commissioner where finding of guilt

23. (1) Where a pharmaceutical chemist is, after due inquiry, found by a Board of Inquiry to be guilty of

- (a) a contravention of this Act or the regulations, or
- (b) malpractice or infamous, disgraceful or improper conduct,

the Commissioner shall strike the name of the pharmaceutical chemist off the Register and suspend or cancel the licence of that pharmaceutical chemist to practise.

Reinstatement and renewal

(2) A person

- (a) whose name has been struck off the Register, and
- (b) whose licence to practise has been suspended or cancelled,

may be reinstated on the Register, his or her licence renewed and his or her rights and privileges under that licence restored by the Commissioner, on the terms and conditions

that the Board of Inquiry may recommend and notwithstanding that the person may not then be entitled to be registered under section 4, where the Board of Inquiry is of the opinion that the reinstatement and renewal is justified having regard to the present circumstances of the person. S.Nu. 2006,c.20,s.8.

OFFENCES AND PUNISHMENT

Offences for unlicensed practice

- 24.** (1) Every person who is not the holder of a licence is guilty of an offence who
- (a) publicly or privately for hire, gain or hope of reward practises the profession of a pharmaceutical chemist;
 - (b) appends to his or her name or uses the title "pharmaceutical chemist", "pharmacist", "dispensing chemist", "druggist", "dispensing druggist", "apothecary", "herbalist" or any word indicative of any such title or a substitution or abbreviation of any such title;
 - (c) holds himself or herself out in any way to be a duly qualified pharmaceutical chemist; or
 - (d) assumes any title or description implying, or designed to lead the public to believe, that he or she is duly qualified to practise as a pharmaceutical chemist.

Offence and punishment

(2) Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months or to both.

Order prohibiting selling of substances

(3) Notwithstanding anything in this Act or the regulations, where a merchant is convicted of an offence under this Act or the regulations, the Commissioner may make an order prohibiting that merchant from selling a substance listed or described in the regulations. S.Nu. 2006,c.20,s.9.

Limitation period

25. A prosecution for an offence under this Act or the regulations may not be commenced more than one year after the time when the matter of the prosecution arose. S.Nu. 2006,c.20,s.10; S.Nu. 2012,c.17,s.24.

Burden of proof

26. (1) In a prosecution for an offence under this Act or the regulations, the burden of proof that a person against whom the charge is laid is the holder of a licence is on the person against whom the charge is laid.

Proof of facts in document

(2) A certificate or licence respecting a matter dealt with by this Act that purports to be issued by the Registrar is admissible in evidence without proof of the office or signature of the Registrar and is, in the absence of evidence to the contrary, proof of the facts set out in it.

Certified copies

(3) A copy of a certificate or licence respecting a matter dealt with by this Act that purports to be certified by the Registrar is admissible in evidence without proof of the office or signature of the Registrar and is, in the absence of evidence to the contrary, proof of the original document. S.Nu. 2006,c.20,s.11.

REGULATIONS

Regulations

- 27.** The Commissioner, on the recommendation of the Minister, may make regulations
- (a) prescribing the amount of fees to be paid in respect of a licence or renewal of licence issued under this Act and a registration applied for or made under this Act;
 - (b) prescribing the form of a registration certificate;
 - (b.1) establishing drug schedules listing drugs or substances that are subject to conditions or restrictions respecting their storage, supply and labeling;
 - (b.2) respecting the conditions or restrictions that apply to the storage, supply and labeling of a substance included in a drug schedule; and
 - (c) respecting any matter that the Commissioner considers necessary and advisable for the effective carrying out of the intent and purposes of this Act.
- S.Nu. 2006,c.20,s.12.

Adoption of drug schedule, formulary, publication

28. (1) Where a drug schedule referred to in paragraph 27(b.1) is established, or a condition or restriction referred to in paragraph 27(b.2) is set out in a formulary or publication, by a government in Canada or by a scientific or professional association, person or body of persons in Canada, and is available to the public in an electronic or printed form, the Commissioner, on the recommendation of the Minister, may adopt the drug schedule, formulary or publication by regulation, and on adoption the drug schedule, formulary or publication is in force in Nunavut either in whole or in part or with such variations as may be specified in the regulation.

Drug schedule, formulary, publication as amended

(2) A regulation made under subsection (1) may adopt a drug schedule, formulary or publication as amended from time to time. S.Nu. 2006,c.20,s.13.

SCHEDULE A

Repealed, S.Nu. 2006,c.20,s.14.

SCHEDULE B

Repealed, S.Nu. 2006,c.20,s.14.

SCHEDULE C

Repealed, S.Nu. 2006,c.20,s.14.

SCHEDULE D

Repealed, S.Nu. 2006,c.20,s.14.