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No. 10 of 2003

**First Session Eighth Parliament Republic of Trinidad
and Tobago**

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Pharmacy Board Act, Chap. 29:52

PHARMACY BOARD (AMENDMENT) BILL, 2003

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The main purpose of the Pharmacy Board (Amendment) Bill, 2003 is to amend the Pharmacy Board Act, Chap. 29:52 to introduce a new category of support staff to Pharmacists called "Pharmacy Assistants" and to shorten the qualifying period of "responsible pharmacists". Other consequential amendments have been made.

Clause 3 of the Bill would amend the definition of "responsible pharmacist" to provide that the qualifying period for a pharmacist to become a responsible pharmacist, would no longer be three years but rather that it would be one year.

Clause 4 of the Bill would insert a new clause 16A to set out the functions of the registrar.

Clause 5 of the Bill would amend section 17 of the Act, to require the registrar to keep a register of all persons registered as Pharmacy Assistants, Pharmacy Assistant trainees and a register of licensed pharmacies.

Clause 6 would insert a new section 18E, to require the registrar to keep a record of all persons holding temporary licences to practice as a pharmacist.

Clause 7 would amend section 19A of the Act, to make provision for the suspension of Pharmacy Assistants from practice because of disability.

Clause 8 would amend section 24 of the Act, to set out the functions of Pharmacy Assistants and their qualifications.

Clause 9 would insert a new section 24A, to allow Pharmacy Assistants to assist in dispensing prescriptions, or the preparation or compounding of drugs for retail.

Clause 10 would amend section 25 of the Act, to make it an offence for a person to take and use the title of Pharmacy Assistant wrongfully and for Pharmacy Assistants to practise under any other name than that under which he is registered.

Clause 11 would amend section 40 of the Act, to empower the Minister of Health to make regulations with respect to the course of training to be followed by Pharmacy Assistants and the issuing of certificates of registration..

Clause 12 would amend section 41 of the Act, to increase penalties for offences under the Act.

BILL

AN ACT to amend the Pharmacy Board Act, Chap. 29:52

[, 2003]

ENACTED by the Parliament of Trinidad and Tobago Enactment
follows:—

1. This Act may be cited as the Pharmacy Board Short title
(Amendment) Act, 2003.

2. In this Act “the Act” means the Pharmacy Board Interpretation
Act. Chap. 29:52

Section 2 amended **3.** Section 2 of the Act is amended in the definition of “responsible pharmacist” by deleting the words “three years” and substituting the words “one year”.

Act amended **4.** The Act is amended by inserting after section 16 the following:

^{“Functions of registrar} 16A. The registrar shall on the direction of the Council—

- (a) establish, keep and maintain the registers set out in section 17;
- (b) issue and revoke temporary licences, to practice pharmacy;
- (c) issue certificates of registration;
- (d) add and remove names from the registers set out in section 17;
- (e) receive fees for use by the Board; and
- (f) keep open the register for public inspection at all reasonable times on the payment of the prescribed fee.”.

Section 17 amended **5.** Section 17 of the Act is amended—

- (a) in subsection (1) in paragraph (c) by deleting the word “pharmacy.” and substituting the words “pharmacy, and”;
- (b) inserting after paragraph (c) the following:
 - “(d) a register of all persons registered as pharmacy assistants, the name and the business address of the approved pharmaceutical establishment;
 - (e) a register of all persons registered as pharmacy assistant trainees showing the name of the tutor, the

name and address of the approved pharmaceutical establishment where the course of practical training is being accomplished; and

(f) a register of all licenced pharmacies, their addresses and the name of the responsible pharmacist to whom the licence has been issued and who has responsibility for the management and conduct of the pharmacy in accordance with this Act.”;

(c) by deleting subsection (5) and substituting the following:

“ (5) The Registrar shall cause a copy of the registers under this section to be lodged with the Council.

(6) The Council shall, on or before the 15th day of January in each year, cause to be printed and published in the *Gazette* a list in alphabetical order, of all persons named in the registers kept by the registrar under this section, with their addresses, as they appear in the register on the date specified in the list.

(7) Where the registrar has been directed by the Council under subsection (3), to register an applicant who is entitled to be registered under this Act, and he fails to do so, the applicant shall be entitled within twenty-one days of the direction being given, to be registered by the President of the Council.”.

Act amended

6. The Act is amended by inserting after section 18D the following:

“Records of persons holding temporary licence

18E. The registrar shall keep in relation to a person holding a temporary licence to practice as a pharmacist, a record of—

- (a) the name and address of the person so licenced;
- (b) the time during which the licence shall remain in force; and
- (c) the nature, character of the aspect of pharmacy practice which may be performed.”.

Section 19A amended

7. The Act is amended in section 19A—

- (a) in subsections (1) to (5) by inserting after the word “pharmacist” wherever it occurs, the words “or pharmacy assistant”; and
- (b) in subsection (5) by deleting the words “any person” and substituting the words “any pharmacist”.

Section 24 amended

8. Section 24 of the Act is amended by inserting after subsection (3) the following:

“(4) Notwithstanding subsections (1) and (2), there may be attached to a pharmacy, such number of pharmacy assistants not exceeding the ratio of one responsible pharmacist to two pharmacy assistants who shall perform the following functions:

- (a) assist in the preparation and compounding of prescriptions, medication orders and ward stock;
- (b) receive, check and store stock, and check for expiry dates of all pharmaceuticals;

- (c) assist in entering prescription orders into the information system, whether electronic or paper-based;
- (d) prepare books or computer files for keeping records such as dangerous drugs, antibiotics, controlled drugs, general prescription books;
- (e) assist in the preparation of ward-patient, medication carts and deliver same;
- (f) co-ordinate with pharmacists in the preparation of up-to-date available drug lists for use by medical practitioners; and
- (g) assists in the pre-packaging of drugs, including solids, liquids injectibles, ointments and creams.

(5) A Pharmacy Assistant referred to in subsection (5) shall—

- (a) have such appropriate training as may be prescribed by the Minister in Regulations; and
- (b) in carrying out his duties, at all times, be under the direct supervision of a pharmacist or responsible pharmacist.

(6) Nothing in this act shall be construed as permitting a pharmacy assistant to directly dispense any prescription to or interact directly with patients of clients or to provide counseling an or pharmaceutical care to a patient or client.”.

Section 24A inserted

9. The Act is amended by inserting after section 24 the following:

“24A. Nothing in section 24 shall be construed as preventing a pharmacy assistant from assisting in—

- (a) the dispensing of prescriptions; and
- (b) the preparation or compounding of drugs, for retail.”.

Section 25 amended

10. The Act is amended in section 25 by inserting after subsection (3), the following:

“(4) Any person not being a pharmacy assistant who takes and uses the title “pharmacy assistant” or any other title or symbol calculated to suggest that he is recognised by law as a pharmacy assistant or is a person entitled to assist in the dispensing of prescriptions or the preparation of drugs for sale by retail, is guilty of an offence.

(5) Any pharmacy assistant who practices under any name other than that under which he is registered commits an offence.”.

Section 40 amended

11. The Act is amended in section 40—

(a) in subsection (1)—

(i) by inserting after paragraph (b) the following new paragraph:

“(bb) the course of training to be followed by Pharmacy Assistants;”;

(ii) in paragraph (e) by deleting the words “and by pre-registration pharmacist” and substituting the words “, pre-registration pharmacists, pharmacy assistants and holders of temporary licences to practice;”; and

(iii) inserting after paragraph *(h)* the following:

“*(ha)* the issue of certificates of registration of pharmacy assistants;”;

(b) in subsection (2) by deleting the words “one thousand” and “six months” and substituting the words “five thousand” and “one year” respectively.

12. Section 41 of the Act is amended—

Section 41 amended

(a) in subsection (1) by deleting the words “two thousand”, “six months”, “five thousand” and “six months” and substituting the words “five thousand”, “one year”, “ten thousand” and “one year” respectively; and

(b) in subsection (2) by deleting the words “two thousand five hundred” and “twenty-five” and substituting the words “five thousand” and “one hundred” respectively.

Passed in the House of Representatives this day
of , 2003.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
2003.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 10 of 2003

FIRST SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Act, Chap. 29:52

Received and read the

First time.....

Second time.....

Third time.....