

Oct 26, 2026

Submitted electronically to consultations@ocpinfo.com

Re: Public consultation on the draft Providing Pharmacy Services for Animals Policy and Supplemental Guidance

To the Ontario College of Pharmacists:

Introduction

OnPharm United is a network of approximately 600 independent pharmacies across Ontario. We write on behalf of members who dispense veterinary prescriptions, compound preparations for animals when no suitable commercial product exists, and supply veterinarians for use in their practices. For many animal owners, particularly outside major centres, the community pharmacy is the most accessible and most affordable source of medication for their animals.

We support the College's collaborative intent and share its goal of safe, high-quality pharmacy services for animals. We also agree with the public-interest rationale the College placed before its Board on June 15, 2026. Access to veterinary medications through pharmacies lowers costs for animal owners, increases convenience, and preserves choice.

The submission addresses primarily three matters: the source of pharmacy's authority to compound, dispense and sell drugs for animals, which we believe the draft locates in the wrong statute; the no-modification rule at lines 50 to 54 of the policy; and the fee and receipt expectations at lines 93 to 97. We have other comments that we have added below and would welcome the opportunity to discuss them with College staff. These three go to the foundation of the policy, and we respectfully ask that they be addressed before adoption.

Summary of recommendations

We respectfully ask the College to:

- Revise lines 37 to 44 of the policy and lines 20 and 29 to 38 of the Supplemental Guidance so that both documents state that the authority to compound, dispense and sell drugs for animals rests in the *Drug and Pharmacies Regulation Act* and the *Pharmacy Act, 1991*; that the *Veterinary Professionals Act, 2024* is not yet in force; and that no regulation under its subsection 9(5) has been made. Both documents should also reflect the direction of the exemptions. **The *Drug and Pharmacies Regulation Act* is the governing authority for the sale of drugs in Ontario.** It exempts veterinary members from the drug statute; it exempts other regulated health professionals who compound, dispense or sell drugs while caring for their own patients; and the drug schedules made under it permit premises other than pharmacies to sell unscheduled drugs. Pharmacy needs no exemption because pharmacy is the statute's subject.

The two statutes can be reconciled in one sentence, and we propose that the College adopt it: the *Drug and Pharmacies Regulation Act* confers the authority, and the regulation under subsection 9(5) of the *Veterinary Professionals Act, 2024* will confirm that the veterinary statute does not displace it. The College's work on that regulation keeps its full value on this footing. We request that the College not bring the policy into effect until the *Veterinary Professionals Act, 2024* is proclaimed and the regulation under its subsection 9(5) is in force. When the College of Veterinarians of Ontario consults this College on that regulation, as subsection 9(6) requires, the College should ensure that both Acts are recognized.

- Remove "exactly as prescribed" and language around brand selection from lines 50 to 54 so that the drug, dose, dosage form, strength and directions remain as prescribed and the selection among equivalent products remains with the pharmacist.
- Revise lines 93 to 97 so that the fee and receipt expectations apply to prescriptions dispensed to a client, reflect the fee framework as it stands (including the posted schedule of professional fees and the notice route in Regulation 935), and do not reach sales to veterinarians for office use. The proposed text is in Part 3.

Part 1. The authority to compound, dispense and sell drugs for animals rests in pharmacy legislation

Ontario has regulated the sale of drugs through pharmacy legislation administered by the pharmacy College since the Pharmacy Act of 1871, which constituted the Ontario College of Pharmacy and brought the sale of poisons under its registers. Successive Pharmacy Acts carried that framework forward. In 1974 the Health Disciplines Act gathered the regulation of pharmacists and the regulation of drugs and pharmacies into Part VI of a single statute. When the Regulated Health Professions Act, 1991 came into force, the regulation of pharmacists moved to the Pharmacy Act, 1991 and the regulation of drugs and pharmacies stayed where it was, renamed the Drug and Pharmacies Regulation Act (DPRA). The Act still carries the Health Disciplines Act's chapter number, R.S.O. 1990, c. H.4, and its section numbering runs from Part VI.

Through all of that history, the law of drug distribution in Ontario has been written in pharmacy legislation, and it has reached every drug sold to the public, whether the patient was a person or an animal. Veterinary legislation has governed the practice of veterinary medicine. It has never been the place where the authority to sell drugs was conferred. The exemptions from that rule are listed in the Drug and Pharmacies Regulation Act itself.

The College's objects under subsection 3(1) of the Health Professions Procedural Code are the objects of every health regulatory college. The Pharmacy Act, 1991 adds to them. Section 6 gives the College objects in addition to those set out in the Code, and those objects concern the DPRA.

- **6 In addition to the objects of the College set out in subsection 3 (1) of the Health Professions Procedural Code, the College has the following objects:**
 - **1. To regulate drugs and pharmacies under the *Drug and Pharmacies Regulation Act*.**

The drug statute is built around the College, and it is the Act, regulated by the College, that sets out every scenario in which a drug may be sold in Ontario. Under the DPRA and the drug schedules made under it (O. Reg. 264/16, which adopts the NAPRA National Drug Schedules), a Schedule I drug is

dispensed in a pharmacy on a prescription. A Schedule II drug is sold in a pharmacy from behind the counter with the pharmacist's involvement. A Schedule III drug is sold over the counter in the pharmacy's self-selection area. An unscheduled drug may be sold at any retail outlet. A regulated health professional who compounds, dispenses or sells a drug while caring for their own patients does so outside a pharmacy under the exemption in subsection 118(4), and a veterinarian does so under clause 118(1)(c). Each of those scenarios is written in the drug statute, and every seller other than a pharmacy holds its place by exemption or permission under it. The statute that governs who may sell drugs in Ontario, in what premises and on what conditions, is the statute the College administers. A policy issued by the College should describe that authority as the College's, not as a permission extended by another regulator.

Subsection 1(1) of the DPRA defines drug as any substance or preparation manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of disease, or in restoring, correcting or modifying functions, "in humans, animals or fowl." It defines prescription as a direction from a prescriber directing the dispensing of any drug or mixture of drugs "for a designated person or animal." It defines pharmacy as a premises in which "prescriptions are compounded or dispensed for the public or drugs are sold by retail." The Pharmacy Act, 1991 adopts the same definition of drug, and paragraph 1 of subsection 4(1) authorizes members to dispense, sell and compound it.

Animal drugs and animal prescriptions are therefore inside pharmacy legislation by definition. The draft policy adopts the DPRA definition of prescription at line 32 and acknowledges at lines 42 to 44 that the DPRA governs these activities for animals, and the Guidance acknowledges at lines 12 to 14 the long history of veterinary dispensing and compounding under it. None of that depends on the Veterinary Professionals Act, 2024 (VPA).

Clause 118(1)(c) of the DPRA provides that the Act does not apply to the practice of a veterinarian under the Veterinarians Act, and subsection 10(2) of the VPA continues that carve-out for veterinary members who compound, dispense or sell drugs in the course of practice. Both professions are subject to the drug statute. Veterinarians stand outside it only by that exemption. Pharmacy professionals hold no exemption from the veterinary statute because they need none.

The prohibition in subsection 9(1) of the VPA is confined by its own words to an authorized activity carried out "while engaged in the practice of veterinary medicine," which subsection 1(1) defines as the assessment of an animal and the diagnosis, treatment, prevention or control of a condition. A pharmacist filling a veterinary prescription performs none of those functions. Paragraph 5 of section 1 of Schedule 1, "compounding, dispensing or selling a drug," carries no animal qualifier, and the VPA borrows its definition of drug from the DPRA. Read without the subsection 9(1) qualifier, paragraph 5 would reach every pharmacist dispensing any drug in Ontario, which is plainly not the law.

Subsection 9(5) permits a regulation prescribing authorized activities for members of this College, subject to prescribed conditions. It is an enabling provision. No regulation has been made, and sections 1 to 98 of the VPA await proclamation. Lines 37 to 41 of the policy, which state that the VPA governs and that pharmacy professionals "have an exemption under this Act," describe a future regime in the present tense and describe it incorrectly. The Board Decision Note of June 15, 2026 records the same framing when it describes the policy as recognizing the VPA "as the Act authorizing pharmacy professionals to sell, dispense and compound for animals."

Guidance lines 29 to 32 state that dispensing, selling and compounding are permitted for animals only "because they may have a specific exemption" under the veterinary statute, and line 20 states that the provision of health care to animals is governed by that statute. We respectfully submit that this framing would surrender a position the College holds by statute, and its object under section 6 of the Pharmacy Act, 1991 to regulate drugs and pharmacies in Ontario under the Drug and Pharmacies Regulation Act. If a pharmacy's supply of animal drugs is understood to rest on veterinary legislation, the price, availability and continuity of those drugs come to depend on a regime designed for clinical practice, and the conditions of pharmacy's participation will be written by the regulator of a competing profession under subsection 9(6). Animal owners would lose the benefit of the general drug system: accredited premises, inspection, compounding standards, records and competition among suppliers.

The dispensing of prescriptions for the public and the retail sale of drugs are the functions the DPRA assigns to pharmacies and the obligations it places on them. The public of Ontario includes animal owners. We ask the College not to describe that function as borrowed. A confirmatory regulation under subsection 9(5) is a sound way to put the matter beyond doubt, and we would support the College in seeking it. Until it is made, we ask that the policy state the law as it stands.

We recognize that the College has invested in the exemption and has described the VPA as the Act that will authorize these services. The two positions can be reconciled without either giving ground on substance. The DPRA grants the authority. The regulation under subsection 9(5) will confirm that the veterinary statute does not displace it, and it will settle any conditions that apply where these activities touch the practice of veterinary medicine. Described that way, the regulation is a confirmation the College can rightly claim credit for seeking, and the policy can cite both statutes accurately. The proposed text below is drafted on that footing.

Proposed text for lines 37 to 44 in Policy Document:

The Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4 (DPRA) governs the compounding, dispensing and selling of drugs in Ontario. Drug and prescription, as defined in subsection 1(1), include drugs and prescriptions for animals.

The Veterinarians Act, R.S.O. 1990, c. V.3 governs the practice of veterinary medicine. On proclamation, the Veterinary Professionals Act, 2024 (VPA) replaces it. Under subsection 9(5) of the VPA, a regulation may prescribe the authorized activities that members of the Ontario College of Pharmacists may carry out and any conditions that apply. Under subsection 10(2), the DPRA does not prevent a veterinary member from compounding, dispensing or selling drugs in the course of practice.

No regulation under subsection 9(5) has been made. When made, the regulation confirms that pharmacy professionals continue to compound, dispense and sell drugs for animals under the DPRA, subject to any prescribed conditions.

Proposed text for Guidance lines 29 to 38, as a question and answer:

Why are compounding, dispensing and selling the pharmacy services addressed in this policy? Pharmacy professionals compound, dispense and sell drugs for animals under the Drug and Pharmacies Regulation Act. Once proclaimed, the Veterinary Professionals Act, 2024 restricts authorized activities carried out while engaged in the practice of veterinary medicine to members of the College of Veterinarians of Ontario and provides



for a regulation prescribing the authorized activities that members of this College may carry out. Whether further pharmacy services may be provided for animals will be settled by that regulation, and this Guidance will be updated when it is made.

The Guidance should be revised in the same way. The policy should also provide that no part of the policy takes effect before the proclamation of the Veterinary Professionals Act, 2024 and the making of the regulation under subsection 9(5).

Part 2. Product selection by pharmacist

brand included. The drug, the dose, the dosage form, the strength and the directions are the veterinarian's decisions. Those should be dispensed as written. Brand is not the same thing. Choosing among products that contain the same active ingredient, in the same strength and dosage form, once the pharmacist has judged the excipients appropriate for the species, is product selection. It is part of dispensing. It is not a change to the prescription. The Board Decision Note leaves the appropriateness of the prescription, patient education and any modification of the prescription with the veterinarian. Selecting among equivalent products is none of those.

The rule also does not match the way veterinary prescriptions are actually written. The veterinary College's Prescribing a Drug standard calls for the drug name, the strength and the quantity. Many prescriptions name no brand at all. On those, the pharmacist would not know whether the prescription can be filled without a call. The delay and the cost land on the animal and the owner. In a backorder, the prescription sits until the veterinarian calls back. Where a lower-cost equivalent exists, including a human-use product with the same drug, the owner is stuck with the brand that was written.

That is also a competition problem with the proposed wording. A brand named on a veterinary prescription is often sold to veterinary clinics. If the policy freezes the pharmacist to that brand, the owner cannot take the prescription elsewhere. The only place that can fill it is the clinic that wrote it. The prescriber then holds both the prescription and the only supply of the product, which is the opposite of the choice the Competition Bureau identified and the Board relied on. Competition among manufacturers, and between the clinic and the pharmacy, disappears at the point of sale. The owner pays the clinic's price or waits. The rule adds a confirmation call for both professions and does not make the animal safer.

Proposed text for lines 50 to 54, using the no-substitution mechanism that already governs human prescriptions under the Drug Interchangeability and Dispensing Fee Act:

Pharmacy professionals must dispense or sell the drug, dose, dosage form, strength and directions for use as prescribed. Any change to those elements requires the veterinarian's approval before provision to the client. Where more than one product contains the prescribed drug in the same strength and dosage form, the pharmacy professional may select the product, as for human prescriptions, unless the veterinarian has indicated on the prescription that no substitution is to be made. In selecting a product the pharmacy professional must consider species-specific risks from excipients and flavourings and must record the product dispensed.

Part 3. Pharmacy professional fees

Lines 93 to 97 require pharmacy professionals to charge fees in accordance with the pharmacy's usual and customary dispensing fee and its schedule of fees for professional services not included in the dispensing fee, and to provide a receipt showing the dispensing fee, the drug cost and the total price. We ask the College to clarify whether these lines are intended to prevent a pharmacy from charging more than its usual and customary fee in every situation involving an animal patient. Section 5 of Regulation 935 under the Drug Interchangeability and Dispensing Fee Act permits a fee above the usual and customary dispensing fee where the pharmacy explains the reason before the prescription is dispensed, and the College's Fees for Professional Pharmacy Services Policy permits a posted schedule of fees for services outside the dispensing fee, compounding among them. The policy should make clear that the ordinary expectation is the pharmacy's usual fees, and that a different fee may be charged where it is fair and reasonable and is communicated to the client in advance so the client can consent or decline. The expectation should also be confined to prescriptions dispensed to a client. A sale to a veterinarian under a written order for office use (lines 65 to 70) is a commercial transaction on agreed terms, and neither the dispensing fee nor the patient receipt applies to it.

Pharmacy professionals have a professional obligation to charge fair and reasonable fees, and the clarification will also allow pharmacies to be compensated for the time, expertise and resources these services require. A pharmacy's usual and customary dispensing fee is set with the cost of dispensing a human prescription in mind. The draft adds costs that fee was never built to carry: veterinary-specific education and reference materials; low-turnover inventory, with the carrying and expiry risk that follows, often sourced through veterinary distribution channels rather than the pharmacy's wholesaler; formulation research, ingredient procurement and quality assurance for less common veterinary preparations; the labour of veterinarian consultations, office-use verification and extra-label assessment and documentation; and pharmacy software changes to capture species, group size and withholding time, with vendor costs passed on to pharmacies. Sustainable access to pharmacy services for animals requires the flexibility to set transparent fee structures that reflect those requirements.

Proposed text for lines 93 to 97:

When dispensing a prescription to a client, pharmacy professionals must charge fees consistent with the pharmacy's posted usual and customary dispensing fee and its posted schedule of fees for professional services not included in the dispensing fee, such as compounding. A fee above the usual and customary dispensing fee may be charged where it is fair and reasonable and the client is informed of the fee and the reason for it before the prescription is dispensed, as Regulation 935 under the Drug Interchangeability and Dispensing Fee Act permits. Pharmacy professionals must provide the client with a receipt showing the dispensing fee, the drug cost and the total price of the prescription. These expectations do not apply to the sale of a drug to a veterinarian under a written order for use in the veterinarian's practice.

Other Concerns:

- Lines 55 to 56 require the pharmacist to consult the veterinarian, but they say nothing about counselling the client. The Standards of Practice require counselling. At the same time, subsection 11(1) of the Veterinary Professionals Act, 2024 makes it an offence for anyone other than a member to advise an owner on an animal's health where serious bodily harm is reasonably foreseeable. The exception in clause 11(2)(a) covers treatment, not advice. A registrant is therefore caught between the College's standard and a potential offence. We ask the College to state its counselling expectation for animal prescriptions.
- Lines 57 to 64 impose the extra-label decision cascade on dispensing. The cascade is a prescribing framework the veterinarian has already applied before the prescription reaches the pharmacy. Requiring the pharmacist to apply it asks the pharmacist to remake a therapeutic choice that lines 50 to 54 reserve to the veterinarian. Lines 63 to 64 also do not tie the compounded preparation to the prescribed drug. We ask that lines 57 to 64 be removed from the policy.
- Guidance lines 145 to 159 tell registrants to assess the need for and intended purpose of office-use orders, including why a veterinarian is buying from a pharmacy rather than a licensed wholesaler. That duty has no statutory basis. It goes beyond the expectations the policy itself sets at lines 66 to 70, and it treats the wholesale channel as the proper one. We ask that these lines be deleted or limited to the requirements the law actually imposes as it may have unintended competition law consequences.
- Lines 13 to 15 apply the policy to all registrants in Part A of the register and to non-accredited facilities. Pharmacy technicians cannot perform the therapeutic assessments the draft expects. A registrant in a non-accredited premises cannot lawfully sell the drugs the policy addresses under section 139 of the Drug and Pharmacies Regulation Act. We ask the College to state which expectations apply to which class of registrant and to align the scope of the policy with the Act.
- Lines 20 to 22 start from the statutory definition of drug and then add compounded preparations, veterinary biologics, and any product with a Drug Identification Number. A College policy should not enlarge a statute. The additions also conflict with the Guidance, which places biologics under the Health of Animals Act and feeds under the Feeds Act at lines 89 to 100. We ask that the definition in subsection 1(1) of the Drug and Pharmacies Regulation Act be used as enacted.
- Guidance lines 33 to 36 state that administering a substance by injection or inhalation, and monitoring and managing medication therapy, are not permitted for animals. The regulation under subsection 9(5) that will decide those questions has not been drafted. We ask that the Guidance leave future scope open rather than rule out activities the regulation may later prescribe or allow.
- Guidance lines 129 to 144 describe separate rules for selling narcotics and controlled drugs and for selling benzodiazepines and other targeted substances to a veterinarian. Policy line 87 requires the client's name on the label for a targeted substance on the authority of the Benzodiazepines and Other Targeted Substances Regulations. Those regimes were replaced by the Controlled Substances Regulations, SOR/2025-242, which came into force on October 1, 2026. We ask that both passages be updated to the regulations now in force.
- Line 76 permits compounding only "pursuant to a prescription." The policy's own definition of prescription at lines 32 to 33 does not include an office-use order. Guidance line 145, however, contemplates compounded preparations for office use. We ask the College to state that a



preparation may be compounded pursuant to a prescription or a veterinarian's written order for office use.

Conclusion

OnPharm United supports a framework that keeps animal owners able to fill veterinary prescriptions at the pharmacy of their choice, at competitive prices, with continuity of supply when products are short. The three matters in this submission go to whether that framework rests on the right foundation. Pharmacy's authority to compound, dispense and sell drugs for animals is conferred by the statute the College itself carries out, and has been for more than 150 years. The College's documents should say so. Product selection should remain with the pharmacist, and the fee framework should be stated as it is. We ask to participate in the consultation under subsection 9(6) of the Veterinary Professionals Act, 2024 and would welcome the opportunity to discuss this submission with College staff.

Respectfully submitted,

Michael Nashat, PharmD, RPh

OnPharm United