Board of Directors Meeting Agenda

THURSDAY NOVEMBER 20, 2025
8:00 AM – 9:00 AM
MEETING LINK

1. **Welcome and Land Acknowledgement**
   A Land Acknowledgement will be offered by Board Director, Devinder Walia.

2. **Approval of Agenda**
   The Board will be asked to approve the agenda.

3. **Declaration of Conflict of Interest**
   Board members will be asked to identify any items on the agenda with which they have or may appear to have a conflict of interest.

4. **Proposed Amendments to O. Reg 264/16 (General) under the *Drug and Pharmacies Regulation Act, 1990* – For Decision**
   The Board will be asked to approve proposed amendments to O. Reg 264/16 (General) under the *Drug and Pharmacies Regulation Act, 1990* for consultation, and to seek approval to abridge or exempt such circulation.

MEETING ADJOURNMENT

BOARD BRIEFING NOTE

MEETING DATE: November 20th, 2025

FOR DECISION

INITIATED BY: Executive Committee

TOPIC: Amendments to General Regulation 264/16 made under the *Drug and Pharmacies Regulation Act, 1990*

ISSUE: The Ministry has directed the College to make regulatory amendments to support recent legislative changes for the expansion of "As of Right" rules which will apply to certain out of province health care professionals, effective January 1, 2026. To address the Ministry's request, the Board is being asked to approve a proposed regulation to amend General Regulation 264/16 under the *Drug and Pharmacies Regulation Act, 1990* (*DPRA*), for the purpose of consultation unless the Minister of Health approves an exemption of the 60-day consultation requirement.

PUBLIC INTEREST RATIONALE: Approving legislative amendments designed to increase the number of qualified health care professionals practicing in Ontario is part of the Ontario College of Pharmacist's (the "College") role as outlined in the *Regulated Health Professions Act, 1991 (RHPA)* (2.1 Schedule 2, Health Professions Procedural Code). "It is a duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals".

STRATEGIC ALIGNMENT, REGULATORY PROCESSES, AND ACTIONS: The Ministry of Health (the "Ministry") has approved legislation that expands "As of Right" exemptions, and the College is accountable to the Ministry for ensuring that any associated regulatory amendments are made. Approving regulations in alignment with the Ministry's "As of Right" legislation is one of the ways the College fulfills its duty to make and administer regulations under the DPRA.

BACKGROUND:

What is "As of Right"?

- Ontario's "As of Right" provisions first came into effect in July 2023 permitting medical laboratory technologists, nurses, physicians, and respiratory therapists registered in other provinces and territories to practice in Ontario for up to 6 months while seeking registration with an Ontario regulator. More information on "As of Right" can be found on the College's website.

- On April 24, 2025, the Ministry initiated a consultation on a proposal to expand "As of Right" to 16 additional health care professions, including pharmacists and pharmacy technicians. Since the College's response to the consultation (see page 31 of the June 2025 Board meeting materials), staff have engaged with the Ministry regarding the expansion of "As of Right" legislation to pharmacy professionals. An update was provided in the Registrar's report at the September Board meeting regarding the College's readiness to implement the new provisions and the Ministry's indication that this initiative may move ahead as early as fall 2025 (see Item 6.1, pg. 7).

On November 3, 2025, Bill 56, *Building a More Competitive Economy Act*, received Royal Assent, and pending regulatory amendments, statutory changes in schedules 3, 4, 8 and 10 of the Act provide for the expansion of "As of Right" rules, to include those 16 additional health professions, effective January 1, 2026. Schedule 3 specifies the changes made to the *Drug and Pharmacies Regulation Act, 1990.*

- To allow for out of province professionals whose scopes of practice interact with the drug and pharmacy system, Schedule 3 of Bill 56 amended the *DPRA* by changing several defined terms and providing the OCP Board with new regulation-making power. These changes allow the Board, subject to approval, to make a regulation that broadens the meaning of certain terms used in the DPRA (such as pharmacist, pharmacy technician, chiropodist, dental hygienist, midwife, and optometrist) to include specified out of province professionals.

- On November 14th, the Assistant Deputy Minister and Chief of Nursing and Professional Practice of the Ministry of Health sent a letter (see Appendix 1) requesting that the College make a regulation under the DPRA, using content set out in an attached consultation draft.

- As an aside, it is noted that amendments to the *DPRA,* defining prescribed persons as pharmacists, does not apply to Section 142 - Operation of pharmacies by corporation and Section 144 – Ownership of pharmacies of the Act.

ANALYSIS:

To expand "As of Right" to additional out of province providers, definitions of certain health care professionals were added to the *DPRA* or revised. The definitions of chiropodist, dental hygienist, midwife and optometrist were added, and the definitions of pharmacist and pharmacy technician were revised. All definitions , though not yet in force, can be found in subsection 1(1) of the *DPRA* in text with a gray background (Appendix 2). These definitions specify that the health professional must be a member of an Ontario health regulatory college or be "another person prescribed by the regulations". Health professionals that are entering Ontario to practice under "As of Right" rules will be prescribed in the new regulation made and submitted by the Board to the Ministry of Health for final regulatory approval.

Proposed Regulation
The proposed regulatory amendments define who is a "person prescribed by the regulations" (see Appendix 3). These definitions are required so out of province health professionals practicing in Ontario have the same authority to practice their profession under the *DPRA* as regulated health professionals in Ontario. The proposed regulation is consistent with the consultation draft the Ministry requested the College use to develop the new regulation. Appendix 4 is provided to show tracked changes that the amending regulation proposes for the General Regulation (264/16) under the *DPRA*.

Circulation
Section 161 (5) of the *DPRA* sets out the requirement that any regulation being made must be circulated for at least 60 days, to everyone who holds a valid certificate of accreditation, before it is approved by the Board (Council). However, given the Board is being asked to submit a draft of the regulation by November 20th and a signed final regulation by December 5th, the Ministry has indicated their willingness to help expedite the regulation making process, including consideration by the Minister to exempt the 60-day circulation requirement pursuant to s. 161 (7) of the *DPRA*, if requested by the Board.

What are the risks in approving these amendments?
There are no identified risks or concerns with the proposed regulation. The amendments are required to enable prescribed persons, as referenced under the revised definitions of chiropodists, dental hygienists, midwives, optometrists, pharmacists and pharmacy technicians under the *DPRA and* made under Schedule 3 of the *Building a More Competitive Economy Act, 2025*, to interact with the drug and pharmacy system with the same authority as members of their respective regulated health profession Colleges.

RECOMMENDATION:

Motion 1: That the Board approve for circulation a proposed regulation, made under the authority of section 161(1) (v) of the *Drug and Pharmacies Regulation Act, 1990,* to amend General Regulation 264/16, by including the definitions of prescribed persons as set out in Appendix 3.

Motion 2: That the Board seek an exemption from the 60-day circulation requirement under sections 161 (5) and (7) of the *Drug and Pharmacies Regulation Act, 1990,* by the Minister of Health.

NEXT STEPS:
If approved, the College will seek approval from the Minister of Health to exempt the proposed regulation from the 60-day circulation period to meet the Ministry's request to submit the regulation by December 5th. Should the Minister approve the exemption, the Board will be asked to approve the proposed regulation for submission to the Ministry.

As noted in the letter from the Ministry, amendments to regulation 381/11 under the *Narcotic Safety and Awareness Act, 2010*, will follow. These changes will ensure that prescribed persons will have the same reporting obligations as members of a regulated health profession.

ATTACHMENTS:

- Appendix 1 – Letter from Dr. Karima Velji, Assistant Deputy Ministry and Chief of Nursing and Professional Practice, Ministry of Health with attached consultation draft.
- Appendix 2 – *Drug and Pharmacies Regulation Act, 1990* (with January 1, 2026, revisions)
- Appendix 3 – Proposed Amending Regulation
- Appendix 4 – General Regulation under the DPRA, with tracked changes

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Ontario

November 14, 2025

Susan James
Acting Registrar
Ontario College of Pharmacists
483 Huron Street
Toronto ON M5R 2R4

Dear Susan James:

I am writing to inform you that on November 3, 2025, Bill 56, *Building a More Competitive Economy Act, 2025* received Royal Assent. Subject to regulatory amendments, the statutory amendments contained in Schedules 3, 4, 8 and 10 of that Act expand the "As of Right" rules to 16 additional out-of-province regulated health professions, including pharmacists and pharmacy technicians. All of these Schedules will now come into force on January 1, 2026. Regulations supporting the legislative amendments are also needed to allow for the "As of Right" rules to be operational.

To summarize, the "As of Right" rules are a first-in-Canada approach that permits health care professionals registered in good standing in other provinces and territories and who meet the "As of Right" conditions to practise their profession immediately on arrival to Ontario. Known as out-of-province professionals, they would have up to six months to register with a health regulatory college.

To allow out of province professionals whose respective Ontario scopes of practice interact with the drug and pharmacy system, Schedule 3 of the *Building a More Competitive Economy Act, 2025* amended the *Drug and Pharmacies Regulation Act* (DPRA). The amendments, among other things, changed numerous defined terms and provided the Council of the Ontario College of Pharmacists (Council) a new regulation-making power. The amendments are designed to enable Council, subject to the approval of the Lieutenant Governor in Council, to, by regulation, broaden the meaning of certain terms used in the DPRA (specifically, "pharmacist", "pharmacy technician", "chiropodist", "dental hygienist", "midwife", and "optometrist") to include specified out of province professionals.

In efforts to assist the ministry with implementation of this initiative, we are requesting that the Council make a regulation under the DPRA that includes the content set out in the consultation draft of the amending regulation that I have included as an attachment with this letter.

The proposed regulation should have a commencement date of January 1, 2026, or the day the regulation is filed, whichever is later.

The ministry will need the Council to deliver to the Ministry a draft of the proposed regulation by November 20, 2025, and the final signed regulation no later than end of day December 5, 2025.

Given the short timeframe, the Ministry will work with the Council to expedite the regulation-making process, including consideration by the Minister of Health to exempt the proposed regulation from the circulation requirements or abridge the 60-day circulation period set out in the DPRA, pursuant to s. 161(7) of the DPRA, if requested by the Council.

In addition, the Ministry would like to make you aware of an additional proposal for the Lieutenant Governor in Council to make amendments to O Reg 381/11 under the *Narcotics Safety and Awareness Act, 2010* (NSAA) to complement the proposed expansion of "As of Right" rules to additional health professionals. A Regulatory Registry posting will be made outlining the proposed changes to O. Reg 381/11, a link to which the Ministry will share once it becomes available.

Thank you for your ongoing support and engagement with this work.

Sincerely,

Dr. Karima Velji
Assistant Deputy Minister and Chief of Nursing and Professional Practice
Ministry of Health

Cc: Patrick Dicerni, Assistant Deputy Minister and Executive Officer, Health Programs and Delivery Division, Ministry of Health

Caution:
This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

DRUG AND PHARMACIES REGULATION ACT

Amending O. Reg. 264/16

(GENERAL)

1. Ontario Regulation 264/16 is amended by adding the following section:

Prescribed persons

2.1 (1) A person who is exempted from subsections 10 (1) and (2) of the *Chiropody Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "chiropodist" in subsection 1 (1) of the Act.

(2) A person who is exempted from subsections 9 (1) and (2) of the *Dental Hygiene Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "dental hygienist" in subsection 1 (1) of the Act.

(3) A person who is exempted from subsections 8 (1) and (2) of the *Midwifery Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "midwife" in subsection 1 (1) of the Act.

(4) A person who is exempted from subsections 9 (1) and (2) of the *Optometry Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "optometrist" in subsection 1 (1) of the Act.

(5) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the pharmacist class in Ontario is a prescribed person for the purposes of the definition of "pharmacist" in subsection 1 (1) of the Act.

(6) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the pharmacy technician class in Ontario is a prescribed person for the purposes of the definition of "pharmacy technician" in subsection 1 (1) of the Act.

Commencement

2. [Commencement]

Français

Drug and Pharmacies Regulation Act

R.S.O. 1990, CHAPTER H.4

Consolidation Period: From November 3, 2025 to the e-Laws currency date.

Last amendment: 2025, c. 11, Sched. 3.

Legislative History: 1991, c. 18, s. 47; 1998, c. 18, Sched. G, s. 49; 2000, c. 42, Sched., s. 12, 13; 2004, c. 3, Sched. A, s. 80; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 19, Sched. L, s. 11 (2, 5); 2006, c. 27, s. 16; 2007, c. 10, Sched. L, s. 1-29; 2009, c. 26, s. 8; 2009, c. 31, s. 68 (see: 2019, c. 14, Sched. 3, s. 11 (1)); 2009, c. 33, Sched. 6, s. 51; 2014, c. 14, Sched. 2, s. 1-7; 2017, c. 11, Sched. 1; 2017, c. 25, Sched. 9, s. 92 (see 2023, c. 4, Sched. 1, s. 67); 2017, c. 26, Sched. 1, s. 29; 2018, c. 12, Sched. 1, s. 21; 2024, c. 15, Sched. 1, s. 113; 2025, c. 11, Sched. 3.

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PART I
GENERAL

Interpretation

1 (1) In this Act,

"Accreditation Committee" means the Accreditation Committee of the College; ("comité d'agrément")

"by-laws" means the by-laws made under this Act; ("règlements administratifs")

"cannabis" has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada); ("cannabis")

"certificate of accreditation" means a certificate of accreditation issued by the Registrar of the College under subsection 139 (2); ("certificat d'agrément")

"certificate of authorization" has the same meaning as in the *Regulated Health Professions Act, 1991*; ("certificat d'autorisation")

"certificate of registration" means a certificate of registration within the meaning of the Health Professions Procedural Code issued by the Registrar of the College; ("certificat d'inscription")

Note: On January 1, 2026, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2025, c. 11, Sched. 3, s. 1 (1))

"chiropodist" means a member of the College of Chiropodists of Ontario or another person prescribed by the regulations; ("podologue")

"College" means the Ontario College of Pharmacists; ("Ordre")

"Council" means the Council of the College; ("conseil")

Note: On January 1, 2026, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2025, c. 11, Sched. 3, s. 1 (1))

"dental hygienist" means a member of the College of Dental Hygienists of Ontario or another person prescribed by the regulations; ("hygiéniste dentaire")

"designated manager" means the pharmacist designated by the owner of the pharmacy, in information provided to the College, as the pharmacist responsible for managing the pharmacy; ("gérant désigné")

"Discipline Committee" means the Discipline Committee of the College; ("comité de discipline")

"drug" means any substance or preparation containing any substance,

(a) manufactured, sold or represented for use in,

(i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or

(ii) restoring, correcting or modifying functions in humans, animals or fowl,

(b) referred to in Schedule I, II or III,

(c) listed in a publication named by the regulations, or

(d) named in the regulations,

but does not include,

(e) any substance or preparation referred to in clause (a), (b), (c) or (d) manufactured, offered for sale or sold as, or as part of, a food, drink or cosmetic,

(f) any "natural health product" as defined from time to time by the *Natural Health Products Regulations* under the *Food and Drugs Act* (Canada), unless the product is a substance that is identified in the regulations as being a drug for the purposes of this Act despite this clause, either specifically or by its membership in a class or its listing or identification in a publication,

(f.1) cannabis, other than,

(i) a drug containing cannabis to which the *Cannabis Regulations* (Canada) apply,

(ii) cannabis obtained for medical purposes in accordance with Part 14 of those Regulations or in accordance with a court order, and

(iii) cannabis that is identified in the regulations as being a drug for the purposes of this Act despite this clause,

(g) a substance or preparation named in Schedule U,

(h) a substance or preparation listed in a publication named by the regulations, or

(i) a substance or preparation that the regulations provide is not a drug; ("médicament")

"health profession corporation" has the same meaning as in the *Regulated Health Professions Act, 1991*; ("société professionnelle de la santé")

"Health Professions Procedural Code" means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; ("Code des professions de la santé")

"hospital" means a hospital within the meaning of the *Public Hospitals Act* or a private hospital within the meaning of the *Private Hospitals Act*; ("hôpital")

"hospital patient" means a patient within the meaning of the *Public Hospitals Act* or the *Private Hospitals Act*; ("malade d'un hôpital")

"hospital pharmacy" means a location that is deemed to be a pharmacy by virtue of section 119; ("pharmacie en milieu hospitalier")

"institutional pharmacy" means a premises that is deemed to be a pharmacy by virtue of section 120; ("pharmacie en milieu institutionnel")

"intern" means a person who is registered as an intern under the *Pharmacy Act, 1991*; ("interne")

Note: On January 1, 2026, the definition of "intern" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 1 (2))

"intern" means a member of the College who holds a certificate of registration as an intern under the *Pharmacy Act, 1991*; ("interne")

"intern technician" means a person registered as an intern technician under the *Pharmacy Act, 1991*; ("technicien stagiaire")

Note: On January 1, 2026, the definition of "intern technician" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 1 (2))

"intern technician" means a member of the College who holds a certificate of registration as an intern technician under the *Pharmacy Act, 1991*; ("technicien stagiaire")

"member" means a member of the College; ("membre")

Note: On January 1, 2026, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2025, c. 11, Sched. 3, s. 1 (1))

"midwife" means a member of the College of Midwives of Ontario or another person prescribed by the regulations; ("sage-femme")

"Minister" means the Minister of Health and Long-Term Care; ("ministre")

Note: On January 1, 2026, the definition of "Minister" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 1 (2))

"Minister" means the Minister of Health or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; ("ministre")

Note: On January 1, 2026, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2025, c. 11, Sched. 3, s. 1 (1))

"optometrist" means a member of the College of Optometrists of Ontario or another person prescribed by the regulations; ("optométriste")

"pharmacist" means a person registered as a pharmacist under the *Pharmacy Act, 1991*; ("pharmacien")

Note: On January 1, 2026, the definition of "pharmacist" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 1 (2))

"pharmacist" means a member of the College who holds a certificate of registration as a pharmacist under the *Pharmacy Act, 1991* or another person prescribed by the regulations; ("pharmacien")

"pharmacy" means a premises in or in part of which prescriptions are compounded or dispensed for the public or drugs are sold by retail, and includes a remote dispensing location; ("pharmacie")

"pharmacy technician" means a person registered as a pharmacy technician under the *Pharmacy Act, 1991*; ("technicien en pharmacie")

Note: On January 1, 2026, the definition of "pharmacy technician" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 1 (2))

"pharmacy technician" means a member of the College who holds a certificate of registration as a pharmacy technician under the *Pharmacy Act, 1991* or another person prescribed by the regulations; ("technicien en pharmacie")

"prescriber" means a person who is authorized under the laws of a province or territory of Canada to give a prescription within the scope of his or her practice of a health discipline; ("personne autorisée à prescrire des médicaments")

"prescription" means a direction from a prescriber directing the dispensing of any drug or mixture of drugs for a designated person or animal; ("ordonnance")

"proprietary misconduct" means proprietary misconduct as defined in the regulations; ("faute liée à la spécialité")

"Registrar" means the Registrar of the College; ("registrateur")

"regulations" means the regulations made under this Act; ("règlements")

"remote dispensing location" has the meaning provided for in the regulations. ("téléofficine") 2007, c. 10, Sched. L, s. 1 (1, 2); 2009, c. 26, s. 8 (1, 2); 2014, c. 14, Sched. 2, s. 1; 2017, c. 11, Sched. 1, s. 1; 2018, c. 12, Sched. 1, s. 21 (1, 2).

Schedules

(2) A reference in this Act to Schedule I, II, III or U is a reference to such Schedule established by the regulations. 2007, c. 10, Sched. L, s. 1 (3).

References in other laws

(2.1) A reference in any other Act or regulation to a term as defined in subsection 117 (1) of this Act shall be deemed to be a reference to the same term as defined in subsection (1) of this section. 2007, c. 10, Sched. L, s. 1 (1).

References to hearings

(3) Nothing in this Act shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to. R.S.O. 1990, c. H.4, s. 1 (3).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1-3) - 31/12/1993; 1998, c. 18, Sched. G, s. 49 (1) - 01/02/1999

2000, c. 42, Sched., s. 12 - 01/11/2001

2006, c. 19, Sched. L, s. 11 (2) - 22/06/2006

2007, c. 10, Sched. L, s. 1 (1) - 04/06/2007; 2007, c. 10, Sched. L, s. 1 (2, 3) - 04/06/2008

2009, c. 26, s. 8 (1, 2) - 14/03/2011

2014, c. 14, Sched. 2, s. 1 - 01/08/2016

2017, c. 11, Sched. 1, s. 1 - 01/10/2024; 2017, c. 25, Sched. 9, s. 92 - no effect - see 2023, c. 4, Sched. 1, s. 67 - 18/05/2023; 2017, c. 26, Sched. 1, s. 29 (1) - 17/10/2018

2018, c. 12, Sched. 1, s. 21 (1, 2) - 17/10/2018

2025, c. 11, Sched. 3, s. 1 (1, 2) - 01/01/2026

Administration of Act

2 The Minister is responsible for the administration of this Act. R.S.O. 1990, c. H.4, s. 2.

3-19 REPEALED: 1991, c. 18, s. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

Part II (SS. 20-44) REPEALED: 1991, C. 18, S. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

Part III (SS. 45-69) REPEALED: 1991, C. 18, S. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

Part IV (SS. 70-92) REPEALED: 1991, C. 18, S. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

Part V (SS. 93-116) REPEALED: 1991, C. 18, S. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

PART VI
PHARMACY

117 REPEALED: 2007, c. 10, Sched. L, s. 2.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1, 4-6) - 31/12/1993; 1998, c. 18, Sched. G, s. 49 (2, 3) - 01/02/1999

2006, c. 27, s. 16 - 20/12/2006

2007, c. 10, Sched. L, s. 2 - 04/06/2007

Application of the Act

118 (1) Subject to sections 119 and 120, this Act does not apply to,

(a) drugs compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber for persons under health care provided by such hospital or health or custodial institution;

(b) the selling of,

(i) any substance registered under the *Pest Control Products Act* (Canada) and sold in accordance with its provisions,

(ii) any feeding stuffs registered under the *Feeds Act* (Canada) and sold in accordance with its provisions,

(iii) a livestock medicine as defined in the *Animal Health Act, 2009* by a person licensed under that Act with respect to the control and regulation of the sale of livestock medicines or by a facility licensed for the sale or offering for sale or distribution of livestock medicines;

(c) the practice of a veterinarian under the *Veterinarians Act*. R.S.O. 1990, c. H.4, s. 118 (1); 1991, c. 18, s. 47 (7); 2007, c. 10, Sched. L, s. 3 (1); 2009, c. 31, s. 68; 2014, c. 14, Sched. 2, s. 2.

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 118 (1) (c) of the Act is amended by striking out "a veterinarian under the *Veterinarians Act*" at the end and substituting "a member within the meaning of the *Veterinary Professionals Act, 2024*, as authorized under that Act". (See: 2024, c. 15, Sched. 1, s. 113)

Same

(2) Nothing in this Act prevents any person from selling or dispensing a drug to a person authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to dispense, prescribe, administer, compound or sell drugs. 2009, c. 26, s. 8 (3).

Note: On January 1, 2026, subsection 118 (2) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 2 (1))

Same

(2) Nothing in this Act prevents any person from selling or dispensing a drug to,

(a) a person authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to dispense, prescribe, administer, compound or sell drugs; or

(b) another person prescribed by the regulations. 2025, c. 11, Sched. 3, s. 2 (1).

Same

(3) Nothing in this Act prevents any person from selling, to a member of the College of Chiropodists of Ontario, the College of Dental Hygienists of Ontario, the College of Midwives of Ontario or the College of Optometrists of Ontario, a drug that the member may use in the course of engaging in the practice of his or her profession. 2009, c. 26, s. 8 (3).

Note: On January 1, 2026, subsection 118 (3) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 2 (2))

Same

(3) Nothing in this Act prevents any person from selling, to a chiropodist, dental hygienist, midwife or optometrist, a drug that the health professional may use in the course of engaging in the practice of their profession. 2025, c. 11, Sched. 3, s. 2 (2).

Same

(4) Subject to the following, this Act does not apply to the practice of a person who is authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to compound, dispense or sell a drug while engaging in the practice of a health profession:

1. Where that person is working in a pharmacy, this Act applies to the person's work in the pharmacy to the same extent that it does to any other person.
2. Sections 149, 150, 152 and 160 apply to the person. 2009, c. 26, s. 8 (3).

Same

(5) Nothing in this Act prevents the sale or distribution of cannabis for medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order. 2018, c. 12, Sched. 1, s. 21 (3).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (7-9) - 31/12/1993

2007, c. 10, Sched. L, s. 3 (1-3) - 04/06/2007

2009, c. 26, s. 8 (3) - 14/03/2011; 2009, c. 31, s. 68 - 01/01/2021

2014, c. 14, Sched. 2, s. 2 - 01/08/2016

2017, c. 26, Sched. 1, s. 29 (2) - 17/10/2018

2018, c. 12, Sched. 1, s. 21 (3) - 17/10/2018

2024, c. 15, Sched. 1, s. 113 - not in force

2025, c. 11, Sched. 3, s. 2 (1, 2) - 01/01/2026

Hospital pharmacies

119 (1) Despite anything else in this Act, where drugs are compounded, dispensed or supplied for hospital patients by a hospital in premises located in a hospital, the primary location or locations in the hospital where drugs are compounded, dispensed or supplied from, together with any other location in the hospital where drugs are stored or supplied from and any other location prescribed in regulations made under subsection (2), is deemed to be a pharmacy for the purposes of the following provisions of this Act, subject to the regulations and to any necessary modifications:

1. Section 139.
2. Section 140.
3. Section 140.1.
4. Section 143.

5. Section 148.
6. Section 148.1.
7. Section 148.2.
8. Section 148.3.
9. Section 148.4.
10. Section 160.1.
11. Section 161.
12. Section 162.
13. Section 162.1.
14. Section 164.
15. Section 165.
16. Section 166.
17. Section 167. 2014, c. 14, Sched. 2, s. 3.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing locations for the purposes of subsection (1). 2014, c. 14, Sched. 2, s. 3.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1, 10, 11) - 31/12/1993

2014, c. 14, Sched. 2, s. 3 - 01/08/2016

Institutional pharmacies

120 (1) The Lieutenant Governor in Council may make regulations,

(a) designating premises in or associated with one or more health or custodial institutions as institutional pharmacies;

(b) providing that any or all provisions of this Act apply with respect to institutions designated under clause (a), subject to the modifications, if any, provided for in the designating regulation. 2014, c. 14, Sched. 2, s. 3.

Same

(2) Where a premises has been designated in regulations described in subsection (1), the premises is deemed to be a pharmacy for the purposes of the provisions of this Act provided for in those regulations, subject to the regulations and to any necessary modifications. 2014, c. 14, Sched. 2, s. 3.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

2014, c. 14, Sched. 2, s. 3 - 01/08/2016

Not pharmacies for other purposes

121 (1) Hospital pharmacies and institutional pharmacies are not pharmacies, and the operators of hospital pharmacies and institutional pharmacies are not operators of pharmacies, for the purposes of any other Act or regulation, except,

(a) as may be explicitly provided for in the other Act or regulation, with reference to this section; or

(b) as may be provided for in regulations made under subsection (2). 2014, c. 14, Sched. 2, s. 3.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) providing that hospital pharmacies are pharmacies for the purposes of one or more other Acts or regulations, and providing for those Acts or regulations;

(b) providing that institutional pharmacies are pharmacies for the purposes of one or more other Acts or regulations, and providing for those Acts or regulations;

(c) providing that operators of hospital pharmacies are operators of pharmacies for the purposes of one or more other Acts or regulations, and providing for those Acts or regulations;

(d) providing that operators of institutional pharmacies are operators of pharmacies for the purposes of one or more other Acts or regulations, and providing for those Acts or regulations;

(e) governing who is the operator of a hospital pharmacy or institutional pharmacy for the purposes of this section. 2014, c. 14, Sched. 2, s. 3.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

2014, c. 14, Sched. 2, s. 3 - 01/08/2016

122 REPEALED: 1991, c. 18, s. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

123 REPEALED: 1998, c. 18, Sched. G, s. 49 (4).

Note: Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (4), a regulation made under clause 123 (1) (j) respecting information to be furnished with respect to pharmacies shall be deemed to continue in force until it is revoked by the authority that made it. See: 1998, c. 18, Sched. G, s. 49 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (4) - 01/02/1999

124 REPEALED: 1998, c. 18, Sched. G, s. 49 (6).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (6) - 01/02/1999

125.-138 REPEALED: 1991, c. 18, s. 47 (1).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

PHARMACIES

Certificates of accreditation

139 (1) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof. R.S.O. 1990, c. H.4, s. 139 (1).

Issuance

(2) The Registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Act and the regulations and shall refer to the Accreditation Committee every application for a certificate or renewal that the Registrar proposes to refuse or to which he or she considers terms, conditions or limitations should be attached. R.S.O. 1990, c. H.4, s. 139 (2); 2007, c. 10, Sched. L, s. 4 (1).

Accreditation Committee

(3) The Accreditation Committee shall determine the eligibility of the applicant and the pharmacy or proposed pharmacy and its operation and may direct the Registrar to issue or refuse to issue the accreditation certificate or to issue the accreditation certificate subject to such terms, conditions or limitations as the Committee directs. R.S.O. 1990, c. H.4, s. 139 (3).

Procedure

(4) The provisions of the Health Professions Procedural Code dealing with applications to the Registration Committee and hearings, reviews and appeals from decisions of panels of the Registration Committee apply, with necessary modifications and subject to subsection (5), to applications referred to the Accreditation Committee as though the Accreditation Committee were a panel. 1991, c. 18, s. 47 (12).

Idem

(5) The following provisions of the Health Professions Procedural Code do not apply to applications referred to the Accreditation Committee:

1. Paragraphs 2 and 3 of subsection 18 (2).
2. Paragraph 2 of subsection 22 (6). 1991, c. 18, s. 47 (12); 2007, c. 10, Sched. L, s. 4 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsections 139 (5) of the Act is amended by adding the following paragraph: (See: 2017, c. 11, Sched. 1, s. 2)

3. Subsections 17 (2) and (3).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (12) - 31/12/1993

2007, c. 10, Sched. L, s. 4 (1, 2) - 04/06/2007

2017, c. 11, Sched. 1, s. 2 - not in force

Revocation of certificate and other disciplinary measures

140 (1) Where the Accreditation Committee has reason to believe that a pharmacy or its operation fails to conform to the requirements of this Act and the regulations or to any term, condition or limitation to which its certificate of accreditation is subject, or that an act of proprietary misconduct has been committed, the Committee may refer the person who has been issued a certificate of accreditation, a designated manager of the pharmacy operated by the person who has been issued a certificate of accreditation or the directors of a corporation which has been issued a certificate of accreditation to the Discipline Committee for a hearing and determination. 2007, c. 10, Sched. L, s. 5 (1).

Procedure

(2) The provisions of the Health Professions Procedural Code dealing with allegations of a member's professional misconduct or incompetence referred to the Discipline Committee, and hearings, reviews and appeals from decisions of panels of the Discipline Committee apply, with necessary modifications and subject to subsection (3), to allegations referred to the Discipline Committee under subsection (1). 1998, c. 18, Sched. G, s. 49 (7); 2017, c. 11, Sched. 1, s. 3 (1).

Interim order

(2.0.1) The Accreditation Committee may at any time make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a certificate of accreditation, if it is of the opinion that the conduct or operation of a pharmacy is likely to expose a patient, or a member of the public, to harm or injury. 2017, c. 11, Sched. 1, s. 3 (2).

Procedure

(2.0.2) The provisions of the Health Professions Procedural Code dealing with interim suspension orders made by the Inquiries, Complaints and Reports Committee or a panel of the Committee apply, with necessary modifications, to interim suspension orders made by the Accreditation Committee under subsection (2.0.1). 2017, c. 11, Sched. 1, s. 3 (2).

References in Code

(2.1) For greater certainty, and without in any way restricting the application of subsection (2), a reference in section 25.4 of the Health Professions Procedural Code,

(a) to a "member" includes a person mentioned in subsection (1); and

(b) to a "certificate of registration" includes a certificate of accreditation. 2007, c. 10, Sched. L, s. 5 (2); 2017, c. 11, Sched. 1, s. 3 (3).

Idem

(3) Subsection (3.1) applies, instead of subsections 51 (1) and (2) of the Health Professions Procedural Code, to allegations referred to the Discipline Committee under subsection (1). 1991, c. 18, s. 47 (13).

Orders

(3.1) A panel of the Discipline Committee may make an order doing any one or more of the following if it finds that a person who has been issued a certificate of accreditation or the directors of a corporation which has been issued a certificate of accreditation have established or operated a pharmacy in contravention of this Act or the regulations, or have committed an act or acts of proprietary misconduct:

1. Directing the Registrar to revoke the certificate.
2. Directing the Registrar to suspend the certificate for a specified period of time.

3. Requiring the payment of a fine of not more than $100,000 to the Minister of Finance, and directing who shall make the payment.
4. Directing the Registrar to impose specified terms, conditions and limitations on the certificate for a specified period of time or indefinite period of time. 2007, c. 10, Sched. L, s. 5 (3).

Same, designated manager

(3.2) Despite subsection (3), if a panel of the Discipline Committee finds that a designated manager has contravened a provision of this Act or the regulations, or has committed an act or acts of proprietary misconduct, the panel may make an order doing anything that may be done under subsection 51 (2) of the Health Professions Procedural Code, with any necessary modification. 2007, c. 10, Sched. L, s. 5 (3).

Cancellation for non-payment of fee

(4) The Registrar may revoke or suspend a certificate of accreditation for non-payment of the fee required under the by-laws after the person operating the pharmacy has been given at least 60 days notice of default and intention to revoke or suspend. 2007, c. 10, Sched. L, s. 5 (4).

Transitional

(5) A notice given by the Council under subsection (4) as it existed before the coming into force of subsection 5 (4) of Schedule L to the *Health System Improvements Act, 2007* continues to be valid as if it had been made by the Registrar. 2007, c. 10, Sched. L, s. 5 (5).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (13) - 31/12/1993; 1998, c. 18, Sched. G, s. 49 (7, 8) - 01/02/1999

2006, c. 19, Sched. L, s. 11 (5) - 22/06/2006

2007, c. 10, Sched. L, s. 5 (1-5) - 04/06/2007

2017, c. 11, Sched. 1, s. 3 (1-3) - 01/05/2018

Publication of decisions

140.1 (1) The College shall publish a panel's decision and its reasons, or a summary of its reasons, in its annual report and may publish the decision and reasons or summary in any other publication of the College. 2007, c. 10, Sched. L, s. 6.

Publication of name

(2) In publishing a decision and reasons or summary under subsection (1), the College shall publish the name of the person who has been issued a certificate of accreditation, designated manager or director who was the subject of the proceeding if,

(a) the results of the proceeding may be obtained by a member of the public from the College's register; or

(b) the person, designated manager or director requests the publication of his or her name. 2007, c. 10, Sched. L, s. 6.

Withholding of name

(3) The College shall not publish the name of the person, designated manager or director who was the subject of the proceeding unless it is required to do so under subsection (2). 2007, c. 10, Sched. L, s. 6.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 6 - 04/06/2007

Closing of pharmacy

141 Every person who permanently closes a pharmacy shall immediately remove all signs and symbols relating to the practice of pharmacy either within or outside the premises, shall remove and dispose of all drugs according to law and shall submit in writing to the Registrar such information and within such time as may be required by the by-laws. R.S.O. 1990, c. H.4, s. 141; 1998, c. 18, Sched. G, s. 49 (9).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (9) - 01/02/1999

Operation of pharmacies by corporation

142 (1) No corporation shall own or operate a pharmacy unless the majority of the directors of the corporation are pharmacists. R.S.O. 1990, c. H.4, s. 142 (1).

Same

(2) No corporation shall own or operate a pharmacy unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmacists or in the name of health profession corporations each of which holds a valid certificate of authorization issued by the College. 2000, c. 42, Sched., s. 13; 2007, c. 10, Sched. L, s. 7.

Application of subs. (2)

(3) For the purposes of subsection (2), shares registered in the name of the personal representative of a deceased pharmacist shall, for a period not exceeding four years, be considered to be registered in the name of a pharmacist. R.S.O. 1990, c. H.4, s. 142 (3).

Idem

(4) Subsection (2) does not apply to any corporation operating a pharmacy on the 14th day of May, 1954. R.S.O. 1990, c. H.4, s. 142 (4).

Application of section

(5) This section does not apply to the operation of a pharmacy by a non-profit corporation having as its objects and providing health services by members of more than one health discipline. R.S.O. 1990, c. H.4, s. 142 (5).

Note: On January 1, 2026, section 142 of the Act is amended by adding the following subsection: (See: 2025, c. 11, Sched. 3, s. 3)

Definition of pharmacist

(6) Despite the definition of "pharmacist" in subsection 1 (1), a reference to a "pharmacist" in this section does not include a person prescribed by the regulations. 2025, c. 11, Sched. 3, s. 3.

Section Amendments with date in force (d/m/y)

2000, c. 42, Sched., s. 13 - 01/11/2001

2007, c. 10, Sched. L, s. 7 - 04/06/2007

2025, c. 11, Sched. 3, s. 3 - 01/01/2026

Where certificate of registration revoked

143 No person whose certificate of registration has been revoked for cause or while his or her licence is suspended for cause,

(a) shall be employed or work in a pharmacy; or

(b) shall act as a director or vote as a shareholder in a corporation operating a pharmacy. R.S.O. 1990, c. H.4, s. 143; 1991, c. 18, s. 47 (14); 2007, c. 10, Sched. L, s. 8.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (14) - 31/12/1993

2007, c. 10, Sched. L, s. 8 - 04/06/2007

Ownership of pharmacies

144 (1) No person other than a pharmacist or a corporation complying with the requirements of section 142 shall own or operate a pharmacy. R.S.O. 1990, c. H.4, s. 144 (1).

Idem

(2) For the purposes of the ownership of a pharmacy, or for the purposes of the composition of the board of directors or ownership of shares of a corporation as required by section 142, the right to operate the pharmacy shall not be affected by,

(a) any suspension of the certificate of registration of a pharmacist; or

(b) the revocation of the certificate of registration of a pharmacist until after a period of six months has elapsed. R.S.O. 1990, c. H.4, s. 144 (2); 2007, c. 10, Sched. L, s. 9.

Note: On January 1, 2026, section 144 of the Act is amended by adding the following subsection: (See: 2025, c. 11, Sched. 3, s. 4)

Definition of pharmacist

(3) Despite the definition of "pharmacist" in subsection 1 (1), a reference to a "pharmacist" in this section does not include a person prescribed by the regulations. 2025, c. 11, Sched. 3, s. 4.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 9 (1, 2) - 04/06/2007

2025, c. 11, Sched. 3, s. 4 - 01/01/2026

Licensee bankrupt, deceased, etc.

Carrying on business of bankrupt person

145 (1) Where a person owning and operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, the person shall so notify the Registrar and the trustee in bankruptcy, liquidator or assignee, as the case may be, may own and operate the pharmacy for the purposes of the bankruptcy, insolvency or assignment. R.S.O. 1990, c. H.4, s. 145 (1).

Carrying on business of deceased person

(2) Upon the death of a pharmacist who was owning and operating a pharmacy at the time of his or her death, the personal representative of such deceased person may own and operate the pharmacy for a period of four years or for such further period as the Council may authorize. R.S.O. 1990, c. H.4, s. 145 (2).

Notification to Registrar

(3) Every person authorized to own and operate a pharmacy under subsection (1) or (2) shall immediately upon becoming so authorized file with the Registrar evidence of the person's authority. R.S.O. 1990, c. H.4, s. 145 (3).

Supervision of pharmacist

146 (1) Subject to subsection (1.0.1), no person shall operate a pharmacy unless,

(a) it is under the supervision of a pharmacist who is physically present; and

(b) it is managed by a pharmacist who is designated as the designated manager by the owner of the pharmacy. R.S.O. 1990, c. H.4, s. 146 (1); 2007, c. 10, Sched. L, s. 10 (1); 2009, c. 26, s. 8 (4).

Remote dispensing locations

(1.0.1) The requirement under clause (1) (a) that a pharmacist be physically present in a pharmacy does not apply with respect to a remote dispensing location, as long as,

(a) a certificate of accreditation has been issued permitting the operation of the remote dispensing location; and

(b) the remote dispensing location is operated in accordance with the regulations. 2009, c. 26, s. 8 (5).

Designated manager

(1.1) Every owner of a pharmacy shall designate a designated manager for the pharmacy, and file notice of the designation with the College in accordance with the regulations. 2007, c. 10, Sched. L, s. 10 (2).

Exception

(2) Where the drugs in a pharmacy are restricted to a part of the pharmacy that is not accessible to the public in accordance with the regulations, and while such part is not in operation, clause (1) (a) does not apply to the remaining premises of the pharmacy. R.S.O. 1990, c. H.4, s. 146 (2).

Display

(3) Every designated manager shall ensure that his or her name, certificate of registration, or both, are clearly and publicly displayed in the pharmacy. 2007, c. 10, Sched. L, s. 10 (3).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (15) - 31/12/1993

2007, c. 10, Sched. L, s. 10 (1-3) - 04/06/2007

2009, c. 26, s. 8 (4, 5) - 14/03/2011

Contact person, hospital/institutional pharmacies

146.1 (1) Every hospital or institution in which a hospital pharmacy or an institutional pharmacy is operated shall designate a contact person for the hospital pharmacy or institutional pharmacy, and file notice of the designation with the College in accordance with the regulations. 2014, c. 14, Sched. 2, s. 4.

One contact person or several

(2) For greater certainty, a hospital or institution may designate a different person as the contact person for every hospital pharmacy or institutional pharmacy for which it must designate a contact person, but is not obliged to do so. 2014, c. 14, Sched. 2, s. 4.

Section Amendments with date in force (d/m/y)

2014, c. 14, Sched. 2, s. 4 - 01/08/2016

Designations

147 No person shall in connection with a retail business use any of the following designations, unless the business is an accredited pharmacy:

1. Drug store.
2. Pharmacien détaillant.
3. Pharmacy.
4. Pharmacie.
5. Drug department.
6. Service de pharmacie.
7. Drug sundries.
8. Remèdes divers.
9. Drug or Drugs.
10. Médicaments.
11. Drug mart.
12. Comptoir de médicaments.
13. Medicines.
14. Remèdes. R.S.O. 1990, c. H.4, s. 147.

Inspection

Premises

148 (1) An inspector appointed under a by-law may enter any pharmacy or other shop in the performance of his or her duties under this Act at all reasonable times. R.S.O. 1990, c. H.4, s. 148 (1); 2007, c. 10, Sched. L, s. 11 (1).

Documents and objects

(2) Any document or object that is kept in a pharmacy and is relevant to pharmacy practice and to an inspection under this Act shall be open to inspection by any inspector appointed under a by-law. 2007, c. 10, Sched. L, s. 11 (2).

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 11 (1, 2) - 04/06/2007

Entries and searches

148.1 (1) A justice of the peace may, on the application of an inspector made without notice, issue a warrant authorizing an inspector to enter and search a place and examine any document or thing as specified in the warrant if the justice of the peace is satisfied that the inspector has been properly appointed and that there are reasonable and probable grounds established upon oath for believing that,

(a) a person has committed an act or proprietary misconduct or is in breach of this Act or the regulations; and

(b) there is something relevant to the inspection at the place. 2007, c. 10, Sched. L, s. 12.

Searches by day unless stated

(2) A warrant issued under subsection (1) may only be executed between 8 a.m. and 8 p.m., unless the warrant specifies otherwise. 2007, c. 10, Sched. L, s. 12.

Application for dwelling

(3) An application for a warrant under subsection (1) to enter a dwelling shall specifically indicate that the application relates to a dwelling. 2007, c. 10, Sched. L, s. 12.

Assistance and entry by force

(4) An inspector entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by other persons and may enter a place by force. 2007, c. 10, Sched. L, s. 12.

Inspector to show identification

(5) An inspector entering and searching a place under the authority of a warrant issued under subsection (1) shall produce his or her identification, on request, to any person at the place. 2007, c. 10, Sched. L, s. 12.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 12 - 04/06/2007

Copying of documents and objects

148.2 (1) An inspector may copy, at the College's expense, a document or object that an inspector may examine under subsection 148 (2) or under the authority of a warrant issued under subsection 148.1 (1). 2007, c. 10, Sched. L, s. 12.

Removal of documents and objects

(2) An inspector may remove a document or object described in subsection (1) if,

(a) it is not practicable to copy it in the place where it is examined;

(b) a copy of it is not sufficient for the purposes of the inspection; or

(c) the object is a drug, and the inspector has provided a receipt. 2007, c. 10, Sched. L, s. 12.

Return of documents and objects or copies

(3) If it is practicable to copy a document or object removed under subsection (2), the inspector shall,

(a) if it was removed under clause (2) (a) or (c), return the document or object within a reasonable time; or

(b) if it was removed under clause (2) (b), provide the person who was in possession of the document or object with a copy of it within a reasonable time. 2007, c. 10, Sched. L, s. 12.

Copy as evidence

(4) A copy of a document or object certified by an inspector to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document or object itself. 2007, c. 10, Sched. L, s. 12.

Definition

(5) In this section, and for the purposes of subsection 148 (2),

"document" means a record of information in any form and includes any part of it. 2007, c. 10, Sched. L, s. 12.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 12 - 04/06/2007

Application of *Public Inquiries Act, 2009*

148.3 Section 33 of the *Public Inquiries Act, 2009* applies to a determination by an inspector whether a person mentioned in subsection 140 (1) has committed an act of proprietary misconduct or is in breach of this Act or the regulations. 2009, c. 33, Sched. 6, s. 51.

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 6, s. 51 - 01/06/2011

2007, c. 10, Sched. L, s. 12 - 04/06/2007

No obstruction

148.4 No person shall obstruct an inspector acting under section 148, or under the authority of a warrant issued under subsection 148.1 (1), or conceal from an inspector or destroy anything that is relevant to an inspection. 2007, c. 10, Sched. L, s. 12.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 12 - 04/06/2007

DRUGS

Dispensing of drugs

149 (1) Subject to subsections (2) and (3), no person shall compound, dispense or sell any drug in a pharmacy other than,

(a) a pharmacist;

(b) an intern acting under the supervision of a pharmacist who is physically present;

(c) a student who is in the course of fulfilling the educational requirements to become a member of the College acting under the supervision of a pharmacist who is physically present; or

(d) a pharmacy technician or an intern technician acting under the supervision of a pharmacist who is physically present. 2007, c. 10, Sched. L, s. 13 (1); 2009, c. 26, s. 8 (6); 2017, c. 11, Sched. 1, s. 4 (1, 2).

Exception

(2) Where a pharmacist or an intern is present in the pharmacy and available to the purchaser for consultation, subsection (1) does not apply to the sale in a pharmacy of a drug listed in Schedule III. 2007, c. 10, Sched. L, s. 13 (2).

Remote dispensing locations

(3) Despite clause (1) (d), a pharmacy technician may compound, dispense or sell a drug in a remote dispensing location without a pharmacist being physically present to supervise, as long as a pharmacist is actively supervising the pharmacy technician and,

(a) a certificate of accreditation has been issued permitting the operation of the remote dispensing location; and

(b) the remote dispensing location is operated in accordance with the regulations. 2017, c. 11, Sched. 1, s. 4 (3).

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 13 (1) - 04/06/2007; 2007, c. 10, Sched. L, s. 13 (2) - 04/06/2008

2009, c. 26, s. 8 (6, 7) - 14/03/2011

2017, c. 11, Sched. 1, s. 4 (1, 2) - 01/10/2024; 2017, c. 11, Sched. 1, s. 4 (3) - 01/05/2018

Misrepresentation

150 No person shall sell any drug under the representation or pretence that it is a particular drug when the person knows or ought to have known that it is not that drug, or does not contain any substance that the drug is meant to contain. 2007, c. 10, Sched. L, s. 14.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 14 - 04/06/2007

151 REPEALED: 2007, c. 10, Sched. L, s. 15.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 15 - 04/06/2008

Mailing or delivering certain drugs

152 (1) Subject to subsection (2), a drug listed in Schedule I shall, if sent through the mail, only be sent by registered mail or, if delivered by another method, shall be delivered in a method that is both traceable and auditable, with a receipt for the drug signed by the patient or the patient's agent. 2007, c. 10, Sched. L, s. 16.

Exception, federal law

(2) Where a law of Canada permits a method of delivery of a drug other than provided for in subsection (1), the law of Canada prevails. 2007, c. 10, Sched. L, s. 16.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 16 - 04/06/2008

Records of pharmacy

153 The designated manager of every pharmacy shall keep or cause to be kept a record of every purchase and sale of a drug referred to in the Schedules to the *Controlled Drugs and Substances Act* (Canada) or the Schedule to the *Narcotic Control Regulations* (Canada) in such form or manner as the regulations may prescribe. 2007, c. 10, Sched. L, s. 17.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 17 - 04/06/2008

154 REPEALED: 2007, c. 10, Sched. L, s. 18.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 18 - 04/06/2008

Prescription drugs

155 (1) Subject to the regulations, no person shall sell by retail any drug referred to in Schedule I, except on prescription given in such form, in such manner and under such conditions as the regulations prescribe. 2007, c. 10, Sched. L, s. 19.

Exception

(2) Subsection (1) does not apply to drugs listed in Schedule I that are sold in a container labelled by the manufacturer as for veterinary or agricultural use or sold in a form unsuitable for human use. 2007, c. 10, Sched. L, s. 19.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 19 - 04/06/2008

Prescription information

156 (1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is recorded on the prescription,

(a) the name and address of the person for whom the drug is prescribed;

(b) the name, strength (where applicable) and quantity of the prescribed drug;

(c) the directions for use, as prescribed;

(d) the name and address of the prescriber;

(e) the identity of the manufacturer of the drug dispensed;

(f) an identification number or other designation;

(g) the signature of the person dispensing the drug and, where different, also the signature of the person receiving a verbal prescription;

(h) the date on which the drug is dispensed;

(i) the price charged. R.S.O. 1990, c. H.4, s. 156 (1).

Retention of records

(2) The records required under subsection (1) shall be retained for not less than ten years. R.S.O. 1990, c. H.4, s. 156 (2); 1991, c. 18, s. 47 (16); 2017, c. 11, Sched. 1, s. 5.

Identification markings

(3) The container in which the drug is dispensed shall be marked with,

(a) the identification number that is on the prescription;

(b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

(c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;

(d) the quantity where the drug dispensed is in solid oral dosage form;

(e) the name of the owner of the pharmacy;

(f) the date the prescription is dispensed;

(g) the name of the prescriber;

(h) the name of the person for whom it is prescribed;

(i) the directions for use as prescribed. R.S.O. 1990, c. H.4, s. 156 (3).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (16) - 31/12/1993

2017, c. 11, Sched. 1, s. 5 - 01/05/2018

Prescriptions, further requirements

Copy of prescription

157 (1) Every person in respect of whom a prescription is presented to a pharmacist to be dispensed, unless otherwise directed by the prescriber, is entitled to have a copy of it marked as such, furnished to the person, his or her agent, or a pharmacist acting on behalf of such person or agent. R.S.O. 1990, c. H.4, s. 157 (1); 2007, c. 10, Sched. L, s. 20.

Conflict

(1.1) Subsection (1) prevails despite anything in the *Personal Health Information Protection Act, 2004*. 2004, c. 3, Sched. A, s. 80.

Disposal of prescriptions

(2) Prescriptions in a pharmacy that ceases to operate as a pharmacy shall be delivered to the persons, or agents of the persons, who presented the prescription or to another pharmacy that is reasonably readily available to such person or his or her agent, or failing either, to the College. R.S.O. 1990, c. H.4, s. 157 (2).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 80 - 01/11/2004

2007, c. 10, Sched. L, s. 20 - 04/06/2007

Prescription from outside Ontario

158 A pharmacist may dispense a drug pursuant to a prescription authorized by a prescriber licensed to practise in a province or territory of Canada other than Ontario if, in the professional judgment of the pharmacist, the patient requires the drug. 2007, c. 10, Sched. L, s. 21.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 21 - 04/06/2007

Reports

By pharmacists

159 (1) Every person who operates or manages a pharmacy shall provide the Minister with such information from records required to be kept under section 156 as the Minister requests. R.S.O. 1990, c. H.4, s. 159 (1).

By Registrar

(2) The Registrar shall provide the Minister with such information respecting substances referred to in the Schedules, except Schedule U, as the Registrar possesses and the Minister requests. R.S.O. 1990, c. H.4, s. 159 (2); 2007, c. 10, Sched. L, s. 22.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 22 - 04/06/2008

Sale of drugs by wholesale

160 (1) No person shall sell by wholesale any drug for the purpose of sale by retail to any person who is not entitled to sell the drug by retail. R.S.O. 1990, c. H.4, s. 160 (1).

Registration by wholesalers

(2) Every person supplying drugs by wholesale in Ontario shall register with the College as a drug wholesaler and furnish the Registrar with a signed statement showing,

(a) the person's full name and address, or if a corporation the name of the corporation and the names and addresses of the president and directors thereof;

(b) the principal business address,

and with respect to the person's places of business where drugs are handled,

(c) the address of each place of business, agent or representative in Ontario;

(d) the name of the manager or person responsible for each place of business in Ontario;

(e) the date on which the person proposes to commence business at each new location in Ontario. R.S.O. 1990, c. H.4, s. 160 (2).

Furnishing of information

(3) The information required by subsection (2) shall be furnished at least seven days before commencing business and any change in the information required by subsection (2) shall be furnished to the Registrar within seven days of the change. R.S.O. 1990, c. H.4, s. 160 (3).

Location where drugs accepted

(4) No member and no pharmacy shall receive any drug from a wholesale distributor of drugs other than at the location of a pharmacy which ordered the drugs except where appropriate in the best interest of a patient or patients. 2007, c. 10, Sched. L, s. 23.

Note: On January 1, 2026, subsection 160 (4) of the Act is repealed and the following substituted: (See: 2025, c. 11, Sched. 3, s. 5)

Location where drugs accepted

(4) No member, no person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and no pharmacy shall receive any drug from a wholesale distributor of drugs other than at the location of a pharmacy that ordered the drugs, except where appropriate in the best interest of a patient or patients. 2025, c. 11, Sched. 3, s. 5.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 23 - 04/06/2007

2025, c. 11, Sched. 3, s. 5 - 01/01/2026

BY-LAWS AND REGULATIONS

By-laws

160.1 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

(a) requiring members or operators of pharmacies to give the College such information respecting pharmacies as may be set out in the by-laws, including the location of pharmacies, the name and address of pharmacies, the residential address of members and the name and address of owners and designated managers of pharmacies and, if the pharmacy is owned by a corporation, of the directors of the corporation, and any changes to the information;

(b) providing for the information, instruments or documents to be filed with the Registrar by persons opening, acquiring, relocating or closing a pharmacy, the form thereof and the time of filing;

(c) prescribing a fee for applying for a certificate of accreditation and for the issuance and renewal of such certificates and requiring pharmacists and operators of pharmacies to pay the fee;

(d) providing for the appointment of inspectors for the purposes of this Part. 1998, c. 18, Sched. G, s. 49 (11); 2007, c. 10, Sched. L, s. 24.

Copies of by-laws

(2) A copy of the by-laws made by the Council shall be given to the Minister and to each member and operator of a pharmacy and shall be available for public inspection during normal business hours in the office of the College. 1998, c. 18, Sched. G, s. 49 (11).

Unanimous by-laws, etc.

(3) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1998, c. 18, Sched. G, s. 49 (11).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (10, 11) - 01/02/1999

2007, c. 10, Sched. L, s. 24 - 04/06/2008

Regulations

161 (1) Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations,

(a) establishing Schedules I, II, III and U for the purposes of this Act, and prescribing the substances that are to be included in those Schedules;

(b) naming or identifying substances for the purposes of the definition of "drug" in subsection 1 (1) and specifying the provisions of this Act that shall apply in respect of such substances;

(c) naming substances and preparations that are not drugs for the purposes of the definition of "drug" in subsection 1 (1);

(c.1) naming publications for the purposes of the definition of "drug" in subsection 1 (1) and specifying the provisions of this Act that shall apply in respect of substances named in those publications;

(c.2) governing matters relating to the sale in pharmacies of drugs or other specified substances or preparations;

(d) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;

(e) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedule I and the conditions under which such prescriptions may be given;

(f) authorizing the refilling of prescriptions without further prescription and prescribing the conditions under which prescriptions may be refilled without further prescription;

(g) governing the manner in which records shall be kept of the purchase and sale of drugs or of any category or class of drug;

(h) pertaining to the transfer of prescriptions and the records to be kept by the transferor and the transferee;

(i), (j) REPEALED: 2007, c. 10, Sched. L, s. 25 (4).

(j.1) governing the designation of designated managers;

(k) providing for the establishment and maintenance of patient record systems;

(k.1) prescribing books and records to be kept and returns to be made and information to be furnished with respect to pharmacies and providing for the examination and audit of such books and records;

(k.2) respecting the promotion or advertising of pharmacies and respecting advertising by operators of pharmacies;

(l) prescribing the types of containers to be used for containing any drug and the designs, specifications and labelling of containers used for containing any drug;

(l.1) establishing one or more separate classes of certificates of accreditation with respect to pharmacies, hospital pharmacies or institutional pharmacies, setting terms, conditions and limitations with respect to such classes, and requiring compliance with those terms, conditions and limitations;

(l.2) respecting the operation of hospital pharmacies and clarifying the application to hospital pharmacies of the provisions set out in section 119;

(l.3) respecting the operation of institutional pharmacies and clarifying the application to institutional pharmacies of the provisions of this Act that apply to them by virtue of their designating regulations;

(m) prescribing standards for accreditation of pharmacies including their operation and the maintenance, space, equipment and facilities required therefor;

(m.1) defining and governing the meaning of "remote dispensing location" for the purposes of this Act and the regulations or any provision of this Act or the regulations;

(m.2) prescribing standards for accreditation applicable to remote dispensing locations, including their operation and the maintenance, space, equipment and facilities required therefore;

(m.3) establishing requirements for and governing remote dispensing locations, their owners and operators and their operation, and clarifying the application of this Act with respect to remote dispensing locations, their owners and operators;

(n) providing for applications for certificates of accreditation of pharmacies, the issuance, suspension, revocation, expiration and renewal of such certificates, and anything ancillary to such issuance, suspension, revocation, expiration and renewal;

(o), (p) REPEALED: 1998, c. 18, Sched. G, s. 49 (14).

(q) prescribing standards for the subdivision of premises so that drugs are restricted to a specified area and so that the part of the premises to which the drugs are restricted may be rendered not accessible to the public, while the other part remains open;

(r) regulating the handling, location and storage of drugs in a pharmacy;

(s) regulating the use of containers in which drugs may be dispensed;

(t) designating organizations to test, certify and designate containers that meet standards approved by the Council for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed;

(u) defining "proprietary misconduct" for the purposes of this Act and governing what constitutes an act of proprietary misconduct. R.S.O. 1990, c. H.4, s. 161 (1); 1998, c. 18, Sched. G, s. 49 (12-14, 18); 2007, c. 10, Sched. L, s. 25 (1-8); 2009, c. 26, s. 8 (8); 2014, c. 14, Sched. 2, s. 5 (1).

Note: On January 1, 2026, subsection 161 (1) of the Act is amended by adding the following clause: (See: 2025, c. 11, Sched. 3, s. 6)

(v) respecting anything that, under this Act, may or must be prescribed or done by regulation.

Note: The following applies with respect to regulations respecting fees made under clause 161 (1) (n) and regulations made under clause 161 (1) (o) or (p) that are in force immediately before February 1, 1999. Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsections 49 (13) and (14) (repealing the authority under which the regulations are made), the regulations shall be deemed to continue in force until they are revoked by the authority that made them. See: 1998, c. 18, Sched. G, ss. 49 (15, 16).

Note: A reference to by-laws in the Act shall be deemed to include a reference to regulations which are deemed to continue in force under the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (16). See: 1998, c. 18, Sched. G, s. 49 (17).

Incorporation by reference

(2) A regulation under subsection (1) may adopt by reference, in whole or in part and with such changes as may be necessary, any document or publication made by a body or organization independent of the College and require compliance with the document or publication adopted. 1998, c. 18, Sched. G, s. 49 (19); 2007, c. 10, Sched. L, s. 25 (9).

Note: The following applies with respect to regulations made under subsection (2) that are in force immediately before February 1, 1999. Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsections 49 (13) and (14) (repealing the authority under which the regulations are made), the regulations shall be deemed to continue in force until they are revoked by the authority that made them. See: 1998, c. 18, Sched. G, ss. 49 (15, 16).

Note: A reference to by-laws in the Act shall be deemed to include a reference to regulations which are deemed to continue in force under the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (16). See: 1998, c. 18, Sched. G, s. 49 (17).

Rolling incorporation

(3) If a regulation under subsection (2) so provides, a document or publication adopted by reference shall be a reference to it, as amended from time to time, and whether the amendment was made before or after the regulation was made. 1998, c. 18, Sched. G, s. 49 (19).

Copies available for inspection

(4) A copy of a document or publication adopted by reference under subsection (2) shall be available for public inspection during normal business hours in the office of the College and shall, if it exists in electronic format, be posted on the College's website or made available through a hyperlink at the College's website. 1998, c. 18, Sched. G, s. 49 (19); 2007, c. 10, Sched. L, s. 25 (10).

Circulation

(5) A regulation shall not be made under subsection (1) unless the proposed regulation is circulated to every person who holds a valid certificate of accreditation at least 60 days before it is approved by the Council. 2014, c. 14, Sched. 2, s. 5 (2).

Same

(6) Subsection (5) does not apply to a regulation if the Minister required that the Council make the regulation under clause 5 (1) (c) of the *Regulated Health Professions Act, 1991*. 2014, c. 14, Sched. 2, s. 5 (2).

Exception

(7) Despite subsection (5), the Council may, with the approval of the Minister, exempt a regulation from the requirement that it be circulated or abridge the 60-day period referred to in subsection (5) to such lesser period as the Minister may determine. 2014, c. 14, Sched. 2, s. 5 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (12-14, 18, 19) - 01/02/1999

2007, c. 10, Sched. L, s. 25 (1-4) - 04/06/2008; 2007, c. 10, Sched. L, s. 25 (5-10) - 04/06/2007

2009, c. 26, s. 8 (8) - 14/03/2011

2014, c. 14, Sched. 2, s. 5 (1, 2) - 01/08/2016

2025, c. 11, Sched. 3, s. 6 - 01/01/2026

ENFORCEMENT

Restraining orders

162 (1) Where it appears to the College that any person does not comply with any provision of this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. R.S.O. 1990, c. H.4, s. 162 (1); 2006, c. 19, Sched. C, s. 1 (1); 2007, c. 10, Sched. L, s. 26.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection (1). R.S.O. 1990, c. H.4, s. 162 (2).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

2007, c. 10, Sched. L, s. 26 - 04/06/2007

Order where public at risk

162.1 (1) Despite anything in the *Pharmacy Act, 1991*, the *Regulated Health Professions Act, 1991* or the Health Professions Procedural Code, where it appears to the College that the continued operation of a pharmacy places or may place the public at risk, the College may apply to a judge of the Superior Court of Justice for an order immediately revoking or suspending the certificate of accreditation of the pharmacy. 2007, c. 10, Sched. L, s. 27.

Same

(2) The judge of the Superior Court of Justice hearing the application may make an order revoking or suspending the certificate or placing terms, conditions or limitations on the certificate or may make such other order related to the operation of the pharmacy in the public interest as the judge sees fit. 2007, c. 10, Sched. L, s. 27.

Appeal

(3) An appeal lies to the Divisional Court from an order made under subsection (2). 2007, c. 10, Sched. L, s. 27.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 27 - 04/06/2007

Recovery of charges

163 A person who sells any drug in contravention of this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991* or of the regulations under this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991* is not entitled to recover any charges in respect thereof. R.S.O. 1990, c. H.4, s. 163; 1998, c. 18, Sched. G, s. 49 (20).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (20) - 01/02/1999

Surrender of cancelled accreditation certificate

164 Where a certificate of accreditation is revoked or cancelled, the former holder thereof shall forthwith deliver the certificate to the Registrar. R.S.O. 1990, c. H.4, s. 164; 1991, c. 18, s. 47 (17).

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (17) - 31/12/1993

General offence

165 Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on conviction is liable,

(a) in the case of an individual, to a fine not exceeding $25,000 for a first offence or $50,000 for a second or subsequent offence; or

(b) in the case of a corporation, to a fine not exceeding $50,000 for a first offence or $200,000 for a second or subsequent offence. 2007, c. 10, Sched. L, s. 28.

Section Amendments with date in force (d/m/y)

1991, c. 18, s. 47 (1) - 31/12/1993

2007, c. 10, Sched. L, s. 28 - 04/06/2007

Responsibility of owner and designated manager

166 (1) Every owner and designated manager of a pharmacy, or either of them, is liable for every offence against this Act committed by any person in the employ of or under the supervision of the owner or designated manager with the owner's or designated manager's permission, consent or approval, express or implied, and every director of a corporation operating a pharmacy is liable for every offence against this Act committed by any person in the employ of the corporation with the director's permission, consent or approval, express or implied. 2007, c. 10, Sched. L, s. 29.

Same

(2) Where any person operates a pharmacy contrary to this Act or the regulations, the owner and designated manager of such pharmacy, or either of them, or any director of a corporation operating a pharmacy, may be proceeded against, and prosecution or conviction of any of them is not a bar to prosecution or conviction of another. 2007, c. 10, Sched. L, s. 29.

Exception, hospital pharmacies

(3) A director of a corporation operating a hospital pharmacy is not liable for an offence by virtue of subsection (1), and may not be proceeded against under subsection (2). 2014, c. 14, Sched. 2, s. 6.

Section Amendments with date in force (d/m/y)

2007, c. 10, Sched. L, s. 29 - 04/06/2007

2014, c. 14, Sched. 2, s. 6 - 01/08/2016

Notice to Minister

166.1 Where the College or a committee of the College proposes to take action under section 140 or any other provision of this Act and the action will involve a hospital pharmacy or an institutional pharmacy, the College or committee shall,

(a) give notice of the proposed action to the Minister in writing before taking the action; and

(b) provide the Minister with any information the Minister requests with respect to the action. 2014, c. 14, Sched. 2, s. 7.

Section Amendments with date in force (d/m/y)

2014, c. 14, Sched. 2, s. 7 - 01/08/2016

Evidence

167 In any prosecution under this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991*,

(a) a certificate as to the analysis of any drug or poison purporting to be signed by a Food and Drug Analyst or Provincial Analyst is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein without proof of the appointment or signature of the analyst;

(b) any article labelled as containing any drug is admissible in evidence as proof, in the absence of evidence to the contrary, that the article contains the drug described on the label;

(c) the label of the container of a drug dispensed pursuant to a prescription is admissible in evidence as proof, in the absence of evidence to the contrary, that the drug named in the prescription was dispensed;

(d) evidence that a drug is found in a shop or place in which business is transacted is admissible as proof, in the absence of evidence to the contrary, that it was kept for sale;

(e) evidence of the publishing of a sign, title or advertisement containing the name of an establishment or the owner thereof is admissible in evidence as proof, in the absence of evidence to the contrary, that the sign, title or advertisement was published by the owner of the establishment. R.S.O. 1990, c. H.4, s. 167; 1998, c. 18, Sched. G, s. 49 (21).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 49 (21) - 01/02/1999

Français

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PROPOSED AMENDING REGULATION

to be made under the

DRUG AND PHARMACIES REGULATION ACT

Amending O. Reg. 264/16

(GENERAL)

1. Ontario Regulation 264/16 is amended by adding the following section:

Prescribed persons

2.1 (1) A person who is exempted from subsections 10 (1) and (2) of the *Chiropody Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "chiropodist" in subsection 1 (1) of the Act.

(2) A person who is exempted from subsections 9 (1) and (2) of the *Dental Hygiene Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "dental hygienist" in subsection 1 (1) of the Act.

(3) A person who is exempted from subsections 8 (1) and (2) of the *Midwifery Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "midwife" in subsection 1 (1) of the Act.

(4) A person who is exempted from subsections 9 (1) and (2) of the *Optometry Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "optometrist" in subsection 1 (1) of the Act.

(5) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the pharmacist class in Ontario is a prescribed person for the purposes of the definition of "pharmacist" in subsection 1 (1) of the Act.

(6) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the pharmacy technician class in Ontario is a prescribed person for the purposes of the definition of "pharmacy technician" in subsection 1 (1) of the Act.

Commencement

2. This Regulation comes into force on the later of January 1, 2026 and the day this Regulation is filed.

Drug and Pharmacies Regulation Act
Loi sur la réglementation des médicaments et des pharmacies

ONTARIO REGULATION 264/16
GENERAL

Consolidation Period: From August 1, 2016 to the e-Laws currency date.

No amendments.

This Regulation is made in English only.

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PART 1
INTERPRETATION

Interpretation

1. (1) In this Regulation,

"automated pharmacy system" means a mechanical system that performs operations or activities with respect to the storage and packaging of drugs or medications, and with respect to their dispensing or distribution directly to the public;

"dispensary" means the area of a pharmacy that is accredited as a community pharmacy where drugs are stored and prepared for dispensing and distribution and to which the public has no access, but does not include an automated pharmacy system;

"document" includes a prescription, record of information in any form, and report;

"medications" means drugs and other substances usually maintained in a pharmacy, including substances used in the compounding of drugs;

"National Drug Schedules" means the National Drug Schedules that are part of the National Drug Scheduling System published by the National Association of Pharmacy Regulatory Authorities, as those Schedules are amended from time to time;

"owner" means any person or persons who own the pharmacy and, where the owner is or includes a corporation, includes each director of the corporation;

"sell" includes offer for sale, expose for sale, have in possession for sale, and distribute, whether or not the distribution is for consideration.

(2) In this Regulation, unless the context provides otherwise, reference to a pharmacy includes a hospital pharmacy.

Remote dispensing location

2. For the purposes of the Act and this Regulation,

"remote dispensing location" means a place where drugs are dispensed or sold by retail to the public under the supervision of a pharmacist who is not physically present.

Prescribed persons

2.1 (1) A person who is exempted from subsections 10 (1) and (2) of the *Chiropody Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "chiropodist" in subsection 1 (1) of the Act.

(2) A person who is exempted from subsections 9 (1) and (2) of the *Dental Hygiene Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "dental hygienist" in subsection 1 (1) of the Act.

(3) A person who is exempted from subsections 8 (1) and (2) of the *Midwifery Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "midwife" in subsection 1 (1) of the Act.

(4) A person who is exempted from subsections 9 (1) and (2) of the *Optometry Act, 1991* by a regulation made under that Act is a prescribed person for the purposes of the definition of "optometrist" in subsection 1 (1) of the Act.

(5) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the pharmacist class in Ontario is a prescribed person for the purposes of the definition of "pharmacist" in subsection 1 (1) of the Act.

(6) A person who is exempted from subsections 10 (1) and (2) of the *Pharmacy Act, 1991* by a regulation made under that Act and who holds, in another jurisdiction specified in that regulation, the equivalent of a certificate of registration in the

pharmacy technician class in Ontario is a prescribed person for the purposes of the definition of "pharmacy technician" in subsection 1 (1) of the Act.

2. Commencement

This Regulation comes into force on the later of January 1, 2026 and the day this Regulation is filed.

PART II
DRUG SCHEDULES

Drug Schedules

3. (1) Schedules I, II, III and U are established for the purposes of the Act.

(2) The following substances are prescribed as being included in Schedule I for the purposes of the Act:

1. The substances listed in Schedule I of the National Drug Schedules.
2. The substances listed in the Prescription Drug List established under section 29.1 of the *Food and Drugs Act* (Canada).
3. The substances listed in the Schedules to the *Controlled Drugs and Substances Act* (Canada).

(3) The substances listed in Schedule II of the National Drug Schedules are prescribed as being included in Schedule II for the purposes of the Act.

(4) The substances listed in Schedule III of the National Drug Schedules are prescribed as being included in Schedule III for the purposes of the Act.

(5) The substances listed in the Unscheduled Category of the National Drug Schedules are prescribed as being included in Schedule U for the purposes of the Act.

(6) The substances listed in Schedule A to this Regulation are not drugs for the purposes of the Act.

(7) Despite clause (f) of the definition of "drug" in subsection 1 (1) of the Act, any substance that is a natural health product containing pseudoephedrine or its salts, or ephedrine or its salts, or any combination of them, is a drug for the purposes of the Act.

Sale in community pharmacy

4. (1) At a pharmacy that is accredited as a community pharmacy, drugs in Schedule I shall only be available for sale from the dispensary or, where sold in a remote dispensing location, the dispensary or an automated pharmacy system.

(2) At a pharmacy that is accredited as a community pharmacy, drugs in Schedule II shall only be available for sale from the following locations:

1. A dispensary.
2. Another area of the pharmacy to which the public does not have access and which does not permit self-selection of drugs by patients.
3. Where sold in a remote dispensing location, the dispensary or an automated pharmacy system.

(3) At a pharmacy that is accredited as a community pharmacy, drugs in Schedule III shall only be available for sale from the following locations:

1. A dispensary.
2. Another area of the pharmacy that allows for self-selection of drugs by patients as long as a member is available for consultation.
3. Where sold in a remote dispensing location, an area in the remote dispensing location to which the public does not have access.

Transferring prescriptions

5. Subject to compliance with any other applicable federal or provincial laws, a prescription shall be transferred from a pharmacy that is accredited as a community pharmacy on the request of the patient or a person acting on behalf of the patient.

PART III
CERTIFICATES OF ACCREDITATION — ISSUANCE AND RENEWAL

Definition

6. In this Part,

"applicant" means each proposed owner of the pharmacy.

Classes of certificates of accreditation

7. (1) Community pharmacies and hospital pharmacies are established as classes of certificates of accreditation.

(2) A pharmacy that is accredited by the College immediately before this Regulation comes into force shall be deemed to be accredited as a community pharmacy under this Regulation and shall be subject to the same terms, conditions and limitations that were imposed on the certificate of accreditation immediately before this Regulation came into effect.

(3) If an applicant intends to sell drugs by retail, the applicant shall apply for a certificate of accreditation of the community pharmacy class.

(4) Every operator of a remote dispensing location must hold a certificate of accreditation of the community pharmacy class.

Qualifications for the issuance of a certificate of accreditation for any class

8. (1) For each class, an applicant is qualified for the issuance of a certificate of accreditation to establish and operate a pharmacy if all of the following requirements are met:

1. The applicant files a completed application in the form required by the College and pays the required fees.
2. The applicant provides further information to the College if requested by the Registrar or the Accreditation Committee.
3. All information provided by the applicant to the College is full, accurate and complete.
4. The past and present conduct of each person who is an applicant affords reasonable grounds for the belief that the pharmacy will be operated with decency, honesty and integrity and in accordance with the law.
5. In the case of a corporation, the past and present conduct of each director of the corporation affords reasonable grounds for the belief that the pharmacy will be operated with decency, honesty and integrity and in accordance with the law.

(2) It is a condition of the issuance of a certificate of accreditation that the Registrar or the Accreditation Committee is satisfied that the pharmacy meets the applicable standards for accreditation.

Additional requirements, remote dispensing location

9. An applicant is qualified for the issuance of a certificate of accreditation to establish and operate a pharmacy that permits the operation of remote dispensing locations if, in addition to the requirements set out in section 8, there are reasonable grounds for the belief that the applicant will be able to supervise all aspects of the operation of the proposed remote dispensing locations properly and effectively.

Deemed reasonable grounds for belief

10. For the purposes of paragraphs 4 and 5 of subsection 8 (1), and without limiting its generality, there shall be deemed to be reasonable grounds for the belief that the pharmacy will not be operated with decency, honesty and integrity and in accordance with the law if any one or more of the following has occurred:

1. A false or misleading statement or representation was made in the application or any information provided to the College in respect of the application.
2. There was a failure or refusal to provide information requested under paragraph 2 of subsection 8 (1).

Issuance, name and address

11. (1) A certificate of accreditation shall be issued in the specific name of the person who owns the pharmacy and for the specific municipal address or addresses at which the pharmacy is to be operated.

(2) A certificate of accreditation that permits the operation of remote dispensing locations shall specify the locations of the permitted remote dispensing locations.

Amendment, remote dispensing location

12. An owner shall apply for an amended certificate of accreditation if the owner wishes to,

(a) operate a remote dispensing location where the certificate does not already permit the operation of remote dispensing locations; or

(b) operate a remote dispensing location at a location other than the location specified on the certificate of accreditation.

Expiry

13. (1) Subject to subsections (2) to (5), every certificate of accreditation automatically expires on May 10 in each year unless renewed on or before that date.

(2) A certificate of accreditation shall be deemed to have expired if there is a permanent closure of or discontinuance of service at the pharmacy.

(3) If there is a permanent closure of or discontinuance of service at a pharmacy, any permission granted on a certificate of accreditation to operate a remote dispensing location shall be deemed to have expired.

(4) Where the Registrar refers an application for the renewal of a certificate of accreditation to the Accreditation Committee, the certificate of accreditation does not expire until the decision of the Accreditation Committee becomes final.

(5) Where the Accreditation Committee directs the Registrar not to renew the certificate of accreditation of a pharmacy, the certificate of accreditation shall be deemed to have expired as of the date the decision of the Accreditation Committee becomes final.

Qualification for renewal of a certificate of accreditation

14. (1) A holder of a certificate of accreditation is qualified for the renewal of that certificate if the certificate holder meets the following requirements:

1. The certificate holder files a completed application in the form required by the College and pays the required fees.
2. The certificate holder provides further information to the College if requested by the Registrar or the Accreditation Committee.
3. All information provided by the certificate holder to the College is full, accurate and complete.
4. There is no default in the payment of any fees required by the College to be paid or any money owed to the College in relation to the pharmacy.
5. The past and present conduct of each person who is a certificate holder affords reasonable grounds for the belief that the pharmacy will be operated with decency, honesty and integrity and in accordance with the law.
6. In the case of a corporation, the past and present conduct of each director of the corporation affords reasonable grounds for the belief that the pharmacy will be operated with decency, honesty and integrity and in accordance with the law.
7. The operation of the pharmacy is in compliance with the Act, the regulations under the Act and the by-laws of the College governing the establishment and operation of the pharmacy.

(2) A certificate of accreditation shall not be renewed where an inspection of the pharmacy or of any of its remote dispensing locations has taken place under the Act and where the inspector identified a failure to conform to the requirements of the Act and the regulations that poses a risk of harm to the public, unless the Registrar is satisfied that such failure has been addressed either to the Registrar's satisfaction or, failing that, to the satisfaction of the Accreditation Committee.

Removal of terms, conditions and limitations

15. Where terms, conditions and limitations are imposed on the certificate of accreditation, the Registrar may remove any or all of them,

(a) where the Registrar is satisfied that the terms, conditions and limitations have been complied with; or

(b) with the approval of the Accreditation Committee.

Revocation

16. (1) The Registrar may propose to the Accreditation Committee the revocation of a certificate of accreditation where the Registrar is satisfied that the certificate was issued or renewed based on the false or misleading information of an applicant or owner.

(2) The Accreditation Committee may direct the Registrar to revoke a certificate of accreditation where it is satisfied that it was issued or renewed based on the false or misleading information of an applicant or owner and where it is satisfied that it is appropriate to do so.

PART IV
STANDARDS FOR ACCREDITATION

APPLICATION

Remote dispensing locations

17. Every standard for accreditation that applies to a pharmacy applies to a remote dispensing location, unless the standard provides otherwise.

Standards for accreditation

18. (1) The standards for accreditation are those set out in sections 19 to 23.

(2) Every owner and designated manager shall ensure that the standards for accreditation of a pharmacy are maintained.

(3) The additional standards for accreditation relative to a remote dispensing location are those set out in sections 24 to 27.

(4) Every owner and designated manager of a pharmacy whose certificate of accreditation permits the operation of a remote dispensing location shall ensure that the additional standards for accreditation are maintained.

STANDARDS FOR ACCREDITATION

Requirements of a pharmacy

19. Every pharmacy must,

(a) be safe, clean, orderly and properly maintained;

(b) be suitable for the pharmacy services provided at the pharmacy;

(c) be designed, constructed and maintained to ensure the integrity and the safe and appropriate storage of all drugs, other medications, natural health products and substances and preparations referred to in Schedule U;

(d) have procedures in place to protect the confidentiality of all personal health information and other personal information maintained by the pharmacy and to protect the privacy of persons who receive pharmacy services at the pharmacy;

(e) be secure and safeguarded from unauthorized access;

(f) contain equipment, technology and facilities that are,

(i) safe to use and fit for their purpose, including, as applicable, for the preparation, dispensing, distribution, storage and compounding of drugs and other medications,

(ii) safeguarded from unauthorized access, and

(iii) in a state of good repair;

(g) have information management systems that,

(i) support the delivery of patient care,

(ii) permit information to be recorded, displayed, stored and exchanged, and

(iii) facilitate information exchange with external systems, while preserving the confidentiality, security and integrity of all personal health information and other personal information;

(h) have the necessary equipment, systems and staffing, to allow members practising in the pharmacy to meet the standards of practice of the profession;

(i) have available the references and resources that are required by members practising in the pharmacy to meet the standards of practice of the profession and to support the pharmacy services the members provide;

(j) have the College's trademarked symbol in its unaltered form, and any other trademarks that may be developed and adopted from time to time by the College, clearly displayed so as to be easily visible to patients or the public either before or immediately after entering the pharmacy; and

(k) have systems in place to maintain an audit trail of the acquisition and movement of drugs.

Recordkeeping

20. (1) In every pharmacy, the following documents shall be maintained:

1. Documents required to be made and maintained under the Act and the regulations.
2. Documents required to be made and maintained by members under the *Pharmacy Act, 1991* and its regulations and any federal or provincial legislation governing the purchase or sale of drugs.
3. Documents required to be made and maintained by members practising in the pharmacy in order to meet the standards of practice of the profession.
4. Documents relating to the acquisition and movement of drugs.

(2) The documents referred to in subsection (1) shall be maintained in the pharmacy in a manner that is secure, auditable, traceable and allows for their easy retrieval.

(3) In respect of a remote dispensing location, the documents referred to in subsection (1) shall be maintained in the pharmacy whose certificate of accreditation permits its operation.

Length of retention

21. Subject to the Act, documents relating to the care of a patient shall be maintained for a period of at least 10 years from the last recorded pharmacy service provided to the patient, or until 10 years after the day on which the patient reached or would have reached the age of 18 years, whichever is longer.

Dispensary, pharmacies, accredited as community pharmacies

22. (1) Subject to subsection (2), every pharmacy that is accredited as a community pharmacy shall have a dispensary which shall be designed, constructed and maintained so that it is not accessible to the public.

(2) A remote dispensing location in which all drugs are dispensed or distributed from an automated pharmacy system is not required to have a dispensary.

Lock and leave, pharmacies accredited as community pharmacies

23. If, pursuant to subsection 146 (2) of the Act, a pharmacy that is accredited as a community pharmacy is operated without the supervision of a pharmacist who is physically present, the public shall be completely restricted, by physical impediments, from access to any drugs referred to in Schedule I, II or III that are in the pharmacy.

ADDITIONAL STANDARDS FOR ACCREDITATION FOR REMOTE DISPENSING LOCATIONS

Access and supervision

24. A remote dispensing location shall only be accessible to the public if the following requirements are met:

1. A pharmacist is physically present in the pharmacy whose certificate of accreditation permits its operation.
2. A pharmacist is communicating with pharmacy technicians or member of the public, as applicable, at the remote dispensing location by means of a live, two-way audio-visual link.

Technology

25. (1) Every automated pharmacy system that is contained in a remote dispensing location shall employ technology for the creation and transmission of a digitally scanned image of a paper-based prescription.

(2) Only technology approved by the Council as enabling verification of the prescription's authenticity and ensuring the confidentiality and integrity of all personal health information and other personal information transmitted using the technology shall be considered technology for the purpose of subsection (1).

Controlled drugs, narcotic drugs, targeted substances and verbal prescription narcotics

26. (1) In this section,

"controlled drug" means a substance set out in the Schedule to Part G of the *Food and Drug Regulations* under the *Food and Drugs Act* (Canada) and includes a substance that contains one or more controlled drugs and one or more medicinal ingredients in a recognized therapeutic dose that are not controlled drugs;

"narcotic drug" means a substance referred to in the Schedule to the *Narcotic Control Regulations* under the *Controlled Drugs and Substances Act* (Canada) or anything that contains any substance set out in that Schedule;

"targeted substance" means a targeted substance as defined in the *Benzodiazepines and Other Targeted Substances Regulations* under the *Controlled Drugs and Substances Act* (Canada);

"verbal prescription narcotic" means a verbal prescription narcotic as defined in the *Narcotic Control Regulations* under the *Controlled Drugs and Substances Act* (Canada).

(2) No controlled drugs, narcotic drugs, targeted substances or verbal prescription narcotics shall be located at or made available from a remote dispensing location, unless the remote dispensing location has safeguards in place that have been approved by the Council as preventing the unauthorized access to, or diversion of, such drugs and substances.

Information and notices to be displayed

27. (1) The following information shall be clearly and prominently displayed in every remote dispensing location:

1. Address and contact information for the pharmacy under whose certificate of accreditation the remote dispensing location operates.
2. Address and contact information for the pharmacy where the patient records are kept.
3. Notices required under the *Drug Interchangeability and Dispensing Fee Act*.

(2) The containers in which drugs are dispensed, supplied or sold from a remote dispensing location shall be clearly marked with the following information:

1. Address and contact information for the pharmacy under whose certificate of accreditation the remote dispensing location operates.
2. Information identifying the remote dispensing location where the drugs were dispensed, supplied or sold.

PART V
ADVERTISING

Definitions

28. In this Part and for the purposes of section 32,

"advertise" includes advertising through any medium and includes the publication, display, distribution or use of an advertisement;

"advertisement" includes an announcement, directory listing or other form of communication similar to an advertisement.

Advertising requirements

29. (1) No person shall advertise or permit, directly or indirectly, another person to advertise a pharmacy or its services in a manner that,

(a) is false, misleading or deceptive, including as a result of the inclusion or omission of information;

(b) is not dignified and in good taste;

(c) contains anything that cannot be verified;

(d) contains testimonials, comparative statements or endorsements relating to the quality of drugs or services provided in any pharmacy;

(e) inappropriately uses a term, title or designation to indicate or imply that a member practising in the pharmacy has a specialization in the profession; or

(f) contains any representations as to the safety or effectiveness or an indication for use of a drug in Schedule I.

(2) If an advertisement includes price information relating to a drug in Schedule I, the advertisement shall contain the length of time the advertised price will be available and sufficient information to enable a reasonable member of the public to understand the price of the drug having regard to its quantity, strength, dosage and the fee for dispensing it.

(3) No person shall advertise the price of a drug in Schedule I unless the advertisement also contains prices of a sufficient number of other drugs such that a reasonable member of the public would not be encouraged to obtain pharmacy services from a pharmacy, or to transfer their prescriptions between pharmacies, principally on the basis of the price of the drug in Schedule I.

ODBA information

30. Nothing in this Part prohibits advertising the co-payment or dispensing fee charged by a pharmacy for supplying a drug that is a listed drug product under the *Ontario Drug Benefit Act* to an eligible person under that Act.

PART VI
MISCONDUCT

Definition

31. In this Part,

"prescription information" means information that relates to the prescribing and dispensing, in a pharmacy, of drugs pursuant to prescriptions.

Acts of proprietary misconduct

32. The following are acts of proprietary misconduct for the purposes of section 140 of the Act:

CERTIFICATES AND STANDARDS OF ACCREDITATION

1. Contravening a term, condition or limitation imposed on a certificate of accreditation.
2. Failing to maintain any of the standards of accreditation.

RELATIONSHIP WITH THE COLLEGE

3. Failing to reply within a reasonable time to a written or electronic inquiry or request from the College.
4. Failing to co-operate with an inspector or investigator of the College.
5. Failing to comply with an order of a committee or a panel of a committee of the College.
6. Failing to carry out or abide by an undertaking given by the pharmacy to the College or breaching an agreement with the College, the Registrar or a committee or a panel of a committee of the College.

RECORDS AND INFORMATION PRACTICES

7. Failing to keep documents as required respecting patients, the operation of the pharmacy or the practice of members practising in the pharmacy.
8. Falsifying documents relating to the pharmacy or to a patient's health record.
9. Signing or issuing a document that contains a false or misleading statement.
10. Failing to keep confidential personal health information or other personal information concerning a patient, except with the consent of the patient or the patient's authorized representative or as otherwise permitted or required by law.
11. Disclosing prescription information, unless,
    i. the disclosure is made in accordance with a written agreement between the owner and the person to whom the disclosure is made, and that agreement requires that any prescription information that is disclosed will not include anything that would reasonably be expected to identify the patient, and
    ii. the designated manager or contact person of the pharmacy, as applicable, is aware of the existence of the written agreement.
12. Failing to respond, or to respond accurately, to an inquiry about whether or not prescription information is disclosed to third parties or, where there is a response, failing to provide to the person making the inquiry either the nature of the disclosed information or to whom such information is disclosed.

BUSINESS PRACTICES

13. Operating a pharmacy while in a conflict of interest as defined by section 34 of this Regulation.
14. Submitting an account or charge that is false or misleading.
15. Charging a fee or an amount that is excessive in relation to the service or product provided.
16. Charging a person, including the executive officer as defined in the *Ontario Drug Benefit Act*, more for a drug in Schedule I than what was advertised, pursuant to subsection 29 (2) of this Regulation, as the total cost for the drug including any dispensing fee.
17. Soliciting or permitting the solicitation of an individual unless,
    i. the person being solicited is advised, at the earliest possible time during the communication, that the purpose of the communication is to solicit use of the pharmacy's services and that the person may elect to end the solicitation immediately or at any time during the solicitation if he or she wishes to do so, and
    ii. the solicitation ends immediately if the person who is subject of the solicitation so elects.
18. Entering into an agreement that restricts a person's choice of a pharmacy or pharmacist without the person's written consent.

PHARMACY SERVICES AND PROFESSIONAL MATTERS

19. In a pharmacy that is accredited as a community pharmacy, returning to stock, reselling or redispensing a drug that was previously sold or dispensed, unless,
    i. the drug is listed in Schedule II or III, does not require refrigeration, and is in its original, unopened packaging, or
    ii. the purpose is to repackage and redispense the drug to the same patient, the drug is suitable for re-packaging and the drug is repackaged and redispensed to only that patient.
20. In a pharmacy that is accredited as a hospital pharmacy, returning to stock, reselling or redispensing a drug that was previously sold or dispensed, unless,
    i. the drug is returned to the pharmacy in a sealed dosage unit or container as originally dispensed,
    ii. the drug is returned with the labelling intact and the label includes a legible drug lot number and expiry date, and
    iii. the integrity of the drug can be verified.
21. Dispensing, selling or compounding a drug, or administering a substance, that is not of good quality or does not meet the standards required by law.
22. Dispensing, selling or compounding a drug that does not contain a substance that the drug is meant to contain.
23. Permitting, counselling or assisting, whether expressly or by implication, any member to contravene, or to practise in a manner that is inconsistent with, a term, condition or limitation of the member's certificate of registration.

24. Permitting, counselling or assisting a person who is not a member to represent himself or herself as a member or to perform a controlled act that the person is not authorized to perform.

25. Inappropriately using a term, title or designation in respect of the practice of a member practising in the pharmacy.

26. Inappropriately using a term, title or designation in such a way that indicates or implies that a member practising in the pharmacy has a specialization in the profession.

MISCELLANEOUS

27. Contravening the *Drug and Pharmacies Regulation Act*, the *Pharmacy Act, 1991*, the *Regulated Health Professions Act, 1991*, the *Narcotics Safety and Awareness Act, 2010*, the *Drug Interchangeability and Dispensing Fee Act*, the *Ontario Drug Benefits Act* or the regulations under those Acts.

28. Contravening a federal, provincial or territorial law or any municipal by-law,

    i. with respect to the distribution, purchase, sale, dispensing or prescribing of any drug product, the administering of any substance or the piercing of the dermis,

    ii. where the purpose of the law or by-law is to protect or promote public health, or

    iii. where the law or by-law relates to the operation of the pharmacy or the provision of pharmacy services.

29. Using, or knowingly permitting the use of, the premises in which a pharmacy is located, or the area adjacent to such premises, for unlawful purposes.

30. Permitting, consenting to, approving, counselling or assisting, whether expressly or by implication, the commission of an offence under any Act relating to the practice of pharmacy or the sale of drugs.

31. Engaging in conduct or performing an act relevant to the operation of a pharmacy that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Conflict of interest, definitions

33. In this section and sections 34 and 35,

"benefit" means any incentive or inducement of more than nominal value, whether direct or indirect, and includes a rebate, credit or gift;

"child" means a child within the meaning of the *Family Law Act*;

"non-arm's length relationship" means a relationship between two or more parties such that one party has the ability to exercise, directly or indirectly, control or significant influence over the operating and financial decisions of another party and includes a relationship between the owner or designated manager of the pharmacy and a related person or a related corporation;

"parent" means a parent within the meaning of the *Family Law Act*;

"related corporation" means a corporation wholly or substantially owned or controlled, directly or indirectly, by the owner or designated manager of the pharmacy or a related person;

"related person" means any person who has one of the following relationships to the owner or designated manager of the pharmacy or to the spouse of the owner or designated manager, whether based on blood, marriage, common-law or adoption:

1. A child or the spouse of a child.
2. A grandchild or the spouse of a grandchild.
3. A parent or the spouse of a parent.
4. A grandparent or the spouse of a grandparent.
5. A sibling or the spouse of a sibling;

"spouse" means,

(a) a spouse within the meaning of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage.

Conflict of interest

34. It is a conflict of interest for an owner or designated manager of a pharmacy to do, or to cause or permit another person to do, directly or indirectly, any of the following:

1. Refer a patient to another person if the owner or designated manager, or a person in a non-arm's length relationship with the owner or designated manager, requests, accepts or receives a benefit by reason of the referral.
2. Offer, make or confer a benefit to a person by reason of the referral of a patient to a pharmacy associated with the owner or designated manager.
3. Offer, make or confer a benefit to a patient in relation to the sale of a drug or the provision of pharmacy services other than,
    i. an adjustment in the fee or amount that would otherwise be charged with regard to that patient for that drug or that pharmacy service, or
    ii. the provision to a patient, at no charge, of an item of nominal value to be used in maintaining or promoting well-being or health.
4. Enter into any agreement or arrangement that influences or encourages, or appears to influence or encourage, a prescriber to promote the services of a pharmacy with which the owner or designated manager is associated.
5. Enter into any agreement or arrangement that adversely influences or appears to adversely influence the exercise of professional expertise or judgment or the ability of a member working in the pharmacy to engage in the practice of the profession in an ethical manner or in accordance with the standards of practice of the profession.

No conflict of interest, examples

35. (1) No conflict of interest arises under paragraph 1 or 2 of section 34,

(a) solely as a result of a referral to a person who is in a non-arm's length relationship with an owner or designated manager of a pharmacy if,

(i) no direct benefit is received by the owner or designated manager, and

(ii) before making the referral, the nature of the relationship between the owner or designated manager and the person in the non-arm's length relationship is disclosed to the patient; or

(b) solely as a result of a referral from a person who is in a non-arm's length relationship with an owner or designated manager of a pharmacy if,

(i) no direct benefit is received by the owner or designated manager, and

(ii) before any pharmacy services are provided, the nature of the relationship between the owner or designated manager and the person in the non-arm's length relationship is disclosed to the patient.

(2) No conflict of interest arises under section 34 in connection with the paying of rent with respect to premises leased for the purposes of operating a pharmacy if the rent reflects the normal rent payable for the same type of premises in the same geographical area.

(3) No conflict of interest arises under section 34 in connection with an owner or designated manager of a pharmacy or a related person or related corporation having a financial interest in the manufacturer, vendor or supplier of a drug or substance if,

(a) before any pharmacy services are provided in relation to the drug or substance, the fact of the financial interest is disclosed to the patient; or

(b) the manufacturer, vendor or supplier of the drug or substance is a corporation, the shares of which are publicly traded through a stock exchange, and none of the owner or designated manager, a related person, a related corporation or any combination wholly or substantially owns the corporation or has the ability to exercise, directly or indirectly, control or significant influence over its operating or financial decisions.

PART VII
EXAMINATION AND AUDIT

Examination and audit

36. (1) The Registrar may at any time require an examination and audit to be made by such persons appointed by the Registrar, including without limitation a public accountant, for the purposes of ascertaining whether information provided to the College by the owner, the designated manager or anyone acting on their behalf is correct.

(2) If the Registrar appoints a person under subsection (1), the owner and the designated manager shall co-operate fully and shall provide to the appointed person all evidence, vouchers, records, books, documents and papers that may be requested for the purpose of the examination and audit and the appointed person shall report the results of the examination and audit to the Registrar after completing the examination and audit.

PART VIII (OMITTED)

37. OMITTED (REVOKES OTHER REGULATIONS).

38. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

SCHEDULE A

1. 2-phenylbenzimidazole-5-sulfonic acid.
2. 4-methylbenzylidene camphor.
3. Acid (calcium d-pantothenate).
4. Acid (dexpanthenol).
5. Alginic acid.
6. Allantoin.
7. Alpha-galactosidase.
8. Alum.
9. Aluminium chlorohydrate.
10. Aluminum chloride — when in an antiperspirant preparation, not more than 5 per cent.
11. Aluminum chlorohydrate.
12. Aluminum hydroxide.
13. Aluminum hydroxide — magnesium carbonate codried gel.
14. Aluminum potassium sulphate.
15. Aluminum sesquichlorohydrate.
16. Aluminum zirconium tetrachlorohydrex glycine.
17. Aluminum zirconium trichlorohydrex glycine.
18. Ammonium bicarbonate.
19. Ammonium carbonate.
20. Ammonium chloride.
21. Aralia racemosa.
22. Arrowroot.
23. Balmony.
24. Balsam mecca.
25. Balsam tolu.
26. Beef, iron and wine.
27. Benzalkonium chloride — in liquid preparations in concentrations not more than 2 per cent.
28. Benzethonium chloride — in liquid preparations in concentrations not more than 1 per cent.
29. Benzoic acid.
30. Benzoin.
31. Benzyl alcohol.
32. Biguanide polyaminopropyl.
33. Bile extract.
34. Biotin.
35. Bismuth subcarbonate (oxycarbonate).
36. Bismuth subgallate.
37. Bismuth subsalicylate.
38. Boldo.
39. Buchu.

40. Butyl methoxydibenzoylmethane.
41. Caffeine.
42. Caffeine citrate.
43. Calcium carbonate.
44. Calcium gluconate, except in injectable form for parenteral nutrition.
45. Calcium glycerophosphate.
46. Calcium hydroxide.
47. Calcium lactate.
48. Calcium phosphate (dibasic).
49. Calcium undecylenate.
50. Canada balsam.
51. Capsicum oleoresin.
52. Carbetapentane citrate.
53. Castor oil.
54. Cetrimide.
55. Cetylpyridinium gluconate.
56. Chamomile.
57. Chlorhydrol — when in an antiperspirant preparation.
58. Chlorobutanol.
59. Chloroxylenol.
60. Choline.
61. Citric acid.
62. Clove.
63. Cochineal.
64. Cocillana.
65. Cocoa butter.
66. Cod liver oil.
67. Copper sulfate, except in injectable form for parenteral nutrition.
68. Creosote.
69. Croton oil.
70. Culver’s root.
71. Cynara scolymus.
72. Dea methoxycinnamate.
73. Dimethicone.
74. Disodium edetate.
75. Disodium lauroamphodiacetate conc.
76. Domiphen bromide.
77. Dyclonine hydrochloride for use in lozenges only.
78. Edetic acid.
79. Essence of peppermint.
80. Eucalyptol.

81. Eucalyptus.
82. Eucalyptus oil.
83. Eugenol.
84. Fennel.
85. Fir.
86. Frangula.
87. Gelatin.
88. Gentiana lutea.
89. Ginger.
90. Glycerine.
91. Glycyrrhiza glabra.
92. Glycyrrhizin.
93. Guaiacol.
94. Hamamelis virginiana.
95. Hemlock spruce.
96. Hexylresorcinol.
97. Homosalate.
98. Honey.
99. Hydrogen peroxide — not more than 3 per cent.
100. Hydroxyquinoline.
101. Irgasan DP 300 — when in an antiperspirant preparation, not more than 0.4 per cent.
102. Juglans.
103. Juniper tar.
104. Lanolin.
105. Linseed.
106. Linum usitatissimum.
107. Liquid paraffin (mineral oil).
108. Magaldrate.
109. Magnesium carbonate.
110. Magnesium chloride.
111. Magnesium citrate except for cathartics.
112. Magnesium hydroxide.
113. Magnesium oxide.
114. Magnesium sulfate (epsom salts).
115. Magnesium trisilicate.
116. Menthol.
117. Menthyl anthranilate.
118. Merbromin (mercurochrome) solution — not more than 2 per cent.
119. Methylbenzethonium chloride — when in an antiperspirant preparation not more than 0.25 per cent.
120. Methylene blue except for parenteral use.
121. Motherwort common.

122. Myrrh.
123. Oats.
124. Octocrylene.
125. Octyl methoxycinnamate.
126. Octyl salicylate.
127. Oil of anise.
128. Oil of cajeput.
129. Oil of cinnamon.
130. Oil of clove.
131. Oil of dill.
132. Oil of eucalyptus.
133. Oil of fennel.
134. Oil of fir.
135. Oil of hemlock, Canadian.
136. Oil of mustard, expressed.
137. Oil of peppermint.
138. Oil of pine needles.
139. Oil of sassafras.
140. Oil of sweet almond.
141. Oil of thyme.
142. Oil of turpentine.
143. Olive oil.
144. Ox bile extract.
145. Oxybenzone.
146. Padimate O.
147. Pamabrom.
148. Pancreatin, except in products for the treatment of established pancreatic insufficiency.
149. Pectin.
150. Petrolatum.
151. Petrolatum liquid.
152. Phenoxyethanol.
153. Phenyl salicylate.
154. Phosphorus (calcium hypophosphite).
155. Phosphorus (calcium phosphate (dibasic)).
156. Phosphorus (potassium hypophosphite).
157. Phosphorus (sodium hypophosphite).
158. Phytolacca decandra.
159. Pine tar.
160. Plantago seed.
161. Polyaminopropyl biguanide.
162. Polyhexanide.

163. Polyoxypropylene-polyoxyethylene BL copolymer.
164. Polyquaternium-1.
165. Poplar bud.
166. Potassium acid tartrate (cream of tartar).
167. Potassium bicarbonate — in preparations with not more than 5 mmol/single dose.
168. Potassium chlorate — in preparations with not more than 5 mmol/single dose.
169. Potassium chloride — as a salt substitute.
170. Potassium iodide — not more than 0.01 per cent when in salt substitutes.
171. Potassium nitrate (saltpetre).
172. Prune.
173. Resorcinol.
174. Rhubarb root.
175. Saccharine and sodium saccharine.
176. Sanguinaria canadensis.
177. Sassafras.
178. Seidlitz powders.
179. Selenium and its salts — in a preparation for internal use when sold as a nutritional supplement.
180. Selenium sulfide — when in an anti-dandruff preparation not more than 1 per cent.
181. Senecio aureus.
182. Senega.
183. Shark liver oil.
184. Silver acetate.
185. Simethicone.
186. Sodium acid pyrophosphate.
187. Sodium alginate.
188. Sodium benzoate.
189. Sodium bicarbonate.
190. Sodium carbonate.
191. Sodium carboxymethyl cellulose.
192. Sodium chloride, except in injectable form for parenteral nutrition or single ingredient solutions for parenteral or ophthalmic use in concentrations of more than 0.9% (note: does not apply to contact lens solutions intended to be rinsed off prior to insertion into eye).
193. Sodium citrate, except for parenteral use.
194. Sodium dioctyl sulfosuccinate.
195. Sodium fluoride — when in dentifrices not more than 0.25 per cent.
196. Sodium glycerophosphate.
197. Sodium lauryl sulfate.
198. Sodium monofluorophosphate.
199. Sodium oleate.
200. Sodium phosphate dibasic.
201. Sodium phosphate except for cathartics.
202. Sodium potassium tartrate (rochelle salts).

203. Sodium salicylate.
204. Sodium sulfate.
205. Spirit of aromatic ammonia.
206. Spirit of nitrous ether.
207. Spruce gum.
208. Squill.
209. Stannous fluoride — when in dentifrices not more than 0.4 per cent.
210. Storax.
211. Strawberry.
212. Strontium chloride — when in dentifrices not more than 10 per cent.
213. Sulfur.
214. Sulisobenzone.
215. Tannic acid.
216. Taraxacum officinale weber.
217. Tartaric acid.
218. Tea tree oil.
219. Terpin hydrate.
220. Tetrapotassium pyrophosphate.
221. Tetrasodium pyrophosphate.
222. Teucrium scorodonia.
223. Thymol.
224. Titanium dioxide.
225. Titanium dioxide coated mica.
226. Triclocarban.
227. Triclosan.
228. Trolamine salicylate.
229. Turpentine.
230. Undecylenic acid.
231. Urea hydrogen peroxide.
232. Viburnum opulus.
233. White petroleum.
234. White pine.
235. Wild cherry.
236. Xanthoxylum.
237. Xylitol.
238. Yeast.
239. Yellow dock.
240. Zinc oxide.
241. Zinc phenolsulphonate.
242. Zinc pyridinethione — when in anti-dandruff preparations, not more than 2 per cent.
243. Zinc sulphate — in preparations containing 25 mg or less of elemental zinc.

244. Zirconium hydrochloride — when in an antiperspirant preparation, not more than 5 per cent.

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