

BILL NO. 13 OF 2017

A BILL

FOR AN ACT TO AMEND THE PHARMACY PROFESSION ACT 2011

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Pharmacy Profession (Amendment) Act 2017.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Pharmacy Profession Act 2011 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by inserting the following new definition—
““licensee of a private hospital” has the same meaning as in the Private Hospitals Act 1979;”.

Section 45 amended

3. Section 45(3) of the Principal Act is amended by—
 - (a) in paragraph (c), deleting “and”;
 - (b) in paragraph (d)(iii), deleting “area.” and substituting “area; and”; and

- (c) inserting the following new paragraph after paragraph (d)—
“(e) subject to section 45A, a licensee of a private hospital.”.

New section 45A inserted

4. The Principal Act is amended by inserting the following new section after section 45—

“Authorisation of licensee of private hospital to own pharmacy business

45A.—(1) A licensee of a private hospital must apply in writing to the Minister for an authorisation to own or have a proprietary interest in a pharmacy business.

(2) An application made under subsection (1) must be accompanied by an approved fee.

(3) The Minister may issue an authorisation to a licensee of a private hospital in accordance with subsection (1) subject to the following conditions—

- (a) that at least one pharmacy business is operated on the premises of the private hospital by the licensee of the private hospital;
- (b) that the pharmacy business does not provide pharmacy services unless the services are provided by persons who are registered pharmacists;
- (c) disciplinary rules, guidelines and procedures issued for the operation of a pharmacy business or as issued by the Board; and
- (d) such other conditions as the Minister deems necessary.

(4) Where an exemption is refused, the Minister must inform the applicant in writing of the decision including the reasons for the decision.”.

PHARMACY PROFESSION (AMENDMENT) BILL 2017

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Pharmacy Profession Act 2011 (**'Act'**) provides for *inter alia* the ownership of pharmacy businesses in Fiji.
- 1.2 Section 45 of the Act essentially provides that a pharmacy business can only be owned by, subject to the fulfilment of the criteria set out in the provision, a registered pharmacist or registered pharmacists.
- 1.3 However, this limits the ownership of pharmacy businesses and does not allow other entities or bodies such as private hospitals that provide medical services, to own and operate pharmacy businesses.
- 1.4 The Pharmacy Profession (Amendment) Bill 2017 (**'Bill'**) therefore seeks to amend the Act to allow licensees of private hospitals to own or have proprietary interests in pharmacy businesses in Fiji.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by inserting the definition of "licensee of a private hospital" to have the same meaning as in the Private Hospitals Act 1979.
- 2.3 Clause 3 of the Bill amends section 45 of the Act by including a licensee of a private hospital (subject to conditions set out in section 45A) in the list of persons who have authorisation to own or have a proprietary interest in a pharmacy business.

4

2.4 Clause 4 of the Bill inserts a new section 45A which provides that the licensee of a private hospital must have the written authorisation of the Minister to own or have a proprietary interest in a pharmacy business.

2.5 Clause 4 also sets out the conditions upon which a licensee of a private hospital which has authorisation under section 45, must fulfil or adhere to.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for health and medical services.

A. SAYED-KHAIYUM
Attorney-General