

**ACT NO. 43 OF 2022**

I assent.

K. KUMAR  
Chief Justice

[29 July 2022]

**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 (Budget Amendment) Act 2022.

(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 3 amended*

**2.** Section 3 of the Principal Act is amended by—

(a) in the definition of “approved” after “Board”, inserting “, Minister, Commission or Registrar, as applicable”; and

(b) inserting the following new definition—

““Commission” means the Fijian Competition and Consumer Commission established under section 7 of the Fijian Competition and Consumer Commission Act 2010;”.

*Section 32 amended*

3. Section 32(1) of the Principal Act is amended by—
- (a) in paragraph (f) after “;”, inserting “and”;
  - (b) in paragraph (g), deleting “;” and substituting “.”; and
  - (c) deleting paragraphs (h), (i) and (j).

*Section 45 amended*

4. Section 45 of the Principal Act is amended by—
- (a) in subsection (3) in the chapeau, deleting “are authorised” and substituting “may be authorised by the Commission”;
  - (b) in subsection (3)(d)—
    - (i) in the chapeau, deleting “, or other person approved by the Board,”;
    - (ii) in subparagraph (i), deleting “2 pharmacies;” and substituting “5 pharmacies; and”;
    - (iii) in subparagraph (ii), deleting “Board to carry on a pharmacy business in an area that the Board determines needs a pharmacy business; and” and substituting “Commission to carry on a pharmacy business in an area that the Commission determines needs a pharmacy business;”; and
    - (iv) deleting subparagraph (iii) and substituting the following as the post-amble of paragraph (d)—
 

“and, if there is no person referred to in paragraphs (a) and (b) with a proprietary interest in 5 pharmacies or less who is willing and able to own and carry on a pharmacy business in the area; and”;
  - (c) after subsection (3), inserting the following new subsections—
    - “(3A) A person eligible for authorisation under subsection (3) must apply in writing to the Commission for an authorisation to own or have a proprietary interest in a pharmacy business.
    - (3B) An authorisation issued to a person to own or have a proprietary interest in a pharmacy business must be revoked by the Commission for breach of any condition of the authorisation.
    - (3C) Where an authorisation is refused or revoked, the Commission must inform the applicant in writing of the decision, including the reasons for the decision.”;
  - (d) in subsection (4), deleting “subsection (3)(c), must not own or have a proprietary interest in more than 2 separate pharmacy businesses” and substituting “subsection (3)(d), must not own or have a proprietary interest in more than 5 separate pharmacy businesses”;

- (e) in subsection (6), deleting “Board” and substituting “Commission”;
- (f) in subsection (6A), deleting “12 months and may be renewed annually” and substituting “up to 5 years and may be renewed by the Commission at the end of the period”; and
- (g) in subsection (7), deleting “Board” and substituting “Commission”.

*Section 45A amended*

**5.** Section 45A(3A) of the Principal Act is amended by deleting “is valid for a period of 12 months from the date of issue and may be renewed annually” and substituting “may be issued for a period of up to 5 years from the date of issue and may be renewed by the Minister at the end of the period”.

*Section 45C inserted*

**6.** The Principal Act is amended after section 45B by inserting the following new section—

*“Transition – Pharmacy Profession (Budget Amendment) Act 2022*

45C. A person authorised under section 45 or 45A on or before the commencement of the Pharmacy Profession (Budget Amendment) Act 2022 must apply to the Commission for a new authorisation at least one month before the expiry of the existing authorisation.”.

*Section 46 amended*

**7.** Section 46 of the Principal Act is amended by deleting “Board” wherever it appears and substituting “Commission”.

*Section 47 amended*

**8.** Section 47 of the Principal Act is amended by—

- (a) deleting “Board” wherever it appears and substituting “Commission”; and
- (b) deleting subsection (3).

*Section 48 amended*

**9.** Section 48 of the Principal Act is amended by deleting “Board” wherever it appears and substituting “Commission”.

*Section 48A amended*

**10.** Section 48A(1) of the Principal Act is amended by deleting “Board” and substituting “Commission”.

*Section 49 amended*

**11.** Section 49 of the Principal Act is amended by deleting “Board” wherever it appears and substituting “Commission”.

*Section 50 amended*

**12.** Section 50 of the Principal Act is amended by deleting “Board” and substituting “Commission”.

*Section 51 amended*

**13.** Section 51 of the Principal Act is amended by—

- (a) in the heading, deleting “with Registrar”;
- (b) in subsection (1), deleting “within 2 months after the execution of the partnership agreement or”;
- (c) after subsection (1), inserting the following new subsection—
 

“(1A) The parties to a partnership agreement in regards to the ownership of a pharmacy that is executed after the commencement of the Pharmacy Profession (Budget Amendment) Act 2022, must lodge a copy of the agreement with the Commission within 2 months after the execution of the agreement.”; and
- (d) in subsection (2), deleting “subsection (1)” and substituting “this section”.

*Section 52 amended*

**14.** Section 52 of the Principal Act is amended by deleting “Board” wherever it appears and substituting “Commission”.

*Section 52A inserted*

**15.** The Principal Act is amended after section 52 by inserting the following new section—

*“Registered general and dental practitioners engaged under PPP Scheme*

52A.—(1) Notwithstanding the provisions of this Part, a registered general practitioner or registered dental practitioner may supply or dispense medicines, provided—

- (a) the registered general practitioner or registered dental practitioner is engaged under a PPP Scheme;
- (b) the nearest pharmacy is not operating; and
- (c) the medicines supplied or dispensed are sufficient only for a 24-hour period.

(2) The registered general practitioner or registered dental practitioner must, when supplying or dispensing medicines, provide advice and counsel on the effective and safe use of the medicines.

(3) Any registered general practitioner or registered dental practitioner who supplies or dispenses medicines while the nearest pharmacy is operating commits an offence and is liable on conviction to a fine not exceeding \$5,000.

(4) In this section—

“general practice” has the meaning given in section 119 of the Medical and Dental Practitioner Act 2010;

“medicines” means the medicines approved by the Permanent Secretary for supply or dispensation under subsection (1);

“PPP Scheme” means a public private partnership scheme with the Government, for the engagement of the following persons—

(a) registered general practitioners, as approved by the Government; and

(b) registered dental practitioners practising on their own account, as approved by the Government; and

“registered general practitioner” means a registered medical practitioner who engages in general practice on his or her own account.”.

*Section 103 amended*

**16.** Section 103 of the Principal Act is amended by—

(a) in subsection (1) after “Board”, inserting “or Commission, as applicable”; and

(b) in subsection (2)(a)(ii) after “Board”, inserting “or Commission, as applicable.”.

Passed by the Parliament of the Republic of Fiji this 29th day of July 2022.