

ACT NO. 44 OF 2022

I assent.

K. KUMAR
Chief Justice

[29 July 2022]

AN ACT**TO AMEND THE MEDICINAL PRODUCTS ACT 2011**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Medicinal Products (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 Medicinal Products 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 or Commission, 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 6 amended

3. Section 6(2) of the Principal Act is amended by—
- (a) in paragraph (e), deleting “or licences”;
 - (b) in paragraph (f), deleting “or licence”; and
 - (c) deleting paragraph (g).

Section 7 amended

4. Section 7(1) of the Principal Act is amended by—
- (a) in paragraph (a), deleting “or licences”; and
 - (b) deleting paragraph (b).

Section 22 amended

5. Section 22(1) of the Principal Act is amended by—
- (a) in paragraph (b) deleting “licences and” and substituting “product”;
 - (b) after paragraph (b), inserting the following new paragraph—
“(ba) receive and process applications for licences and refer every application duly made to the Commission for decision;”; and
 - (c) in paragraph (c) after “Board”, inserting “or Commission, as applicable,”.

Section 23 amended

6. Section 23 of the Principal Act is amended by—
- (a) in subsection (1), deleting “by the Board,”; and
 - (b) in subsection (2) after “Board”, inserting “or Commission, as applicable”.

Section 35 amended

7. Section 35 of the Principal Act is amended by deleting “Board” wherever it appears and substituting “Commission”.

Section 40A inserted

8. The Principal Act is amended after section 40 by inserting the following new section—

“General practitioners and dentists under PPP Scheme

40A.—(1) Notwithstanding the provisions of this Part, a general practitioner or dentist may store and distribute medicinal products or devices, provided—

- (a) the general practitioner or dentist is engaged under a PPP Scheme;
- (b) the nearest pharmacy is not operating; and
- (c) the medicinal products or devices distributed are sufficient only for a 24-hour period.

(2) The general practitioner or dentist must, when distributing medicinal products or devices, provide advice and counsel on the effective and safe use of the medicinal products or devices.

(3) Any general practitioner or dentist who distributes medicinal products or devices 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;

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

“medicinal products or devices” means the medicinal products or devices approved by the Permanent Secretary for storage and distribution under subsection (1); and

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

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

(b) dentists practising on their own account, as approved by the Government.”.

Section 51 amended

9. The Principal Act is amended by deleting section 51 and substituting the following—

“Institution of prosecutions

51. Except in relation to section 35, a prosecution for an offence under this Act or regulations may only be instituted with the sanction of the Board.”.

Section 52 amended

10. Section 52(1) of the Principal Act is amended after “Board” by inserting “or Commission, as applicable”.

Section 60 inserted

11. The Principal Act is amended after section 59 by inserting the following new section—

“Transitional provision – Medicinal Products (Budget Amendment) Act 2022

60. A person licensed under section 35 on or before the commencement of the Medicinal Products (Budget Amendment) Act 2022 must apply to the Commission for a new licence at least one month before the expiry of the existing licence.”.

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