

chapter P-10

PHARMACY ACT



The Minister Responsible for Government Administration and Chair of the Conseil du trésor is responsible for the administration of this Act. Order in Council 1638-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6513.

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REPEAL SCHEDULE

DIVISION I

DEFINITIONS

1. In this Act and the regulations made thereunder, unless the context indicates a different meaning, the following terms mean:

(a) “Order” : the Ordre des pharmaciens du Québec constituted by this Act;

(b) “board of directors” : the board of directors of the Order;

(c) “pharmacist” or “member of the Order” : any person entered on the roll;

(d) “physician” : any member of the Ordre des médecins du Québec;

(e) “permit” : a permit issued in accordance with the Professional Code (chapter C-26) and this Act;

(f) *(paragraph repealed)*;

(g) “institution” : an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or an institution within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(h) “medication” : any substance or mixture of substances which may be used:

i. for the diagnosis, treatment, remission or prevention of any disease, ailment, any abnormal physical or mental condition, or their symptoms in man or animal; or

ii. to restore, rectify or change organic functions in man or animal;

(i) *(paragraph repealed)*;

(j) *(paragraph repealed)*;

(k) “roll” : the list of the members in good standing of the Order prepared in accordance with the Professional Code and this Act.

1973, c. 51, s. 1; 1974, c. 65, s. 84; 1977, c. 5, s. 229; 1989, c. 31, s. 1; 1992, c. 21, s. 197; 1994, c. 40, s. 422; 1994, c. 23, s. 23; 1990, c. 75, s. 1; 2008, c. 11, s. 212; 2020, c. 15, s. 56.

DIVISION II

THE ORDRE DES PHARMACIENS DU QUÉBEC

2. All the persons qualified to practise pharmacy in Québec constitute a professional order called the “Ordre professionnel des pharmaciens du Québec” or the “Ordre des pharmaciens du Québec”.

1973, c. 51, s. 2; 1977, c. 5, s. 229; 1994, c. 40, s. 423.

3. Subject to this Act, the Order and its members shall be governed by the Professional Code (chapter C-26).

1973, c. 51, s. 3.

DIVISION III

THE BOARD OF DIRECTORS

2008, c. 11, s. 212.

4. The Order shall be administered by a board of directors formed in accordance with the Professional Code (chapter C-26).

1973, c. 51, s. 4; 1984, c. 47, s. 113; 1989, c. 31, s. 2; 2008, c. 11, s. 212.

5. *(Repealed).*

1973, c. 51, s. 5; 1974, c. 65, s. 109; 1994, c. 40, s. 424; 2017, c. 11, s. 145.

6. *(Repealed).*

1973, c. 51, s. 6; 1994, c. 40, s. 425.

7. *(Repealed).*

1973, c. 51, s. 7; 1974, c. 65, s. 85; 1994, c. 40, s. 425.

8. In addition to the duties contemplated in the Professional Code (chapter C-26), the board of directors:

(a) (paragraph repealed);

(b) shall provide for the keeping of a register of students in pharmacy and determine the formalities respecting entry in such register;

(c) shall advise the Minister of Health and Social Services or Santé Québec, as applicable, on its own initiative or at the request of either of them, on the quality of pharmaceutical care or services provided in the centres operated by the institutions and on the standards to be followed to improve the quality of such care or services.

In the performance of the duties assigned to it by subparagraph *c* of the first paragraph, the board of directors may have inquiries made into the quality of the pharmaceutical care or services provided in the centres operated by the institutions and may constitute a committee of inquiry for that purpose.

It is forbidden to hinder in any way a member of a committee of inquiry constituted under the second paragraph in the performance of his duties, to mislead the member by concealment or false declarations, or to refuse to provide the member with any information or document relating to an inquiry the member is holding under this Act.

Any person who contravenes this section commits an offence and is liable to the penalties provided in section 188 of the Professional Code.

1973, c. 51, s. 8; 1994, c. 40, s. 426; 2000, c. 13, s. 86; 2008, c. 11, s. 208, s. 212; 2024, c. 31, s. 49.

8.1. The board of directors shall, on request or on its own initiative, send the information obtained by the professional inspection committee or a syndic to the council of physicians, dentists and pharmacists of the institution to which a pharmacist contemplated in an inquiry is attached, that it believes useful to the exercise of the functions of the council.

1981, c. 22, s. 37; 1984, c. 47, s. 209; 1992, c. 21, s. 198; 2008, c. 11, s. 209, s. 212.

9. *(Repealed).*

1973, c. 51, s. 9; 1990, c. 75, s. 2.

10. In addition to the duties provided in sections 87 to 93 of the Professional Code (chapter C-26), the board of directors shall, by regulation:

(a) determine from among the activities referred to in the second and third paragraphs of section 17 those which, under certain prescribed conditions, may be engaged in by classes of persons other than pharmacists;

(b) determine the other conditions and formalities applicable to the issue of a registration certificate to a student in pharmacy, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;

(c) establish standards for the labelling of medications;

(d) establish standards for the keeping of pharmacies, especially as regards the preservation of medications;

(e) determine rules respecting the manner of disposing of the medications contained in a pharmacy which is permanently closed;

(f) *(subparagraph repealed);*

(g) establish standards for the form and content of pharmacists' prescriptions within the scope of the activities described in subparagraphs 6, 7, 8 and 10 of the second paragraph of section 17 and the activity described in the third paragraph of that section;

(h) determine, for the activities described in subparagraphs 5 to 11 of the second paragraph of section 17,

i. the conditions and procedures according to which those activities are engaged in;

ii. the cases, if applicable, in which those activities are engaged in; and

iii. the cases for which a training certificate issued by the Order in accordance with a regulation made under subparagraph *o* of the first paragraph of section 94 of the Professional Code is required.

(i) *(subparagraph replaced).*

The board of directors shall, before passing a regulation under paragraph *a* of the first paragraph, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there are no such orders, the representative bodies of such classes of persons.

Before adopting a regulation under subparagraphs *g* to *i* of the first paragraph, the board of directors shall consult the Ordre professionnel des médecins du Québec and the other interested professional orders.

Sections 95.2 and 95.3 of the Professional Code apply to any regulation adopted pursuant to subparagraphs *d* and *e* of the first paragraph.

1973, c. 51, s. 10; 1974, c. 65, s. 86, s. 109; 1990, c. 76, s. 9; 1994, c. 40, s. 427; 1990, c. 75, s. 3; 2000, c. 13, s. 87; 2002, c. 33, s. 21; 2008, c. 11, s. 212; 2011, c. 37, s. 1; 2020, c. 4, s. 1; 2024, c. 31, s. 50.

11. *(Repealed).*

1973, c. 51, s. 11; 1974, c. 65, s. 109; 1989, c. 31, s. 3; 1994, c. 40, s. 428.

12. In addition to the powers provided in section 94 of the Professional Code (chapter C-26), the board of directors may, by regulation:

(a) *(paragraph repealed)*;

(b) *(paragraph repealed)*;

(c) *(paragraph repealed)*;

(d) determine standards for certain contracts that pharmacists may enter into in or for the practice of their profession, the cases in which a contract must be sent to the secretary of the Order, including at the secretary's request, and the terms governing their sending, including the filing of a report or accompanying information.

Sections 95.2 and 95.3 of the Professional Code apply to a regulation adopted pursuant to subparagraph *d* of the first paragraph.

1973, c. 51, s. 12; 1983, c. 54, s. 60; 1994, c. 40, s. 429; 2000, c. 13, s. 88; 2007, c. 25, s. 7; 2008, c. 11, s. 212.

13. *(Repealed)*.

1973, c. 51, s. 13; 1994, c. 40, s. 430.

DIVISION IV

REGISTRATION

14. Registration of a student in pharmacy shall be established by a certificate issued by the secretary of the Order.

1973, c. 51, s. 14.

15. A student of pharmacy is entitled to a registration certificate if he:

(a) is a bachelor of arts or science of a university of Québec or of another university whose diploma is considered equivalent by the board of directors; or

(b) is the holder of a diploma of college studies awarded by the Minister of Higher Education, Research, Science and Technology or a university of Québec or of a diploma considered equivalent by the board of directors; and

(c) has fulfilled the conditions and formalities determined by regulation under subparagraph *b* of the first paragraph of section 10.

1973, c. 51, s. 15; 1985, c. 21, s. 96; 1988, c. 41, s. 88; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2000, c. 13, s. 89; 2005, c. 28, s. 195; 2008, c. 11, s. 212; 2013, c. 28, s. 201.

16. The board of directors may revoke any registration certificate in conformity with the regulations made under subparagraph *b* of the first paragraph of section 10.

1973, c. 51, s. 16; 2008, c. 11, s. 212.

DIVISION V

PRACTICE OF PHARMACY

17. The practice of pharmacy consists in determining and ensuring the proper use of medications, particularly to identify and prevent pharmacotherapeutic problems, and in preparing, storing and delivering medications in order to maintain or restore health or to provide appropriate symptom relief.

The following activities in the practice of pharmacy are reserved to pharmacists:

- (1) issuing a pharmaceutical opinion;
 - (1.1) assessing the physical and mental condition of a person to ensure the proper use of medications;
- (2) preparing medications;
- (3) selling medications, in accordance with the regulation under section 37.1;
- (4) supervising medication therapy;
- (5) taking specimens by introducing an instrument in the pharynx;
- (6) renewing a prescription to avoid interruption of the treatment prescribed to a patient;
- (7) starting, adjusting or stopping a patient's medication therapy;
- (8) substituting another medication for a prescribed medication in the following cases:
 - (a) there is a disruption in the supply of the prescribed medication in Québec;
 - (b) there is a problem relating to its administration;
 - (c) it poses a risk to the patient's safety;
 - (d) it is officially withdrawn from the Canadian market; in such a case, the substitution may occur not earlier than three months before the date of the withdrawal; or
 - (e) it is not available in the context of the activities of an institution;
- (9) administering a medication by oral, topical, subcutaneous, intranasal, intradermal or intramuscular route or by inhalation in the following cases:
 - (a) to demonstrate proper use of the medication;
 - (b) for vaccination purposes; or
 - (c) in an emergency situation;
- (10) prescribing and interpreting laboratory analyses or other tests, to ensure the proper use of medications.

Despite the first paragraph, the activity of prescribing a medication is also reserved to pharmacists in the following cases:

- (1) it is an over-the-counter medication determined in a regulation made under section 37.1 and the patient's clinical situation or any other circumstance so warrants;
- (2) no diagnosis is required; or
- (3) it is prescribed following a consultation request or in the context of advanced practice in partnership.

A pharmacist may engage in the professional activities described in subparagraph 9 of the second paragraph once a training certificate has been issued to the pharmacist by the Order pursuant to a regulation under paragraph *o* of section 94 of the Professional Code (chapter C-26).

1973, c. 51, s. 17; 1990, c. 75, s. 4; 2002, c. 33, s. 22; 2011, c. 37, s. 2; 2014, c. 2, s. 70; 2020, c. 4, s. 2; 2024, c. 31, s. 51.

18. Nothing in this Act shall prohibit the purchase, preparation, sale or supplying of medications by a person empowered to do so by law.

Nor shall anything prohibit the purchase and preparation of medications by an institution, or the sale or supplying by it of medications to persons admitted to or registered at any centre it operates, provided that there is a pharmacist or physician practising in any centre operated by such institution; the sale and supplying of medications by an institution to persons other than those admitted to or registered at any centre it operates shall be allowed in the cases and on the conditions provided by regulation made in accordance with paragraph *b* of section 37.

Nor shall anything prohibit the preparation of medications by a manufacturer of medications or the sale at wholesale by such manufacturer to a wholesaler in medications, or the sale at wholesale by such manufacturer or wholesaler to a person empowered to sell or supply medications under this Act or another Act.

Nor shall anything prohibit the sale of a medication mentioned in a regulation made under section 37.1, where the sale is made in conformity with such regulation.

1973, c. 51, s. 18; 1990, c. 75, s. 5; 1992, c. 21, s. 199, s. 375; 1994, c. 40, s. 431; 2009, c. 35, s. 66.

19. Every person is entitled to obtain a permit who applies therefor and who:

- (a) holds a registration certificate;
- (b) *(subparagraph repealed)*;
- (c) has complied with the conditions and formalities imposed under the Professional Code (chapter C-26).

A physician is also entitled to obtain a permit in accordance with the regulations made under paragraph *a* of section 37.

Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.

1973, c. 51, s. 19; 1994, c. 40, s. 432; 2000, c. 13, s. 90; 2008, c. 11, s. 210.

20. A physician holding a permit contemplated by paragraph *a* of section 37, even if he is entered on the roll, shall not vote at the election of the members of the board of directors or be eligible to the board of directors or any other office in the Order.

1973, c. 51, s. 20; 1994, c. 40, s. 433; 2008, c. 11, s. 212.

21. A pharmacist must fill a prescription according to its integral terms, subject to the powers conferred on him and the obligations incumbent on him.

1973, c. 51, s. 21; 1981, c. 22, s. 38; 2012, c. 23, s. 150; 2024, c. 31, s. 52.

22. *(Repealed).*

1973, c. 51, s. 22; 1990, c. 75, s. 6.

23. At the request of the board of directors, a pharmacist must reveal to it the composition of any medication he supplies and provide it with any sample of such medication for purposes of analysis.

1973, c. 51, s. 23; 2008, c. 11, s. 212.

24. No pharmacist may prescribe or substitute for a prescribed medication a medication manufactured by an undertaking in which he has a direct or indirect interest.

1973, c. 51, s. 24; 2024, c. 31, s. 53.

25. No person may practise the profession of pharmacy under a name other than his own.

Nevertheless, pharmacists shall be allowed to practise their profession under the name of one or two or more of the partners.

1973, c. 51, s. 25.

26. A pharmacist shall not in respect of the practice of his profession designate himself as other than a pharmacist.

A pharmacist is authorized to assume the title of specialist only if he holds a specialist's certificate issued in accordance with the Professional Code (chapter C-26).

1973, c. 51, s. 26; 1989, c. 31, s. 4; 2000, c. 13, s. 91.

27. Subject to sections 28 to 30, only a pharmacist, a partnership of pharmacists, a joint-stock company all of the shares of which are held by one or more pharmacists and all of the directors of which are pharmacists, or a non-profit legal person all of the founders, directors and members of which are pharmacists may be owner of a pharmacy and buy and sell medications as owner of a pharmacy.

1973, c. 51, s. 27; 2001, c. 34, s. 20; 2024, c. 31, s. 54.

28. Upon the death of a pharmacist who is the owner of a pharmacy, the heir, liquidator or trustee of the succession may administer such pharmacy during the three years following his death, by placing it under the personal supervision of a pharmacist.

1973, c. 51, s. 28; 1999, c. 40, s. 212.

29. When a pharmacist who is the owner of a pharmacy is placed under tutorship or under a protection mandate and is in consequence struck off the roll, the tutor or mandatary may administer this pharmacy for a period of three years, by placing it under the personal supervision of a pharmacist.

1973, c. 51, s. 29; 1989, c. 54, s. 180; 2020, c. 11, s. 202.

30. When a pharmacist who is the owner of a pharmacy becomes bankrupt or makes an assignment of his property, or upon realization on a security under section 427 of the Bank Act (Revised Statutes of Canada, 1985, chapter B-1.01) or under a movable hypothec, the provisional custodian, the interim receiver, the curator, the trustee in bankruptcy, the bank which has realized on its security, the hypothecary creditor or their respective mandataries may administer the property until the liquidation is closed, by placing it under the personal supervision of a pharmacist.

1973, c. 51, s. 30; 1989, c. 31, s. 5; 1992, c. 57, s. 641; 1995, c. 33, s. 24.

31. No owner or administrator of a pharmacy shall allow his establishment to be accessible to the public unless every pharmaceutical service provided in the establishment is rendered under the control and continuous supervision of a pharmacist or in accordance with the provisions of a regulation made under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

1973, c. 51, s. 31; 2007, c. 25, s. 8; 2024, c. 31, s. 55.

32. (1) Every person who opens, acquires, sells, permanently closes or relocates a pharmacy must send to the secretary of the Order, by registered mail, a copy of his title deed or lease and a declaration under his signature setting forth his name, occupation and residence, the date of the opening, of the acquisition, sale, closing or relocation of such pharmacy and the place where it is situated. In the case of a relocation, the person must also state where the pharmacy will be situated. Such declaration must be made:

(a) in the case of the opening, closing or relocation of a pharmacy, at least 30 days but not later than 90 days before the opening, closing or relocation;

(b) in the case of the acquisition or sale of a pharmacy, not later than the date of possession.

(2) In the case of a partnership or company, the declaration must contain the name, occupation and residence of each partner or shareholder. A similar declaration must be made and sent to the secretary, within thirty days, whenever any change takes place in the names of the partners or shareholders.

(3) Such a declaration must be supported by an oath before a commissioner for oaths who must mention legibly his name and residence.

1973, c. 51, s. 32; 1975, c. 83, s. 84; 1999, c. 40, s. 212; 2007, c. 25, s. 9; I.N. 2016-01-01 (NCCP).

33. In the case of the permanent closing of a pharmacy, the board of directors shall see that the medications contained in such pharmacy are disposed of in accordance with the regulations passed under subparagraph *e* of the first paragraph of section 10.

1973, c. 51, s. 33; 1990, c. 75, s. 7; 2008, c. 11, s. 212.

34. No pharmacist may be compelled to declare what has been revealed to him in his professional capacity.

1973, c. 51, s. 34.

DIVISION VI

ILLEGAL PRACTICE OF PHARMACY

35. Subject to section 18 and to the rights and privileges expressly granted by law to other professionals, no person may engage in any of the activities described in the second and third paragraphs of section 17 unless he is a pharmacist.

This section shall not apply to the activities engaged in:

(a) by a person belonging to a class of persons contemplated in a regulation adopted pursuant to subparagraph *a* of the first paragraph of section 10, provided he engages in them under the conditions prescribed in the regulation;

(b) by a person in accordance with the provisions of a regulation adopted pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

1973, c. 51, s. 35; 1994, c. 40, s. 434; 2002, c. 33, s. 23; 2011, c. 37, s. 3; 2024, c. 31, s. 56.

36. Every person who contravenes section 35 is liable, for each offence, to the penalties provided in section 188 of the Professional Code (chapter C-26).

1973, c. 51, s. 36.

DIVISION VII

REGULATIONS

37. The Office des professions du Québec may, by regulation, after consulting the Order:

(a) determine the circumstances in which, by reason of population of low density or the absence of a pharmacist in a given place, a physician may obtain a permit, valid for a period of not more than five years and renewable, and practise pharmacy;

(b) determine the cases in which and the conditions on which an institution operating a centre in which a pharmacist or a physician practises may sell or supply medications to persons not admitted to or registered at that institution.

1973, c. 51, s. 37; 1992, c. 21, s. 200; 1994, c. 40, s. 435; 2009, c. 35, s. 67.

37.1. The Office des professions du Québec, after consultation with the Institut national d'excellence en santé et en services sociaux, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold. The rules may vary for the same medication according to whether it is intended for human or animal consumption.

1990, c. 75, s. 8; 1994, c. 40, s. 436; 2002, c. 27, s. 41; 2010, c. 15, s. 73.

DIVISION VIII

Repealed, 1990, c. 75, s. 9.

1990, c. 75, s. 9.

38. *(Repealed).*

1973, c. 51, s. 38; 1985, c. 23, s. 24; 1990, c. 75, s. 9.

DIVISION IX

FINAL PROVISIONS

39. All the pharmacists and physicians entered in the register of the College of Pharmacists of Québec on 1 February 1974, shall be entered on the roll of the Order by the secretary. The board of directors shall issue a permit to each of them.

A physician contemplated in this section shall not vote at the election of the members of the board of directors or be eligible to any other office in the Order, notwithstanding his entry on the roll.

1973, c. 51, s. 42; 2008, c. 11, s. 212.

40. All the persons entered in the register of the College of Pharmacists of Québec as assistant pharmacists on 1 February 1974 shall be entered on the roll as assistant pharmacists by the secretary. The board of directors shall issue an assistant pharmacist's permit to each of them.

PHARMACISTS

These persons may continue to perform the duties which they are performing on 1 February 1974, and shall be deemed to be pharmacists for the purposes of this Act and the Professional Code (chapter C-26) except as regards the right to be the owner of a pharmacy.

1973, c. 51, s. 43; 1977, c. 66, s. 33; 1999, c. 40, s. 212; 2008, c. 11, s. 212.

41. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

FORM

1

(Repealed)

1973, c. 51, form 1; 1990, c. 75, s. 10.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 51 of the statutes of 1973, in force on 31 December 1977, is repealed, except sections 39 to 41, 44 to 49 and 51, effective from the coming into force of chapter P-10 of the Revised Statutes.