

Bill 31

**An Act to amend mainly the Pharmacy
Act to facilitate access to certain
services**

Section 2

AMENDMENT:

Replace by:

2. Section 17 of the Act is amended

(1) in the second paragraph,

(a) by inserting the following subparagraph after subparagraph 1:

“(1.1) assessing the physical and mental condition of a person to ensure the proper use of medications;”

(b) by replacing subparagraphs 5 to 10 by the following subparagraphs:

“(5) taking specimens by introducing an instrument in the pharynx;

“(6) renewing a prescription to avoid interruption of the treatment prescribed to a patient; the renewal period may not be longer than the original prescription period or, if the original prescription period is longer than one year, the renewal period may not exceed one year;

“(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(d) it is officially withdrawn from the Canadian market; in such a case, the substitution may occur not earlier than three months before the date of the withdrawal; or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;

(c) in an emergency situation;

“(10) prescribing and interpreting laboratory analyses or other tests, to ensure the proper use of medications.”;

(2) by replacing the third paragraph by the following paragraph:

“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.”;

(3) by replacing “subparagraphs 7, 8 and 9” in the fourth paragraph by “subparagraph 9”.

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Section 1

AMENDMENT:

Insert before paragraph 1:

(0.1) by inserting “ and subparagraph 3 of the third paragraph” after
“paragraph” in subparagraph *h* of the first paragraph;

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Section 2.1

AMENDMENT:

Insert after section 2:

HEALTH INSURANCE ACT

2.1. Section 3 of the Health Insurance Act (chapter A-29) is amended

(1) by inserting “or 71” after “section 70” in subparagraph *b* of the third paragraph;

(2) by replacing the fourth paragraph by the following paragraph:

“The Board also assumes, in accordance with the provisions of this Act and the regulations, the cost of the services determined by regulation that are required for pharmaceutical reasons and furnished by pharmacists and the cost of medications and supplies, as well as the cost of the related profit margin of a wholesaler accredited in accordance with the Act respecting prescription drug insurance (chapter A-29.01), in the cases determined by regulation, on behalf of every insured person.”

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Section 2.2

AMENDMENT:

Insert after section 2.1:

2.2. The Act is amended by inserting the following section after section 3.1:

“3.2. For the purposes of the fourth paragraph of section 3, where the Board assumes the cost of an accredited wholesaler’s profit margin relating to medications the cost of which is assumed by another body, the Board must publish on its website the list, provided by the Minister, of such medications, including their cost and any related accredited wholesaler’s profit margin.

“3.3. The Minister determines, after consultation with the accredited wholesalers, the terms and conditions applicable to them with respect to the distribution to pharmacists of the medications referred to in section 3.2.

The Minister also determines which information must be provided to the Minister by an accredited wholesaler concerning that distribution and when it must be provided.”

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Section 2.3

AMENDMENT:

Insert after section 2.2:

2.3. Section 10 of the Act is amended by inserting “as well as the cost of services and medications determined by regulation and provided to an insured person” after “Act respecting prescription drug insurance (chapter A-29.01),” in the second paragraph.

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Section 2.5

AMENDMENT:

Insert after section 2.4:

2.5. Section 37 of the Act is repealed.

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Section 2.4

AMENDMENT:

Insert after section 2.3:

2.4. The Act is amended by inserting the following section after section 22.0.0.1:

“22.0.0.2. A pharmacist, other than a pharmacist practising in an institution, must post in public view a list of services, medications and supplies that are insured in accordance with the fourth paragraph of section 3.”

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Section 2.6

AMENDMENT:

Insert after section 2.5:

2.6. Section 69 of the Act is amended by inserting the following subparagraphs after subparagraph *e.2* of the first paragraph:

“(e.3) determine the cases in which the Board assumes the cost of a medication or a supply and the related wholesaler’s profit margin for the purposes of the fourth paragraph of section 3;

“(e.4) determine the services and medications the cost of which is assumed by the Board for the purposes of the second paragraph of section 10;”.

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Section 2.7

AMENDMENT:

Insert after section 2.6:

2.7. Section 71 of the Act is amended by replacing “fourth” in the introductory clause by “third”.

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Section 2.8

AMENDMENT:

Insert after section 2.7:

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

2.8. Section 22 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by replacing the fourth paragraph by the following paragraph:

“For the purposes of the third paragraph,

(1) the payment for pharmaceutical services or medications for which a pharmacist is claiming payment or has obtained payment includes a payment claimed or obtained from an insurer or an employee benefit plan administrator for any medication whose generic name is entered on the list of medications drawn up by the Minister under section 60;

(2) any benefit received by a pharmacist is presumed, in the absence of any evidence to the contrary, to have been received in connection with pharmaceutical services or medications for which the pharmacist has claimed or received payment.”

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Section 2.9

AMENDMENT:

Insert after section 2.8:

2.9. Section 84.5 of the Act is replaced by the following section:

“**84.5.** Every person who, by an act or omission, helps or, by encouragement, advice or consent or by an authorization or an order, induces another person to commit an offence under this Act is guilty of an offence and is liable to the same penalty as that prescribed for the offence that the person helped or induced the other person to commit.”

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Section 2.10

AMENDMENT:

Insert after section 2.9:

**REGULATION RESPECTING THE APPLICATION OF THE HEALTH
INSURANCE ACT**

2.10. Section 60 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended, in the first paragraph,

(1) by replacing “and fourth paragraphs” in the introductory clause by “paragraph”;

(2) by inserting “or in an emergency situation” after “in order to establish its appropriate usage” in subparagraph *i*;

(3) by inserting “or 12” after “item 6” in subparagraph *k*;

(4) by inserting the following subparagraph after subparagraph *k*:

“(k.1) prescription of an over-the-counter medication determined in a regulation made under section 37.1 of the Pharmacy Act (chapter P-10), if the person’s clinical situation or any other circumstance so warrants;”;

(5) by inserting “or 12” after “item 6” in subparagraph *n*.

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Section 2.11

AMENDMENT:

Insert after section 2.10:

2.11. The Regulation is amended by inserting the following sections after section 60:

“**60.1.** The services rendered to prescribe, in accordance with the Regulation respecting the prescription of a medication by a pharmacist (chapter P-10, r. 18.2), and to administer, in accordance with the Regulation respecting the administration of medication by pharmacists (chapter P-10, r. 3.1), a medication required for the purpose of vaccinating an insured person covered by the Québec Immunization Program who meets the program’s conditions for receiving the vaccination free of charge must be considered insured services for the purposes of the fourth paragraph of section 3 of the Act.

“**60.2.** For the purposes of the fourth paragraph of section 3 of the Act, the Board assumes the cost of the supplies required to administer a vaccine referred to in section 60.1. That cost is set out in the list of medications drawn up by the Minister under section 60 of the Act respecting prescription drug insurance (chapter A-29.01).

In addition, the Board assumes the cost of the wholesaler’s profit margin, if any, relating to the supplies referred to in the first paragraph or to a vaccination referred to in section 60.1.

“**60.3.** The cost of the services referred to in section 60.1 and of the supplies referred to in section 60.2 may be assumed by the Board in accordance with section 10 of the Act where they are provided by a person and in a pharmacy referred to in the second paragraph of that section.”

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Section 2.12

AMENDMENT:

Insert after section 2.11:

**REGULATION RESPECTING BENEFITS AUTHORIZED FOR
PHARMACISTS**

2.12. Section 2 of the Regulation respecting benefits authorized for pharmacists (chapter 29.01, r. 1) is amended, in the third paragraph,

(1) by replacing “drugs on the” by “drugs whose generic name is entered on the”;

(2) by striking out “, under the basic prescription drug insurance plan”.

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Section 2.13

AMENDMENT:

Insert after section 2.12:

**REGULATION RESPECTING THE BASIC PRESCRIPTION DRUG
INSURANCE PLAN**

2.13. Section 1.1 of the Regulation respecting the basic prescription drug insurance plan (chapter 29.01, r. 4) is amended, in the first paragraph,

(1) by inserting “or in an emergency situation” after “in order to establish its appropriate usage” in subparagraph 5;

(2) by inserting “or 12” after “item 6” in subparagraph 7;

(3) by inserting the following subparagraph after subparagraph 7:

“(7.1) prescription of an over-the-counter medication determined in a regulation made under section 37.1 of the Pharmacy Act (chapter P-10), if the person’s clinical situation or any other circumstance so warrants;”;

(4) by inserting “or 12” after “item 6” in subparagraph 10.

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Section 2.14

AMENDMENT:

Insert after section 2.13:

RÈGLEMENT SUR LES ACTIVITÉS DE FORMATION DES
PHARMACIENS POUR L'AJUSTEMENT D'UNE ORDONNANCE D'UN
MÉDECIN ET LA SUBSTITUTION D'UN MÉDICAMENT PRESCRIT

2.14. The Règlement sur les activités de formation des pharmaciens pour l'ajustement d'une ordonnance d'un médecin et la substitution d'un médicament prescrit (chapter P-10, r. 1.2, French only) is repealed.

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Section 4

AMENDMENT:

Replace “epinephrine or diphenhydramine” in proposed section 1.2 by “an over-the-counter medication or salbutamol”.

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Section 5

AMENDMENT:

Replace "epinephrine or diphenhydramine" in proposed section 13 by
"salbutamol".

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Section 5.1

AMENDMENT:

Insert after section 5:

**PROVISIONS CONCERNING ACCESS TO THE RECORD OF A USER OF
AN INSTITUTION WHO COULD BE A MISSING OR DECEASED
ABORIGINAL CHILD**

5.1. The Minister of Justice assists and guides the families of missing or deceased Aboriginal children in their search for information on the circumstances surrounding the disappearance or death of those children, taking into account, in particular, the linguistic and cultural characteristics of such families.

To that end, the Minister of Justice assists any person who requests assistance in making a request for access to the record of a user of an institution who could be a missing or deceased Aboriginal child and in the follow-up regarding the request, including by planning a meeting if the person considers it necessary. Likewise, the Minister assists any person in charge of access to documents or the protection of personal information in an institution who so requests with respect to processing a request for access to the record of such a user.

For the purposes of this section and sections 5.2 to 5.4,

(1) “institution” means, depending on the context, a health and social services institution within the meaning of the Act respecting health services and social services (chapter S-4.2), the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5) or any place governed by law where health and social services were offered during the period concerned;

(2) “child” means a person who was a minor at the time of his or her admission to an institution.

The Minister of Justice and the Minister of Health and Social Services must inform the Aboriginal families of the various measures put in place to support them in their search.

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Section 5.2

AMENDMENT:

Insert after section 5.1:

5.2. The Minister of Justice and the person in charge of access to documents or the protection of personal information in an institution may share any personal information with each other that is necessary for processing a request for access referred to in the second paragraph of section 5.1.

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Section 5.3

AMENDMENT:

Insert after section 5.2:

5.3. A person wishing to have access to the record of a user of an institution who could be a missing or deceased Aboriginal child must

- (1) submit his or her request not later than *(insert the date that is five years after the date of coming into force of this section)*;
- (2) be an immediate family member of the child referred to in the request;
- (3) have information that could lead to the belief that the child was admitted to an institution between 1 January 1950 and 31 December 1989; and
- (4) describe circumstances that suggest that the child disappeared or died during that period while admitted to an institution.

For the purposes of subparagraph 2 of the first paragraph, an immediate family member of the child is his or her great-grandfather or great-grandmother, grandfather or grandmother, father or mother, brother or sister, uncle or aunt, cousin, stepfather or stepmother, child, or the latter's child, or any other person who shared the child's dwelling for a significant period.

If it considers it necessary, the Government may, before the submission deadline for requests for access, postpone the deadline for a maximum period of one year. It may grant any further postponement in accordance with the same conditions.

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Section 5.4

AMENDMENT:

Insert after section 5.3:

5.4. In response to a request for access, the only information that may be communicated to the person making the request is the personal information that could reveal the circumstances surrounding the disappearance or death of the child, including information on facts subsequent to 31 December 1989, such as information on the child's transfer to another institution.

If it is reasonable to believe, in light of the information contained in the user's record, that the child, now a person of full age, is still alive, the institution must try to obtain, from the Régie de l'assurance maladie du Québec ("the Board"), confirmation that the person sought is still alive and information make it possible to find him or her. On receiving a request to that effect from an institution, the Board sends the institution the name, date of birth, sex, address or phone numbers of that person entered in its register of insured persons as well as, if applicable, the person's date of death and his or her address at the time of death.

After receiving that information, the institution processes the request according to the following rules:

(1) where the person sought is still alive and has been found, the institution, after having contacted him or her, communicates the information referred to in the first paragraph, unless the person objects to such communication, in which case it communicates only the fact that the person is still alive;

(2) where the person sought is still alive but the institution does not succeed in contacting him or her, only the information referred to in the first paragraph that does not pertain to facts subsequent to 31 December 1989, and the fact that he or she is still alive, are communicated;

(3) where it is not possible to determine whether the person sought is still alive or where the verifications with the Board reveal that he or she has died, the information referred to in the first paragraph is communicated.

For the purposes of subparagraph 1 of the third paragraph, the institution must inform the person sought of his or her right to object to the communication of the information, except the fact that he or she is still alive.

The institution may communicate to the person making the request any other information concerning the person sought with the latter's consent.

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Section 5.5

AMENDMENT:

Insert after section 5.4:

5.5. Sections 5.1 to 5.4 apply despite section 19 of the Act respecting health services and social services (chapter S-4.2) and section 7 of the Act respecting health services and social services for Cree Native persons (chapter S-5).

Section 5.4 applies despite section 63 of the Health Insurance Act (chapter A-29).

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Section 5.6

AMENDMENT:

Insert after section 5.5:

5.6. Sections 5.1 to 5.5 cease to have effect once the submission deadline for requests for access has been reached and the requests have been processed.

The Minister of Health and Social Services must report on the application of sections 5.1 to 5.5 in a report published on that minister's website not later than six months after that date.

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Section 4

AMENDMENT:

Replace proposed section 1.1 by:

“1.1. A pharmacist may administer any vaccine to a patient six years of age or over. However, a pharmacist may administer required travel vaccines and the influenza vaccine to a patient two years of age or over.”

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Section 6

AMENDMENT:

Replace by:

6. This Act comes into force on (*insert the date of assent to this Act*), except
- (1) paragraph 0.1 of section 1, subparagraph *b* of paragraph 1 of section 2 insofar as it replaces subparagraphs 6 to 8 and 10 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10), and paragraph 2 of section 2 insofar as it enacts subparagraph 3 of the third paragraph of section 17 of the Pharmacy Act, which come into force on the date or dates to be set by the Government;
 - (2) sections 5.1 to 5.6, which come into force on (*insert the date that is three months after the date of assent to this Act*).

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Bill 31

**An Act to amend mainly the Pharmacy
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Section 6

AMENDMENT:

Replace the title by:

AN ACT TO AMEND MAINLY THE PHARMACY ACT FOR THE PURPOSE
OF FACILITATING ACCESS TO CERTAIN SERVICES AND TO
AUTHORIZE THE COMMUNICATION OF PERSONAL INFORMATION
CONCERNING CERTAIN MISSING OR DECEASED ABORIGINAL
CHILDREN TO THEIR FAMILIES

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