

**AMENDMENT**

**Bill 15**

**AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER PROVISIONS  
MAINLY TO STREAMLINE THE REGULATORY PROCESSES OF THE  
PROFESSIONAL SYSTEM AND BROADEN CERTAIN PROFESSIONAL  
PRACTICES IN THE FIELD OF HEALTH AND SOCIAL SERVICES**

**SECTION 39.1** (section 8.1 of the Act respecting prescription drug  
insurance)

Withdraw.

*Adepti*  
*APC*

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**SECTION 39.2** (section 78 of the Act respecting prescription drug  
insurance)

Withdraw.

*Adapté  
APC*

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**SECTION 39.3** (section 80 of the Act respecting prescription drug  
insurance)

Withdraw.

*Adopté*  
*APL*

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**SECTION 59** (section 1 of the Regulation respecting the prescription,  
and the substitution for a prescribed medication, of a  
medication manufactured by an undertaking in which the  
pharmacist has an interest)

Replace "or grant to that corporation" in subparagraph 3 of the first paragraph of proposed section 1 by "or grant to the corporation that operates the medication manufacturing undertaking".

*Adeptic  
ARC*

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**SECTION 60.2 (section 1.1 of the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications)**

Insert before section 61:

**60.2.** The Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications (chapter A-29.01, r. 2) is amended by inserting the following section after section 1:

**“1.1.** In order to be recognized by the Minister, a drug manufacturer of which one or more pharmacists are holders of control must, in addition, meet the following conditions:

(1) the pharmacists are holders of control of the manufacturer through a corporation that operates an accredited wholesaler; and

(2) at least 100 pharmacists hold shares in the corporation, directly or through corporations control of which is held by pharmacists.

For the purposes of the first paragraph, “holder of control” has the meaning assigned to it by sections 6 and 8 to 10 of the Trust Companies and Savings Companies Act (chapter S-29.02). In addition, except for the purposes of subparagraph 2 of that paragraph, all pharmacists having an interest in a corporation are deemed to participate in the concerted and ongoing exercise of their rights within the corporation or of their powers over the corporation within the meaning of section 8 of the Trust Companies and Savings Companies Act.”

*Adopté  
APC*

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**SECTION 61 (Schedule 1 to the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications)**

Replace by:

**61.** Schedule I to the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications (chapter A-29.01, r. 2) is amended

(1) by adding the following paragraph at the end of section 2:

“The first paragraph does not prevent the manufacturer from paying to a wholesaler or to an intermediary within the meaning of section 80.1 of the Act respecting prescription drug insurance (chapter A-29.01) the declared dividend that the shares issued by the manufacturer and held by the intermediary or wholesaler entitle it to.”;

(2) by inserting the following section after section 2:

**2.0.1.** The manufacturer undertakes, in each of the calendar years during which one or more pharmacists holds control of it for more than 182 days within the meaning of sections 6 and 8 to 10 of the Trust Companies and Savings Companies Act (chapter S-29.02), to limit the monetary value of its sales of generic drugs entered on the List of medications to an owner pharmacist of Québec, for each establishment the latter owns, to 3% or less of the monetary value of its sales of such drugs to all owner pharmacists of Québec.

For the purposes of the first paragraph, all pharmacists holding an interest in a manufacturer are deemed to participate in the concerted and ongoing exercise of their rights within the manufacturer or of their powers over the manufacturer within the meaning of section 8 of that Act. In addition, the sales of a manufacturer

include those made directly to owner pharmacists or indirectly through wholesalers, a commercial name or a chain of pharmacies under the basic prescription drug insurance plan.”;

(3) by inserting the following paragraph after the first paragraph of section 2.2:

“The manufacturer undertakes to indicate in that report the periods of the calendar year during which it was controlled by pharmacists within the meaning of section 2.0.1.”

Adopté  
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