

INTRODUCED ON 01.08.2022.

[AS INTRODUCED IN THE SENATE]

**A
BILL**

further to amend the Pharmacy Act, 1967

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in the Pharmacy Act, 1967 (XI of 1967), for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title, extent and commencement. (1) This Act may be called the Pharmacy (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 2, Act XI of 1967.- In the Pharmacy Act, 1967 (XI of 1967), hereinafter referred to as the said Act, in section 2,

- (i) clause (d) shall be omitted.
- (ii) in clause (f) the words "or register B" shall be omitted.
- (iii) in clause (g) the word "and" occurring at the end shall be omitted and in clause (h) the full stop occurring at the end shall be substituted with semicolon.
- (iv) after clause (h) the following new clauses (i), (j), (k), (l) and (m), shall be added namely. -
 - "(i) "Code of ethics and conduct" means the code of ethics and conduct as prescribed and revised by the Council from time to time;
 - (j) "degree in Pharmacy" means a basic degree in pharmacy conferred by a university or an institution recognized by the Council for this purpose;
 - (k) "Prescribed" means prescribed by rules made under this Act;
 - (l) "Pharmacy Technician" means a person who is registered in Register B under section 24; and
 - (m) "Register" means register maintain under section 24 of this Act."

3. Amendment of section 4, Act XI of 1967.- In the said Act, in section 4, in sub-section 1,

- (i) in clause (a) at the end the following proviso shall be added namely:-

“Provided that he shall be a registered pharmacist”

- (ii) in clause “b” before the words “the officer” the expression “subject to section 6 of this Act,” shall be inserted.

- (iii) for clauses (c), (d), and (f) the following shall be substituted namely:-

“(c) Four persons to be nominated by the Federal Government in consultation with the Provincial Government concerned as the case may be;

(d) Secretaries to Provincial Councils concerned shall be ex-officio members to the Central Council; and

(f) One officer from the Islamabad Capital Territory, to be nominated by the Federal Government, who shall be a Pharmacist with at least ten years of professional experience.”

4. Amendment of section 5, Act XI of 1967.- In the said Act, in section 5, in sub-section (1), in clause (b) before the words “ the officer” the words “subject to section 6 of this Act,” shall be inserted.

5. Substitution of section 6, Act XI of 1967.- In the said Act, for section 6, the following shall be substituted, namely:-

“6. Disqualification for membership. - No person, other than ex-officio Presidents of the Councils, shall be eligible for nomination as a member of the Council unless he is a registered pharmacist in register “A” of this Act.”

6. Amendment of section 8, Act XI of 1967.- In the said Act, in section 8, in sub-section (1), after the words “for re-nomination” the expression “for another consecutive term only” shall be inserted.

7. Amendment of section 13, Act XI of 1967.- In the said Act, in section 13, in sub-section (1), after the expression “A Council shall meet” the expression “at least three times in a year” shall be inserted.

8. Amendment of section 16, Act XI of 1967.- In the said Act, in section 16, sub-section (1) shall be substituted, namely:-

“(1) The funds of a Central Council shall consist of the fees received by it under this Act and of such moneys as may be placed at its disposal by the Federal Government.”.

9. Amendment of section 17, Act XI of 1967.- In the said Act, in section 17, in sub-section (1),-

- (i) in clause (a), after the words “registration as pharmacists” the expression “and pharmacy technicians” shall be inserted;
- (ii) in clause (g) after the words “degree or diplomas” the words “and certificates” shall be inserted and after the words “registration as pharmacists” the expression “and pharmacy technician, respectively” shall be inserted;
- (iii) in clause (h) the word “and” occurring at the end shall be omitted and for the full stop occurring at the end of clause (i) a semicolon shall be substituted.
- (iv) after clause (i) the following new clauses (j), (k), (l), (m), (n), and (o) shall be added namely:-
 - “(j) to lay down the qualification as pharmacists, pharmacy technicians and to review these qualifications and their conditions whenever it deemed necessary;
 - (k) to prescribe the Code of Ethics and Conduct for pharmacy professionals;
 - (l) to maintain record of pharmacists and pharmacy technicians in collaboration with Provincial Pharmacy Councils;
 - (m) to enrol students at the time of admission in a pharmacy institution and prescribe fee for this purpose;
 - (n) to prescribe and collect fee for inspection of the Pharmacy Institutions and for other purposes and to review the same whenever so required; and
 - (o) to recognize post graduate diplomas in different fields of pharmacy as specialization.”

10. Insertion of new sections, 18A and 18B, Act XI of 1967.- In the said Act, after section 18, the following new sections 18A and 18B, shall be inserted, namely:-

"18A. Recognition of Pharmacy Institution.- (1) Any public or private organization who intends to establish Pharmacy institution shall apply to the Central Council for purpose of recognition as per rules made under this Act.

(2) The Council shall process all such applications according to the prescribed criteria and take a decision within a prescribed period, as per rules made under this Act.

(3) The Central Council, if is satisfied after such enquiry as it may think fit that the application has been made under sub-section (1) is in conformity with this Act and the rules made under this Act, shall issue NOC and, by notification in the official Gazette, declare it to be a recognized institution for the imparting education in Pharmacy or may reject the application, stating reasons for rejection.

(4) An applicant, not satisfied with the decision of the Central Council may appeal to the Federal Government, which may refer the same to the Council for a review or constitute a Review Committee.

(5) The Review Committee, if any, so constituted shall carry out necessary inspection, hear the applicant and record its decision within three months, which shall be binding on the applicant and the Council.

(6) The applicant shall neither advertise for admissions nor shall admit any student until permitted by the Central Council.

(7) No university, college or institution shall award any degree or certificate in pharmacy, unless that University, College, or institution, as the case may be, is granted NOC or recognized by the Central Council.

18B. Recognition of Pharmacy qualification granted by an institution outside Pakistan. - A Pharmacy qualification granted by an institution outside Pakistan may be recognized for the purpose of registration as Pharmacist or Pharmacy Technician, as the case may be, by the Central Council on such conditions as may be prescribed through byelaws, reviewed from time to time:

Provided that qualification holder must be registered with relevant professional body of that country of origin of the qualification.

11. Amendment of section 21, Act XI of 1967.- In the said Act, in section 21, after sub-section (3), the following new sub-section 4, shall be added namely. -

"(4) Secretary to Provincial Council, upon a complaint received or referred by the Central Council, may inspect any institution which holds an approved examination or conducts an approved course of study in its respectively territorial jurisdiction, and shall submit its findings and recommendations to the Central Council through Provincial Council."

12. Substitution of section 23, Act XI of 1967.- In the said Act, for section 23, the following shall be substituted, namely:-

"23. Functions of a Provincial Council. — The functions of a Provincial Council shall be—

- (a) to prepare and maintain registers of pharmacists and pharmacy technicians in pharmacy;
- (b) to register pharmacists, pharmacy technicians and grant certificates of registration;
- (c) to conduct examinations for the purpose of registration as pharmacists and pharmacy technicians;
- (d) to conduct, arrange and organised trainings, refresher courses and programs for continue professional development of registered pharmacists and pharmacy technicians; and
- (e) to do such other acts and things as it may be empowered or required to do by this Act."

13. Amendment of section 24, Act XI of 1967.- In the said Act, in section 24,-

- (i) in sub-section (1) for the word "apprentices" the words "pharmacy technicians" shall be substituted;
- (ii) in clause (b) the expression "and (c)" and the word "and" occurring at the end shall be omitted; and
- (iii) clause (c) along with the proviso shall be omitted.

14. Substitution of section 25, Act XI of 1967.- In the said Act, for section 25, the following shall be substituted, namely:-

"25. Qualifications for registration as a pharmacist or as a pharmacy technician. — (1) The following persons shall, subject to the provision of sub-section (2), be qualified for registration as pharmacists or pharmacy technicians under this Act, namely: —

- (a) persons who hold a degree in pharmacy conferred by a university or an institution affiliated thereto, where the degree and the relevant university or institute are duly recognised by the Central Council, or holding degree in pharmacy from abroad recognised by central council under section 18B, shall be registered as Pharmacist;
- (b) persons who hold a diploma in pharmacy granted by any institution, both are, duly recognised by the Central Council or who qualified an examination in Pharmacy held by Provincial Council, duly approved by the Central Council for the purpose, or hold diploma in pharmacy from abroad which is recognised by central council under section 18B, shall be recognised as Pharmacy Technician.

(2) No person shall be qualified for registration as a pharmacist or as a pharmacy technician. -

- (a) if he is of unsound mind and stands so declared by a court; or
- (b) if he has been convicted by a court of any offence which in the opinion of the Provincial Council involves moral turpitude."

15. Amendment of section 26, Act XI of 1967.- In the said Act, in section 26, in sub-section (1), for the words "apprentices" the words "Pharmacy Technicians" shall be substituted.

16. Amendment of section 27, Act XI of 1967.- In the said Act, in section 27, after sub-section (4), the following new sub-section (5) shall be added, namely. -

"(5) Subject to the provisions of this Act, the registration of a Pharmacist and or of a Pharmacy technician shall be valid for a period of three years from the date of its issuance and shall be renewed under such conditions as may be prescribed by rules made under this Act from time to time."

17. Amendment of section 29, Act XI of 1967.- In the said Act, in section 29, for sub-section (1), the following shall be substituted, namely:-

"(1) for the purpose of registration as Pharmacists or Pharmacy Technicians, of those holding degree or diploma in Pharmacy from institutions inland or abroad, the Provincial Councils may, after giving notice in this behalf hold an examination with previous approval of Central Council, when so required."

18. Substitution of section 30, Act XI of 1967.- (1) In the said Act, for section 30, the following shall be substituted, namely:-

"30. Qualification for admission to an examination. - An applicant for admission to an examination under section 30, -

- (a) shall hold a recognised degree or diploma in pharmacy of an in-land institute of Pharmacy;
- (b) shall hold a foreign degree or diploma and shall be duly registered with the relevant professional body of that country; and
- (c) any other conditions as may be prescribed by the Central or the Provincial Council through rules made under this Act, for this purpose, from time to time."

19. Substitution of section 31, Act XI of 1967.- In the said Act, for section 31, the following shall be substituted, namely:-

"31. Prohibitions. -(1) No institution or college shall impart pharmacy education unless no objection certificate or recognition has been granted to such institution or college by the Central Council under this Act.

(2) No person shall subject to the provisions of sub-section (4), shall practice as Pharmacist or Pharmacy Technician, unless he is registered with a Provincial Council and displays his certificate or

registration in a conspicuous place within the premises in which he so practice.

(3) whoever employs any Pharmacist or Pharmacy Technician for the purpose of any business or professional practice in pharmacy shall cause the certificate of registration of the person so employed to be displayed in a conspicuous place within the premises in which such business or practice in pharmacy is carried on.

(4) Nothing in sub-section (1) shall apply to a foreign pharmacist who is engaged, with the approval of the Central Council, for the purposes of consultation, advice, or instruction."

20. Insertion of new section 31A, Act XI of 1967.- In the said Act, after section 31, the following new section 31A shall be inserted, namely:-

"31A. Penalties. -(1) Whoever contravenes sub-section (1) of section 31, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years or a fine which may extend to one million rupees or both.

(2) Where the person is guilty of an offence referred to in sub-section (1) is an association, or organization every officer responsible for the conduct of its affairs shall, unless he proves that the offence was committed without his knowledge or that he exercised all diligence to prevent its commission, be deemed to be guilty of offence.

(3) whoever contravenes the provisions of sub-section (2) or (3) of section 31, shall be punishable with imprisonment of either description for term which may extend to six months, or with a fine which may extend to twenty-five thousand rupees, or both.

(4) Whoever contravenes any provision of this Act, or rules made re under this Act or any directions of the Councils may be punished with fine as considered appropriate by the Councils."

21. Addition of new section 35, Act XI of 1967.- In the said Act, after section 34, the following new section 35, shall be added namely:-

"35. Saving.- (1) The existing qualified persons in Register-B, as provided under the said Act, shall deemed to be registered as Pharmacy Technician under this Act, for all intents and purposes:

Provided that such registration certificate holders shall apply for the grant of registration certificate as Pharmacy Technician to the relevant Provincial Councils along with prescribed fee for the purpose, within a time frame to be fixed by the relevant Provincial Councils:

Provided further that notice in this connection shall be published for a continuous period of not less than one week in at least one newspaper in English and one newspaper in the local language, each having wide circulation in the Provinces."

STATEMENT OF OBJECTS AND REASONS

The prevailing Pharmacy Act was promulgated in 1967, in a time when the Country was deficient of relevant qualified professional human resource. Couple of universities were awarding degree in Pharmacy i.e., University of the Punjab, and University of Karachi, whereas now there are almost 100 institutions conducting Pharmacy Degree Courses and more than 200 institutes imparting education in Pharmacy Technician Programs. There is dire need of drastic amendments to five decades old pharmacy act.

2. The existing Pharmacy Act provides for registration of Pharmacists, persons other than those not holding a relevant qualification in Pharmacy. While internationally health professions are being segregated in different categories of health care service delivery levels and updated to meet the challenges of modern medical and health care services deliveries thereof with appropriate professional recognitions.

3. To meet the requirements of legally qualified and professionally competent human resources in the health care sector both inland and to the international market, these professional segregation through amendments in the existing Act is unavoidable.

4. the proposed amendments aim;

- to streamline and standardise pharmacy education in country to produce professionally skilled human resource.
- To provide recognition to qualified pharmacists as well as opportunities for the post graduate specialised diplomas program to flourish their skills;
- To curtail and prohibit the unchecked and substandard pharmacy education programs with vibrant recognition procedure and prohibitions;

5. The Bill seeks to achieve the said purpose.

SENATOR MUSHTAQ AHMED
MEMBER-IN-CHARGE