

[TO BE 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 and commencement. (1) This Act may be called the Pharmacy (Amendment) Bill, 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) in clause (f) the words "or register B" shall be omitted.

(ii) 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.

(ii) 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" mean prescribed by Rules, Regulations made under this Act;
- l. "Pharmacy Technician" mean 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) at the end of clause (a) the following proviso shall be added namely.- "provided that he shall be a registered pharmacist"
- (ii) for clauses (c), (d), and (f) the Following shall be substituted as;
"(c) Four persons to be nominated by the Federal Government in consultation with the Provincial Government concerned;
- (d)** Secretaries to Provincial Councils concerned shall act as 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 registered pharmacist with ten years of experience."

4. 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.

5. 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.

6. 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 words "and pharmacy technician" 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 words "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) and (n) shall be inserted namely:-
- "(j) to lay down the qualification as pharmacists, pharmacy technicians and to review these conditions and qualifications whenever deemed fit;
 - (k) to prescribe the Code of Ethics and Conduct for pharmacy professionals;
 - (l) to maintain record of pharmacists and pharmacy technician in collaboration with Provincial Pharmacy Councils;
 - (m) to enroll students at the time of admission in a pharmacy institution and prescribe fee for this purpose;
 - (n) to prescribe and collect fee for the inspection of Pharmacy Institution and other purposes and review the same whenever so required; and
 - (o) to recognize post graduate professional Diplomas and specialization in the field of pharmacy."

7. Insertion of new sections, 18A, 18B and 18C, 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 the purpose of recognition as per the Rules and Regulations 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 of time.

(3) An applicant not satisfied with the decision of the central council may appeal to the Controlling Ministry, which may refer the same to the Council for a review or constitute a Review Committee.

(4) The review Committee if any, 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.

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

(6) 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 recognized or granted NOC by the Central Council.

(7) After considering the information furnished with the application and the report of inquiry if any, and after making such further inquiry as may from time to time, appears to it be necessary, the Central Council may, grant or refuse to grant recognition or grant the recognition subject to such terms and conditions, as may be specified in the order. The Council may for the above purpose make such orders and issue such directions to the institution as it may deem fit.

18B. Recognition of Pharmacy qualification granted by an institution outside Pakistan.- A Pharmacy qualification granted by an institution outside Pakistan shall be recognized by the Central

Council on such conditions as may be prescribed by the rules made under this act from time to time.”.

8. 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, may inspect any institution which holds an approved examination or conducts an approved course of study, and shall submit its findings and recommendations to the Central Council through Provincial Council.”

9. Amendment of Section 24, Act XI of 1967.- In the said Act, in section 24 in sub-section (1),

(i) in clause (b) the expression “and (c)” and the word “and” occurring at the end shall be omitted.

(ii) clause (c) along with the proviso shall be omitted.

10. Amendment of Section 25, Act XI of 1967.-In the said Act, in section 25,

(i) in the marginal note the words “or as an apprentice in pharmacy” shall be omitted.

(ii) in sub-section 1, clause (b) and (c) shall be omitted.

11. 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 provisions of this Act, the registration of a Pharmacist and or Pharmacy technician shall be valid for a period of three years

and will be renewed under such conditions as may be prescribed by the rules made under this act from time to time.”.

12. Amendment of Section 29, Act XI of 1967.- In the said Act, in section 29, sub-section (1) shall be substituted as.-

“(1) for the purpose of registration of those holding degree of pharmacy from abroad as pharmacist, the Central Council and for pharmacy Technician the Provincial Council shall, after giving notice in this behalf hold an examination as per the laws”

13. Substitution of Section 30, Act XI of 1967.- In the said Act, for section 30, the following shall be substituted as.-

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

(a) must have passed degree in pharmacy or diploma in pharmacy from a recognized university or institute of that country

(b) any other conditions as may be prescribed by the Central or the Provincial Council for this purpose from time to time.”

14. Substitution of Section 31, Act XI of 1967.- In the said Act, for section 31, the following shall be substituted as.-

“**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 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 the Council and displays his registration certificate 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 Council, for the purposes of consultation, advice or instruction.”

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

“31B. 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 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 fine which may extend to twenty five thousand rupees, or both

(4) Whoever contravenes any provision of this Act or the Regulations made there under or any directions of the Council may be punished with fine as considered appropriate by the Council.”.

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 & substandard pharmacy education programs with vibrant recognition procedure and prohibitions;

3. The Bill seeks to achieve the said purpose.

**SENATOR MUSHTAQ AHMAD KHAN
MEMBER-IN-CHARGE**