The Prescription Drugs Act

being

Chapter P-23 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1979, c 55; 1982-83, c 16; 1983, c 29; 1986-87-88, c 54; 1988-89, c 42; 1993, c 57; 1997, c 12; 2002, c 22; 2004, c 10; 2010, c 27; 2014, c E-13.1; 2015, c 17; and 2018, c 42.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-23

An Act relating to the Acquisition, Distribution and Sale of Certain Drugs

Short title

1 This Act may be cited as *The Prescription Drugs Act*.

Interpretation

2 In this Act:

(a) **Repealed.** 2010, c27, s3.

(b) **"drug"** means a drug within the meaning of *The Pharmacy and Pharmacy Disciplines Act*;

(c) **"formulary"** means the formulary established pursuant to section 4;

(d) **"fund"** means the fund designated under subsection (1) of section 8;

(e) **"minister"** means the Minister of Health;

(e.1) **"ministry"** means the ministry over which the minister presides;

(e.2) **"personal health information"** means personal health information as defined in *The Health Information Protection Act*;

(f) **"pharmacy"** for the purposes of section 5, means the pharmacy referred to in an agreement under section 5 and operated by the person with whom the minister has entered into the agreement;

(f.01) **"practitioner"** means a person who is authorized by law to issue prescriptions in Saskatchewan;

(f.02) **"prescribed"**:

(i) when used in the expression "prescribed or dispensed", means set out in an authorization issued by a practitioner directing that a stated amount of a drug or mixture of drugs be dispensed for the person named in the authorization; and

(ii) in any other case, means prescribed in the regulations;

(f.1) **"program"** means the program established pursuant to section 3;

(g) **"resident"** means a person legally entitled to remain in Canada who makes his home and is ordinarily present in Saskatchewan, or any other person declared by the Lieutenant Governor in Council to be a resident within the meaning of this Act.

RSS 1978, c P-23, s 2; 1986-87-88, c 54, s 3; 2002, c 22, s 3; 2015, c 17, s 31; 2010, c 27, s 3.

Program for financial and other assistance

3 The minister may establish a program within the ministry for providing financial assistance to residents in purchasing drugs they require for preventative, diagnostic or therapeutic purposes and for doing any other things the minister considers advisable to assist residents in purchasing such drugs and without limiting the generality of the foregoing, the minister may:

(a) acquire and package drugs and make arrangements for the distribution of drugs by such means as the minister considers advisable;

(b) contract, negotiate or enter into arrangements with manufacturers, wholesalers, pharmacists, hospitals or other persons for any of the purposes mentioned in clause (a) or any purpose related thereto;

(c) subject to the approval of the Lieutenant Governor in Council, participate or enter into an agreement with the Government of Canada or the government of any other province, or any agency of the Government of Canada or any other provinces for any of the purposes mentioned in clause (a) or any purpose related thereto;

(d) do such other things as may be prescribed by the Lieutenant Governor in Council; and

(e) exercise any other power connected with or incidental to the powers herein mentioned.

RSS 1978, c P-23, s 3; 2010, c 27, s 4.

Power of minister to make grants, etc.

3.1 The minister may:

(a) make grants or pay subsidies to, or make agreements with, The University of Saskatchewan or any other body or person for the purpose of furnishing information with respect to drugs to physicians, pharmacists or any other person;

(b) enter into arrangements with a laboratory or any other body or person for the purpose of conducting tests or studies to assist in determining whether a payment should be made under this Act for a certain drug.

1979, c 55, s 2.

Information *re* drugs

3.2 The minister may, in accordance with any terms and conditions that the minister may prescribe, furnish a hospital, physician or pharmacist with any information that the minister considers advisable with respect to any drugs received by a beneficiary for the purpose of:

(a) discontinuing, reducing or controlling the inappropriate use of drugs;

(b) prohibiting or controlling abuses in the program established by the minister under this Act;

(c) planning and monitoring treatment of that beneficiary.

1979, c 55, s 2; 1993, c 57, s 5; 2010, c 27, s 5.

Database re drugs

3.3(1) In this section and in section 9:

(a) **"designated"** means designated in the regulations for the purposes of this section;

(b) **"subject individual"** means an individual to whom a drug is prescribed or dispensed or a designated drug is sold.

(2) The minister may establish a database in which prescribed personal health information is to be recorded with respect to:

(a) all drugs prescribed or dispensed to subject individuals in Saskatchewan; and

(b) all designated drugs that are sold to subject individuals in Saskatchewan.

(3) The following persons or bodies shall collect from the subject individual any prescribed personal health information with respect to the drugs or designated drugs mentioned in subsection (2) and submit the personal health information to the minister in any form or manner that the minister may require:

(a) a proprietor as defined in *The Pharmacy and Pharmacy Disciplines Act*;

(b) an operator of a publicly operated pharmacy, as defined in *The Pharmacy and Pharmacy Disciplines Act*:

(i) for subject individuals who are not in-patients at facilities served by that pharmacy; and

(ii) on and from a prescribed date, for all subject individuals served by that pharmacy;

(c) a member of a prescribed category of practitioners;

(d) a member of any other prescribed category of persons or bodies.

(4) The personal health information collected in accordance with this section and recorded in the database may be used by the ministry:

(a) for the purpose of facilitating any of the following:

(i) discontinuing, reducing or controlling the inappropriate use of drugs;

(ii) prohibiting or controlling abuses of drugs;

(iii) planning, monitoring and delivering treatment of persons;

(iv) planning and delivering benefits in the program established by the minister pursuant to this Act; or

(b) for any other purpose authorized by the regulations.

2010, c 27, s 6; 2018, c 42, s 39.

Formulary

4(1) The minister shall cause to be prepared a formulary which shall list those drugs for which payment may be made by the minister.

(2) The minister may make such provision as the minister considers advisable for distributing and publishing the formulary.

RSS 1978, c P-23, s 4; 1986-87-88, c 54, s 4; 2010, c 27, s 7.

Agreement with person operating a pharmacy

5 The minister may enter into an agreement with the person operating a pharmacy for any purpose related to the program and, without restricting the generality of the foregoing, the agreement may provide for:

(a) the amount to be paid by the minister to the person operating the pharmacy for each drug dispensed in the pharmacy if such drug is listed in the formulary;

(b) the amount of the dispensing fee that may be charged by a pharmacist in the pharmacy for providing professional services in the dispensing of the drugs listed in the formulary;

(c) payment by the minister for all or any part of the dispensing fee being charged by a pharmacist in the pharmacy, in the dispensing of the drugs listed in the formulary;

(d) the amount that may be charged to a resident for the purchase of a drug dispensed in the pharmacy if such drug is listed in the formulary;

(e) the person operating the pharmacy to provide such information to the minister as the minister may require for the purposes of the agreement;

(f) the person operating the pharmacy, to provide such information as may be stated in the agreement to a resident purchasing a drug listed in the formulary, by insuring that such information is stated on the label of the container in which the drug is dispensed.

(g) **Repealed.** 1986-87-88, c 54, s 4.

RSS 1978, c P-23, s 5; 1986-87-88, c 54, s 5; 2010, c 27, s 8.

Payments for exceptional drugs

5.1 Notwithstanding any other provision of this Act or the regulations, the minister may make a payment, in any amount and in accordance with any terms and conditions that the minister considers appropriate, to or on behalf of any resident who has received a drug whether or not the drug is listed in the formulary.

1986-87-88, c 54, s 6.

6 Repealed. 1986-87-88, c 54, s 7.

Eligibility of residents

7 No resident is eligible to obtain a drug pursuant to the program established under this Act unless at the time of obtaining the drug his name was listed:

(a) **Repealed.** 1997, c 12, s 7.

(b) on a valid medical card issued pursuant to *The Saskatchewan Medical Care Insurance Act*.

RSS 1978, c P-23, s 7; 1997, c 12, s 7.

Appropriation, fund, fiscal year, audit, tabling of documents

8(1) Moneys appropriated by the Legislature for the purpose of this Act shall be credited to a fund designated by the Minister of Finance.

(2) Any payment to be made by the minister under this Act or for the administration of a program established under this Act, may be made from the fund.

(3) Where the Minister of Finance has, under subsection (1), designated a fund other than the general revenue fund:

(a) the fiscal year of the fund shall be the period commencing on the first day of April in one calendar year and ending on the last day of March in the next calendar year, both dates inclusive;

(b) the minister shall, subject to *The Financial Administration Act* at the end of each fiscal year, pay into the consolidated fund any surplus remaining from the appropriations received by him during the fiscal year;

(c) the Provincial Auditor shall annually audit the accounts and financial statement of the fund;

(d) the minister shall, in accordance with section 13 of *The Executive Government Administration Act,* cause to be prepared, a report and financial statement on the administration of the fund for the immediately preceding fiscal year and the financial statement shall be prepared in such form as may be required by the Treasury Board; and

(e) the minister shall, in accordance with section 13 of *The Executive Government Administration Act,* lay before the Legislative Assembly each report and statement prepared under clause (d).

RSS 1978, c P-23, s 8; 1983, c 29, s 30; 1988-89, c 42, s 79; 2004, c 10, s 17; 2014, c E-13.1, s 62.

Regulations

9(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the terms and conditions under which a resident may obtain a drug pursuant to the program;

(b) prescribing the amount of payment that the minister may make for a drug obtained by a resident under the program, for services related to the dispensing of a drug obtained by a resident under the program or for both;

(c) prescribing and requiring the payment by a resident who obtains a drug under the program for that drug, for services related to the dispensing of that drug or for both;

(d) establishing categories of residents for the purposes of this Act and the regulations and establishing benefits under the program for each category or excluding any category of residents from benefits under the program;

(d.1) for the purposes of subsection 3.3(2):

(i) prescribing and governing the personal health information to be recorded in the database; and

(ii) designating drugs the sales of which are to be recorded in the database;

(d.2) for the purposes of subsection 3.3(3):

(i) prescribing and governing the personal health information to be collected and submitted with respect to:

(A) all drugs prescribed or dispensed to subject individuals in Saskatchewan; and

(B) all designated drugs that are sold to subject individuals in Saskatchewan;

(ii) prescribing the date on and from which personal health information with respect to all subject individuals served by a publicly operated pharmacy must be collected and submitted;

(iii) prescribing categories of practitioners who are required to collect and submit personal health information;

(iv) prescribing categories of persons or bodies that are required to collect and submit personal health information;

(d.3) for the purposes of subsection 3.3(4), prescribing additional purposes for which personal health information may be collected and recorded in the database;

(e) respecting agreements made pursuant to section 5;

(f) prescribing any other matter or thing that the Lieutenant Governor in Council considers considers appropriate or necessary with respect to the program.

(2) A regulation made pursuant to subsection (1) may be made retroactive to a day not earlier than July 1, 1987.

1986-87-88, c 54, s 8; 2002, c 22, s 6; 2010, c 27, s 9.

10 Repealed. 1986-87-88, c 54, s 8.

Minister may act as agent for certain purposes

11 Notwithstanding any other provision in this Act or any provision in any other Act, the minister may act as the agent of any ministry or agency of the Government of Saskatchewan or the Government of Canada, or as the agent of the Lung Association of Saskatchewan or of any Crown corporation, for the purpose of assisting any person or persons to obtain drugs required for preventative, diagnostic or therapeutic purposes, whether or not the drugs are listed in the formulary or the person or persons are eligible to obtain the drugs pursuant to the program established under this Act.

1976, c 47, s 1; 2010, c 27, s 10.

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