



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

NARCOTICS SAFETY AND AWARENESS ACT

PLEASE NOTE

This document, prepared by the **Legislative Counsel Office**, is an office consolidation of this Act, current to July 1, 2017. It is intended for information and reference purposes only.

This document is **not** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the **Table of Public Acts** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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NARCOTICS SAFETY AND AWARENESS ACT

CHAPTER N-.01

1. Definitions

In this Act

- (a) “**dispenser**” means a person who is authorized under an enactment, to dispense drugs;
- (b) “**document**” means all or part of a record of information, including personal information, in any form;
- (b.1) “**Health PEI**” means Health PEI as established under the *Health Services Act* R.S.P.E.I. 1988, Cap. H-1.6;
- (c) “**Minister**” means the Minister of Health and Wellness;
- (d) “**monitored drug**” means
 - (i) a controlled substance as specified in the *Controlled Drugs and Substances Act* (Canada), unless the controlled substance has been excluded from the category of monitored drugs by the regulations under this Act, and
 - (ii) any other drug designated by the regulations as a monitored drug;
- (e) repealed by 2014,c.39,s.65(2)(b);
- (f) “**personal information**” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap F-15.01, and includes personal health information as defined in the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41;
- (g) “**prescriber**” means a prescriber as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6.1;
- (h) “**prescription**” means a direction from a prescriber directing the dispensing of a monitored drug for a person;
- (i) “**substitute decision-maker**” means a substitute decision-maker as defined in the *Consent to Treatment and Health Care Directives Act* R.S.P.E.I. 1988, Cap. C-17.2. 2013,c.43,s.1; 2014,c.31,s.83(2); 2014,c.39,s.65; 2016,c.15,s.1.

2. Purpose of Act

The purpose of this Act is the enhancement of the health and safety of Prince Edward Islanders by authorizing the monitoring, analyzing and reporting of information, including personal information, related to the prescribing and dispensing of monitored drugs in order to

- (a) promote appropriate prescribing and dispensing practices for monitored drugs;
- (b) identify instances of abuse and misuse of monitored drugs; and
- (c) reduce the risk of addiction and death resulting from the abuse or misuse of monitored drugs. 2013,c.43,s.2.

2.1 Delegation by Minister

The Minister may delegate, in writing, any or all of the Minister's powers, functions and duties under this Act and the regulations to Health PEI. 2016,c.15,s.2.

3. Application of Act

This Act does not apply to any person or class of persons specified in the regulations. 2013,c.43,s.3.

4. Powers of Minister

(1) The Minister may exercise the following powers and perform the following functions under this Act:

- (a) monitor and analyze information, including personal information, related to the prescribing and dispensing of monitored drugs;
- (b) collect, use and disclose information collected under this Act in accordance with this Act and the regulations;
- (c) co-operate with other organizations, including colleges established under health professions legislation, to achieve the purposes of this Act; and
- (d) report to the public on any matter related to this Act as the Minister considers appropriate.

Disclosure of personal information

(2) The Minister may disclose personal information respecting a person who has been prescribed a monitored drug to

- (a) a prescriber, if the prescriber requires the information in order to determine whether to prescribe a monitored drug to the person or has prescribed a monitored drug to the person;
- (b) a dispenser, if the dispenser requires the information in order to determine whether to dispense a monitored drug to the person or has dispensed a monitored drug to the person; or
- (c) an operator of a pharmacy, if a dispenser employed or retained by the pharmacy has dispensed a monitored drug to the person through the pharmacy. 2013,c.43,s.4.

5. Duty of prescriber

(1) A prescriber who prescribes a monitored drug shall record the following information on the prescription:

- (a) the license number on the license issued to the prescriber by the regulatory body of which he or she is a member;
- (b) the name of the person for whom the monitored drug is prescribed;
- (c) the name, strength, where applicable, and quantity of the monitored drug;
- (d) the directions for use of the monitored drug;
- (e) the name and address of the prescriber;
- (f) the date on which the monitored drug is prescribed;
- (g) any other information, including personal information, required by the regulations.

Record of information

- (2) A prescriber shall keep a record of the information specified under subsection (1) in respect of a prescription for not less than two years.

Duty under other Act not affected

- (3) Nothing in this section limits or replaces the application of any other Act with respect to the information a prescriber must record on a prescription. *2013,c.43,s.5.*

6. Duty of dispenser

- (1) A dispenser who dispenses a monitored drug shall keep a record of the following information with respect to the prescription:
- (a) the information required under section 5 in respect of the prescriber;
 - (b) the address, date of birth and gender of the person for whom the monitored drug is prescribed;
 - (c) the drug identification number;
 - (d) the quantity of the monitored drug dispensed;
 - (e) the length of therapy, in number of days, of the monitored drug;
 - (f) the date on which the monitored drug is dispensed;
 - (g) the prescription number;
 - (h) any other information, including personal information, required by the regulations.

Verification of identity

- (2) A dispenser shall ensure that any identity verification requirements that are required by the regulations are met before dispensing a monitored drug.

Prohibition

- (3) No person shall provide a dispenser with information that the person knows to be false or misleading.

Retention of records

- (4) A dispenser shall retain any records required under subsection (1) or (2) for not less than two years after the date of last dispensing.

Duty under other Acts not affected

- (5) Nothing in this section limits or replaces the application of any other Act with respect to any information that a dispenser must ensure is recorded on a prescription or of which a dispenser must keep a record. *2013,c.43,s.6.*

7. Collection of information by dispenser

For the purpose of complying with section 5 or 6, a prescriber or dispenser may collect the information, including personal information, required by those sections and the regulations. *2013,c.43,s.7.*

8. Disclosure of information to Minister

- (1) If directed by the Minister, a prescriber, dispenser or operator of a pharmacy shall disclose the following information to the Minister for the purpose of this Act:

- (a) the information, including personal information, required under subsection 5(1) or 6(1);
- (b) any additional information, including personal information, required by the regulations for the purpose of those subsections.

Time and manner of disclosure

- (2) A prescriber, dispenser or operator of a pharmacy shall disclose the information specified in subsection (1) at the time and in the form and manner that the Minister directs.

Minister's direction

- (3) The Minister's direction to disclose information under this section may be made by any means the Minister considers appropriate. *2013,c.43,s.8.*

9. Prohibition

No person shall provide the Minister with information, including personal information, that the person knows to be false or misleading. *2013,c.43,s.9.*

10. Duty of operator of pharmacy

The operator of a pharmacy shall ensure that every dispenser employed or retained by the pharmacy complies with the provisions of this Act and the regulations. *2013,c.43,s.10.*

11. Appointment of inspectors

- (1) The Minister may appoint inspectors for the purpose of this Act.

Authority to inspect

- (2) An inspector may, without a warrant and without notice, at any reasonable time, enter a place of practice of a prescriber or dispenser that is not a dwelling and conduct inspections for the purpose of determining compliance with the requirements of this Act and the regulations.

Proof of appointment

- (3) An inspector conducting an inspection shall produce, on request, evidence of his or her appointment.

Confidentiality

- (4) An inspector appointed under subsection (1) shall preserve secrecy with respect to all personal information that comes to his or her knowledge in the course of conducting an inspection, and the inspector shall not communicate any personal information to any other person except as may be required in connection with the administration of this Act or as may be permitted by the *Freedom of Information and Protection of Privacy Act* and the *Health Information Act*.

Powers of inspector

- (5) An inspector conducting an inspection may,
 - (a) examine and make copies of a document or other thing that in the opinion of the inspector is relevant to the inspection;
 - (b) search for or demand the production for inspection of a document or other thing that is relevant to the inspection;
 - (c) remove a document or other thing that is relevant to the inspection for the purpose of making a copy; and

- (d) question a person on matters relevant to the inspection.

Readable format

- (6) An inspector who requires a document or other thing that in the opinion of the inspector is relevant to the inspection is entitled to receive it in a readable format.

Return of items

- (7) An inspector shall return, as promptly as reasonably possible, a document or other thing removed by the inspector for the purpose of the inspection.

Certified copy

- (8) A copy of a document or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value as the document or other thing itself without proof of the signature or official character of the person appearing to have certified the copy.

Prohibition

- (9) No person shall obstruct, hinder or interfere with or attempt to obstruct, hinder or interfere with an inspector conducting an inspection or refuse to answer questions on matters relevant to the inspection.

Idem

- (10) No person shall provide an inspector with information, including personal information, that the person knows to be false or misleading, or conceal or destroy anything that the person knows or reasonably ought to know to be relevant to an inspection. *2013,c.43,s.11; 2014,c.31,s.83(3).*

12. Report by inspector

An inspector shall report the findings and results of the inspection to the Minister at the times and in the manner required by the Minister. *2013,c.43,s.12.*

13. Minister's authority

- (1) The Minister, during or after an inspection, may, with respect to the activities of a person who is a registrant of a professional regulatory body,
- (a) notify the professional regulatory body respecting the findings or results of the inspection; and
 - (b) file a complaint against the person with the professional regulatory body.

Information to be provided

- (2) Where the Minister notifies or files a complaint with a professional regulatory body under subsection (1), the Minister shall provide the professional regulatory body with all relevant information resulting from the inspection with respect to the matter.

Information respecting offence

- (3) Where the Minister, as a result of an inspection under this Act, has reasonable grounds to believe that an offence has been committed contrary to the *Controlled Drugs and Substances Act* (Canada) or the *Criminal Code* (Canada), the Minister may communicate any information in the possession of the Minister in respect of the offence to the appropriate law enforcement authority. *2013,c.43,s.13.*

14. Prohibition

No person shall discipline, suspend, demote, dismiss, discharge, harass, interfere with or otherwise disadvantage another person or threaten to do any of those things to another person, where that person, in good faith, complies with a request or requirement to provide personal information under this Act or the regulations. *2013,c.43,s.14.*

15. Protection from liability

No action or other proceeding shall be brought against a person who, in good faith, complies with a request or requirement to provide personal information under this Act or the regulations. *2013,c.43,s.15.*

16. Idem

- (1) No action or proceeding shall be brought against the Minister or any other person acting under the authority of this Act or the regulations for anything done or not done, or for any neglect,

- (a) in the performance or intended performance of a duty imposed under this Act or the regulations; or
- (b) in the exercise or intended exercise of a power conferred under this Act or the regulations,

unless the person was acting in bad faith.

Provision of assistance

- (2) A person who provides assistance under this Act or the regulations has the same protection as a person referred to in subsection (1), unless the person was acting in bad faith.

Liability of corporation

- (3) Subsection (2) does not relieve a corporation of any liability to which it would otherwise be subject in respect of an offence committed by a director, officer or employee. *2013,c.43,s.16.*

17. Offence

A person who contravenes a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction

- (a) in the case of an individual, to a fine of not more than \$10,000 or to imprisonment for a term of not more than 12 months, or to both; and
- (b) in the case of a corporation, to a fine of not more than \$20,000. *2013,c.43,s.17.*

18. Regulations

The Lieutenant Governor in Council may make regulations

- (a) respecting the designation of drugs as monitored drugs and the exclusion of a controlled substance or a class of controlled substances from the category of monitored drugs;
- (b) excluding a person or class of persons from the application of this Act, or from one or more provisions of this Act, subject to the conditions, if any, provided for in the regulations;
- (c) specifying requirements or conditions in respect of the collection, use or disclosure of personal information by the Minister under this Act;

- (d) for the purpose of clause 8(1)(b), specifying additional information, including personal information, required to be disclosed to the Minister;
- (e) for the purpose of clause 5(1)(g), specifying additional information, including personal information, that a prescriber is required to record on a prescription;
- (f) for the purpose of clause 6(1)(h), specifying additional information, including personal information, that a dispenser is required to keep a record of with respect to a prescription;
- (g) respecting the identity verification requirements that a dispenser shall ensure are satisfied before dispensing a monitored drug under subsection 6(2);
- (h) respecting any matter considered necessary or advisable to carry out effectively the purpose of this Act. 2013,c.43,s.18.