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AN BILLE COGAISIOCHTA, 1961.

PHARMACY BILL, 1961.

EXPLANATORY MEMORANDUM.

1. The Pharmacy Act (Ireland), 1875 is the basic enactment governing pharmacy in this country. That Act provided for the establishment of the Pharmaceutical Society of Ireland, for the examination and registration of pharmaceutical chemists and for restricting the "keeping of open shop for retailing, dispensing or compounding poisons or medical prescriptions" to pharmaceutical chemists and persons in other specified qualified groups. The Act has since been amended, in particular by the creation of further categories of persons permitted to "keep open shop". The purpose of the present Bill is to codify these provisions on the practice of pharmacy and to make some modifications in and extensions to the powers of the Pharmaceutical Society of Ireland.

2. Section 2 of the Bill, which will replace the earlier enactments on these matters, specifies the classes of persons permitted to keep open shop for the dispensing or compounding of medical prescriptions and the sale of poisons. The classes of individuals defined as authorised to keep open shop for the dispensing or compounding of medical prescriptions will be:

- (a) registered pharmaceutical chemists and those in the analogous category of registered dispensing chemists and druggists;
- (b) licentiates of the Apothecaries Hall;
- (c) registered medical practitioners who had commenced their course of study before the Bill becomes law and who, in order to qualify, have passed an examination in pharmacy.

In addition to these groups, registered druggists will be "authorised persons" for the keeping of open shop for the sale of poisons. The only change from the present authorised categories is in the restriction of the group of authorised medical practitioners to those who had commenced training before the Bill becomes law. There should be little practical significance in this change as it is understood that, among present medical practitioners, only licentiates of the Apothecaries Hall at present "keep open shop" and their right to do so will not be diminished under the Bill.

3. An "authorised person" will, under Section 2, be required to manage his shop personally or to employ another "authorised person" for this purpose. There is similar provision in the present Acts. Corporate bodies (limited liability companies particularly) will still be permitted to carry on pharmacy businesses but any shop owned by a company will have to be managed by a qualified person in the wholtime employment of the company.

4. Under subsection (4) of this section, an exemption from the requirements in relation to the sale of poisons is provided for in respect of classes of persons who will, under the Poisons Act, 1961, be licensed to deal in certain poisons (e.g. agricultural poisons).

Under subsection (5), the Council of the Pharmaceutical Society will make regulations to ensure that there is full compliance with the section.

5. *Section 3* will replace in a more comprehensive form the present provisions for the protection of the titles of pharmaceutical chemist, dispensing chemist and druggist and registered druggist. The section will provide for the imposition of penalties on any person who wrongly represents himself as having the qualifications of any of those classes or who suggests, in connection with a business, that the business is being conducted by a person who has such qualifications.

6. Under *Section 4* the existing statutory provisions on the Pharmaceutical Society's functions in the training and examination of pharmaceutical chemists are codified and expanded. The Council of the Society will be empowered to provide in regulations (which, as in the case of similar regulations under the present Pharmacy Acts, would be subject to the approval of the Minister for Health) for matters related to the training of pharmaceutical chemists, including the recognition of the examinations and courses of other bodies.

7. *Section 5* will give a new power to the Society to register pharmacists who have qualified abroad. This will make it possible for the Society to seek similar facilities for Irish pharmacists in other countries. The section is similar to those which already apply to nurses and opticians.

8. The Society is at present empowered to charge fees only for examination, licence and registration and annual fees on such pharmaceutical chemists as choose to become members of the Society. Under *Section 6*, these powers are being extended to give the Society power to charge annual fees for retention on the appropriate register of all registered persons. The effect of this new power will be that, in the case of pharmaceutical chemists, the Society will be enabled to charge them an annual fee whether or not they decide to become members of the Society and that similar retention fees can also be charged on dispensing chemists and druggists and registered druggists. The amount of all fees chargeable by the Society will be subject to the consent of the Minister for Health.

9. *Section 7* will give the Society power to confer on registered persons the title of Fellow of the Pharmaceutical Society or another appropriate title.

10. *Section 8* will provide for the cessation of the present right of licentiates of the Apothecaries Hall to be registered as pharmaceutical chemists, subject to the position of existing licentiates and student licentiates being preserved. The section is based on provisions agreed between the Apothecaries Hall and the Pharmaceutical Society.

11. *Section 9* provides for the imposition of a fine as an alternative to the term of imprisonment specified as the appropriate penalty for falsification of registers and obtaining registration by false representations under Section 28 of the 1875 Act.

12. *Section 10* provides for the repeal of sundry provisions of the earlier Acts which are replaced by other provisions of the Bill, and also for the repeal of an existing requirement under which the Pharmaceutical Society is required to furnish printed copies of their registers to inspectors of weights and measures. This requirement causes expense for the Society and is no longer considered necessary.

*An Roinn Sláinte,
Feabhra, 1962.*