DÁIL ÉIREANN

AN BILLE CÓGAISÍOCHTA 2007
PHARMACY BILL 2007

LEASUITHE TUARASCÁLA
REPORT AMENDMENTS

[No. 21b of 2007]

[04 April, 2007]
DÁIL ÉIREANN

AN BILLE CÓGAISÍOCHTA 2007
—AN TUARASCÁIL

PHARMACY BILL 2007
—REPORT

Leasuithe
Amendments

1. In page 9, to delete lines 20 to 22 and substitute the following:

“5.—(1) Notwithstanding the repeal by section 4 of the Pharmacy (Ireland) Act 1875, the Pharmaceutical Society of Ireland shall continue in being subject to and as reconstituted by this Act.”.

—Liz McManus.

2. In page 12, between lines 8 and 9, to insert the following:

“(3) Without prejudice to the generality of subsection (2)(a)(ii), the Society’s duty under that provision shall include determining and applying criteria for registration which require compliance with any codes of conduct drawn up for pharmacists and undertakings to comply with such codes.”.

—Liz McManus, Liam Twomey, John Gormley.

3. In page 12, lines 30 and 31, to delete “by the Minister” and substitute “or elected as set out in subsection (3)”.

—Liz McManus.

4. In page 12, line 31, after “Minister” to insert the following:

“with the approval of the Oireachtas Committee on Health and Children”.

—Caoimhghín Ó Caoláin.

5. In page 13, between lines 41 and 42, to insert the following:

“(6) Not less than 40 per cent of the members of a Body shall be men and not less than 40 per cent shall be women.”.

—Liz McManus.

6. In page 13, between lines 41 and 42, to insert the following:

“(6) Not less than 40 per cent of the members of the Council shall be men and not less than 40 per cent shall be women.”.

—Caoimhghín Ó Caoláin.

7. In page 14, between lines 30 and 31, to insert the following:

“(a) before drafting or giving effect to a code of conduct, consult with bodies which are representative of the pharmacy sector, and with any other person or body the Council considers appropriate,”.

—Liz McManus.

8. In page 14, between lines 30 and 31, to insert the following:

—[No. 21b of 2007] [04 April, 2007]
“(a) consult with any person or body which are representative of the pharmacy sector, and with any other person or body the Council considers appropriate,”.

—Liam Twomey.

9. In page 16, line 12, to delete “a” where it secondly occurs and substitute “the”.

—Liz McManus.

10. In page 20, line 35, to delete “may” and substitute “shall”.

—Liz McManus, John Gormley.

11. In page 21, between lines 34 and 35, to insert the following:

“(2) The Minister shall, prior to making any regulations, consult with bodies which are representative of the pharmacy sector, and with any other person or body the Minister considers appropriate.”.

—Liz McManus, Caoimhghín Ó Caoláin, John Gormley.

12. In page 24, between lines 10 and 11, to insert the following:

25.—Any person who knowingly helps or, by encouragement, advice or consent, or by an authorisation or order, leads any person to contravene any provision of any code of conduct drawn up by the Society under section 7(2)(iii) shall be guilty of an offence.”.

—Liz McManus.

13. In page 24, between lines 10 and 11, to insert the following:

25.—It shall be an offence for any person knowingly or recklessly to make any declaration or disclosure to the Society which is false, misleading or incomplete.”.

—Liz McManus.

14. In page 24, between lines 10 and 11, to insert the following:

25.—(1) It shall be an offence for any person carrying on a retail pharmacy business, or any partner, connected relative or connected person, servant or agent of such person—

(a) directly or indirectly to make, offer or provide to any medical practitioner or any partner, connected relative or connected person of such practitioner, any payment, inducement, consideration in money or money’s worth or financial or other benefit of any kind, in consideration of, or by way of reward for, or in any way relating to—

(i) the value or volume (or both) of medicinal products prescribed by that medical practitioner, or

(ii) the direct or indirect direction, encouragement or referral by that medical practitioner of his patients to purchase or obtain medicinal products prescribed by him or her from such pharmacist or pharmacy, or both,
(b) to enter into, or be party to, any agreement, arrangement or understanding, under which, directly or indirectly, any payment, inducement, consideration in money or money’s worth or financial or other benefit of any kind, is made, offered or provided to any medical practitioner or any partner, connected relative or connected person of such practitioner, in consideration of, or by way of reward for, or in any way relating to—

(i) the value or volume (or both) of medicinal products prescribed by that medical practitioner, or

(ii) the direct or indirect direction, encouragement or referral by that medical practitioner of his patients to purchase or obtain medicinal products prescribed by him or her from such pharmacist or pharmacy, or both,

(c) directly or indirectly to make, offer or provide to any medical practitioner or any partner, connected relative or connected person of such practitioner, any payment, inducement, consideration in money or money’s worth or financial or other benefit of any kind, or to enter into, or be party to, any agreement, arrangement or understanding, under which, directly or indirectly, any such payment, inducement, consideration in money or money’s worth or financial or other benefit of any kind, is to be made, offered or provided to any medical practitioner, partner, connected relative, or connected person of such practitioner, the direct, or indirect consequence or effect of which would, or could, be to—

(i) increase the value or volume (or both) of medicinal products prescribed by that medical practitioner, or

(ii) cause the direction, encouragement or referral by that medical practitioner of his patients to purchase or obtain medicinal products prescribed by him or her from such pharmacist or pharmacy, or both.

(2) For the purposes of this section, “connected relative” shall have the meaning assigned to it in paragraph 9 of Schedule 1 to this Act, and “connected person” shall have the meaning assigned to it in section 2(a) of the Ethics in Public Office Acts 1995 and 2001.

(3) For the purposes of this section, references to any payment, inducement, consideration in money or money’s worth or financial or other benefit of any kind, shall include a reference to rent and other consideration in money or money’s worth relating to the making available of premises to a person carrying on a retail pharmacy business, and references in this section to any agreement, arrangement or understanding shall include a reference to any agreement, arrangement or understanding (including a lease of premises) by means of which such premises is made available.”.

—Liz McManus.

15. In page 24, line 17, after “business” to insert the following:

“or in a business corresponding to a retail pharmacy business”.

—Liz McManus.

16. In page 25, between lines 6 and 7, to insert the following:
“(3) Any person who knowingly or recklessly makes any declaration or disclosure to the Society which is false, misleading or incomplete is guilty of an offence.”.
—Liz McManus.

17. In page 25, line 18, after “than” to insert the following:
“in the course of operating a hospital pharmacy department or”.
—Liz McManus.

18. In page 25, between lines 18 and 19, to insert the following:
“(3) Any person who knowingly helps or, by encouragement, advice or consent, or by an authorisation or order, leads any person to contravene any provision of any code of conduct drawn up by the Society under section 7(2)(iii) shall be guilty of an offence.”.
—Liz McManus, John Gormley.

19. In page 25, between lines 18 and 19, to insert the following:
“(3) Any person who knowingly or recklessly makes any declaration or disclosure to the Society which is false, misleading or incomplete is guilty of an offence.”.
—Liam Twomey.

20. In page 26, line 12, after “pharmacist” to insert “and a director or company secretary”.
—Liz McManus.

21. In page 29, line 11, to delete “35(1)” and substitute “34(1)”.
—An tAire Sláinte agus Leanaí.

22. In page 29, line 15, to delete “35(1)(c)” and substitute “34(1)(c)”.
—An tAire Sláinte agus Leanaí.

23. In page 29, line 21, to delete “35(1)(a)” and substitute “34(1)(a)”.
—An tAire Sláinte agus Leanaí.

24. In page 29, line 23, to delete “35(1)(b)” and substitute “34(1)(b)”.
—An tAire Sláinte agus Leanaí.

25. In page 31, lines 15 and 16, to delete “or, if not, in a form acceptable to the Council”.
—Liz McManus.

26. In page 32, lines 1 and 2, to delete “of that section”.
—An tAire Sláinte agus Leanaí.

27. In page 43, line 15, to delete “46” and substitute “45”.
—An tAire Sláinte agus Leanaí.

28. In page 43, between lines 35 and 36, to insert the following:
“(5) The Society shall disclose any beneficial interest to the Joint Oireachtas Committee on Health and Children by 31 December in any given year.”.
—Liam Twomey.

29. In page 44, to delete lines 12 to 14 and substitute the following:
“(II) is ascertained, directly or indirectly, by reference to the receipts or profits of a registered retail pharmacy business or a medical practice, or directly or indirectly by reference to any arrangement between the persons referred to in subsection (2)(a) of section 64 providing for, acknowledging or regulating a financial benefit to any of them arising from, or facilitated by, the level of the rent or other consideration concerned, or both.”.

—Liz McManus.

30. In page 45, to delete line 8.

—Liz McManus.

31. In page 45, to delete lines 9 to 18 and substitute the following:

“(2) A registered pharmacist, an owner of a retail pharmacy business, a registered medical practitioner, or a medical practice shall not enter into an arrangement amongst themselves which provides for, acknowledges or regulates a financial benefit accruing to any of them arising from the prescription and dispensing of medicinal products, or arising from or facilitated by the co-location or juxtaposition described in subsection (1), or both.”.

—Liz McManus.

32. In page 45, line 45, to delete “46” and substitute “45”.

—An tAire Sláinte agus Leanai.

33. In page 46, line 20, before “a” to insert “computer data,”.

—Liz McManus.

34. In page 46, line 41, before “product,” to insert “or veterinary medicinal”.

—Liz McManus.

35. In page 54, line 29, to delete “67” and substitute “71(1)”. 

—An tAire Sláinte agus Leanai.

36. In page 59, between lines 29 and 30, to insert the following:

“(8) A disclosure under this paragraph or paragraph 10 shall be recorded in a register together with particulars of any interest of members of the Authority or persons to whom paragraph 10 applies, and the register shall be available to public inspection during office hours.”.

—Liz McManus.

37. In page 60, between lines 29 and 30, to insert the following:

“(4) Reference to this paragraph is inserted in Part I of the Third Schedule to the Freedom of Information Act 1997.”.

—Liz McManus.

38. In page 63, between lines 24 and 25, to insert the following:

“Accountability to Houses of the Oireachtas

22. When required by a committee of either or both Houses of the Oireachtas, the President of the Society shall appear before the committee to account for the general administration of the Society.”.

—Liz McManus.