

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 94.

Pharmacy.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not vested specifically in any Minister, it appears from the determination of functions of Departments that it came within the responsibility of the Minister for Health.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 94.

Pharmacy Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

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3. Carrying on business of deceased pharmacist.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 94.

*Pharmacy Act*¹.

Being an Act to control the practice of pharmacy, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act—

“the Medical Board” means the Medical Board of Papua New Guinea established by the *Medical Services Act*;

“patent or proprietary medicines” means any pills, powders, lozenges, tinctures, potions or waters (other than artificial mineral waters) that—

- (a) are the subject of existing letters patent; or
- (b) are to be used or applied externally or internally and in respect of which the person making or preparing them claims to have any secret process for, or any exclusive right or title to, their making or preparation; or
- (c) are, by—
 - (i) any public notice or advertisement; or
 - (ii) any written papers or handbills; or
 - (iii) any label,
held out or recommended to the public by their makers, vendors or proprietors—
 - (iv) as nostrums, or specifics; or
 - (v) as being beneficial for the prevention, cure or relief of any ailment.

PART II.—CONTROL OF PHARMACY.

2. Unregistered pharmacists².

Subject to Sections 3, 4 and 5, a person other than a pharmacist or a medical practitioner who—

- (a) carries on or attempts to carry on, in any place and on any occasion, the business of a pharmaceutical chemist; or
- (b) pretends to be a pharmaceutical chemist; or
- (c) assumes and uses the title of pharmaceutical chemist, pharmacist, chemist, druggist, homeopathic chemist, dispensing chemist or dispensing druggist, or any other title of a similar meaning; or

¹ See, also, the *Medical Services Act* for provisions relating to the registration of pharmacists, etc.

² See, also, *Medical Services Act*, Section 70(3).

(d) uses or exhibits any title, term, sign or symbol that may reasonably be construed to mean that he—

(i) is qualified to perform the functions of a pharmaceutical chemist; or

(ii) is carrying on the business of a pharmaceutical chemist,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

3. Carrying on business of deceased pharmacist.

On the death of a pharmacist who was actually in business as a pharmacist at the time of his death, his executor, administrator or trustee may continue the business for a period of 12 months, or such longer period as the Medical Board allows if the business is bona fide carried on under the personal supervision of a pharmacist.

4. Dispensing by medical practitioners and veterinary surgeons.

A medical practitioner or a veterinary surgeon may dispense, compound or make up medicines or drugs for patients or animals under his professional care, without being registered as a pharmacist.

5. Sale of patent or proprietary medicine.

A retail storekeeper or shopkeeper shall not be deemed, for the purposes of this Act to be carrying on the business of a pharmaceutical chemist by selling—

(a) any patent or proprietary medicine; or

(b) any medicine or drug that is sold in the original container in which it was packed by the manufacturer.

PART III.—DUTIES OF PHARMACEUTICAL CHEMISTS.

6. Conduct of business of pharmacy.

A pharmaceutical chemist who—

(a) keeps or maintains a shop for selling or supplying medicines or drugs, or for dispensing, compounding or making up prescriptions, unless it is, while open for business, constantly under his own control or that of some other pharmacist; or

(b) permits a person, other than—

(i) a pharmacist; or

(ii) a bona fide assistant or apprentice in the course of his employment and under his actual personal supervision,

to sell or supply medicines or drugs, or dispense, compound or make up prescriptions; or

(c) carries on the business of a pharmaceutical chemist otherwise than under the actual personal supervision of himself or some other pharmacist; or

(d) carries on the business of a pharmaceutical chemist otherwise than in his own name; or

(e) adopts the title "consulting chemist"; or

(f) gives medical or surgical advice or aid otherwise than in his place of business and—

- (i) in the case of simple ailments of common occurrence; or
- (ii) in the administration of antidotes in cases of acute poisoning; or
- (iii) in the application of immediate aid in cases of accident or injury; or
- (iv) in urgent cases under the direct instructions of a medical practitioner; or

(g) allows his name to be used in connexion with the carrying on of the business of a pharmaceutical chemist at any premises at which there is not a pharmacist in daily attendance; or

(h) aids or assists any person other than a pharmacist to carry on the business of a pharmaceutical chemist except in accordance with the provisions of this Act,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

7. Exhibition of name.

A pharmaceutical chemist, and a person or assistant under whose conduct or management the business, or any branch of the business, of a pharmaceutical chemist is carried on, who does not have his name legibly painted or written, and continually maintained in that form, on a conspicuous place on the front of the building where the business is carried on is guilty of an offence.

Penalty: A fine not exceeding K100.00.

8. Record of prescriptions.

A pharmaceutical chemist must record, in the prescribed manner, in a book to be kept by him for the purpose, every prescription of a medical practitioner dispensed, compounded, or made up by him.

Penalty: A fine not exceeding K100.00.

9. The pharmacopoeia.

The British Pharmacopoeia as published in England under the direction of the General Medical Council, in the edition for the time being in force, shall be the pharmacopoeia in force as the standard of quality or composition for all drugs or medicines and for the methods of preparation of all drugs or medicines and of the compounding of all mixtures of all drugs or medicines.

PART IV.—MISCELLANEOUS.

10. Supply of certain medicines, etc.

(1) Subject to Subsection (2), a person other than a medical practitioner, or a person acting under the direct instructions of a medical practitioner, who—

- (a) attends on; or
- (b) prescribes for; or

(c) supplies any article as a drug, medicine, instrument or appliance to, any person—

(d) for the alleviation, cure or treatment of—

- (i) a venereal disease (whether or not the person is suffering from a venereal disease); or
- (ii) a disease affecting the generative organs or functions; or
- (iii) sexual impotence; or
- (iv) any complaint or infirmity arising from or relating to sexual intercourse; or
- (v) female or menstrual irregularities; or

(e) for the purpose of terminating, or influencing the course of, pregnancy, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for 12 months.

(2) Subsection (1) does not apply to a pharmacist who—

- (a) dispenses to the patient of a medical practitioner registered in Papua New Guinea or in any part of Her Majesty's dominions a prescription of the practitioner, if the prescription is dated and bears the address and usual signature (including the surname) of the practitioner; or
- (b) sells or supplies, in the ordinary course of his business, any article (other than an article that is a prescribed article for the purposes of this section) as a drug, medicine, instrument or appliance for purposes other than a purpose referred to in Subsection (1)(a).

11. Prohibited advertisements.

(1) In this section, "statement" includes a book, document, or paper containing a statement.

(2) Subject to Subsection (3), a person who, on his own behalf or as assistant, servant, agent or manager of another, publishes, or permits the publication of, any statement, whether by way of advertisement or otherwise, to promote the sale of any article as a drug, medicine, instrument or appliance for—

(a) the alleviation, cure or treatment of—

- (i) a venereal disease; or
- (ii) a disease affecting the generative organs or functions; or
- (iii) sexual impotence; or
- (iv) any complaint or infirmity arising from or relating to sexual intercourse; or
- (v) female or menstrual irregularities; or

(b) for the purpose of—

- (i) terminating, or influencing the course of, pregnancy; or
- (ii) preventing conception,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) Subsection (1) does not apply in respect of—

- (a) a book, document, or paper published in good faith for the advancement of medical or surgical science; or
- (b) an advertisement, notice or recommendation published by the authority of the Departmental Head; or
- (c) a publication sent only to medical practitioners or pharmacists.

12. Institution of prosecutions¹.

A prosecution for an offence against this Act may be instituted by the Chairman of the Medical Board, or by any person authorized by him for the purpose.

13. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to—

- (a) the forms to be used in connexion with this Act; and
- (b) the control of the professional conduct of pharmacists and the practice of the profession; and
- (c) the conditions under which drugs and medicines may be manufactured, dispensed, compounded or sold; and
- (d) the extent to which the British Pharmaceutical Codex published in the United Kingdom by direction of the Council of the Pharmaceutical Society of Great Britain, or the Australasian Pharmaceutical Formulary published by the Australasian Pharmaceutical Conference on behalf of the Pharmaceutical Societies of Australia and New Zealand, shall be accepted as a statement of official standards or quality or composition of drugs or medicines and of the methods of preparation of drugs or medicines and of the compounding of all mixtures of drugs or medicines; and
- (e) the qualifications of apprentices and the conditions under which apprentices may be employed²; and
- (f) the imposition of penalties of fines not exceeding K40.00 for breaches of any regulations made under this Act.

¹ But see Constitution, Section 177(1).

² See, also, the *Apprenticeship Act*. As at the effective date, pharmacy was not an apprenticeship trade for the purposes of that Act.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 94

Pharmacy Regulation.

ARRANGEMENT OF SECTIONS.

1. General duties of pharmacists.
2. Dispensing.
3. Storage of drugs and medicines.
4. Delivery of drugs and medicines.
5. Substitution of substances in prescriptions.
6. Methods of preparation.
7. Notice of absence.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 94.

Pharmacy Regulation.

MADE under the *Pharmacy Act.*

1. General duties of pharmacists.

A pharmacist who carries on business as such must—

- (a) notify the Chairman of the Medical Board, in writing, of the precise location of the premises in which he is carrying on business as a pharmacist; and
- (b) ensure that the premises are adequately locked and otherwise secured at all times that the business is not, or the premises are not, normally open to the public; and
- (c) maintain the premises in a clean, hygienic and orderly condition; and
- (d) provide and maintain in good order and condition such apparatus, balances, weights and measures necessary for the full and proper conduct of the business as the Medical Board determines; and
- (e) maintain adequate and sufficient stocks of all such drugs or medicines as are reasonably needed for the full and proper practice of the profession, and as may reasonably be prescribed by a medical practitioner; and
- (f) have legibly painted or written, and continually so maintained, on a conspicuous place on the front of the premises—
 - (i) his name, in letters not less than 150 mm high; and
 - (ii) his professional qualifications, in letters not less than 50 mm high; and
 - (iii) the word "Pharmacy" or the words "Pharmaceutical Chemist".

Penalty: A fine not exceeding K40.00.

2. Dispensing.

(1) Before delivering a drug or medicine to a purchaser on a prescription, a pharmacist must comply with the following requirements:—

- (a) he shall copy the prescription in full into a book (to be called the "Prescription Book") solely kept for that purpose; and
- (b) each entry in the Prescription Book shall bear an identifying letter or number and shall be dated with the day of the month and the year when the prescription was dispensed, and the name of the person signing the prescription, and shall be signed or initialed by the person who actually dispensed the prescription; and
- (c) the person actually dispensing the prescription shall sign or initial the prescription, and shall cause to be stamped or indelibly endorsed on it the letter or number in the Prescription Book, the date of dispensing, and the name and address of the pharmacist in whose pharmacy it was dispensed; and
- (d) he shall mark on the label of the bottle or package containing the drug or medicine supplied the identifying letter or number of the prescription as appearing in the Prescription Book; and

(e) he shall retain the record in the Prescription Book for a period of not less than five years after the date of entry.

(2) In the case of a repeated prescription, an entry in the Prescription Book of the particulars of the repetition signed or initialed and dated is a sufficient compliance with Subsection (1)(a), (b) and (c).

(3) Where in the course of giving advice or aid as permitted by Section 6(f) of the Act a pharmacist supplies a drug or a medicine, not being a patent or proprietary medicine as defined in Section 1 of the Act, without a prescription, he must, if no record is required under the *Poisons and Dangerous Substances Act*, make an entry in the Prescription Book containing such of the particulars required by Subsection (1) as are applicable to the case.

Penalty: A fine not exceeding K40.00.

3. Storage of drugs and medicines.

A pharmacist or any other person who dispenses, compounds or makes up medicines or drugs for patients or animals must—

(a) store each drug or medicine in a separate receptacle clearly labelled with the name of the drug or the medicine; and

(b) store and maintain each drug or medicine in such a manner as to prevent or defer as far as practical any deterioration arising from climate.

Penalty: A fine not exceeding K40.00.

4. Delivery of drugs and medicines.

Before delivering a drug or medicine, other than a patent or proprietary medicine, to a purchaser, a pharmacist must comply with the following requirements :—

(a) he shall deliver the drug or medicine to the purchaser in a bottle, box, package or container to which is securely affixed a label on which appear the name of the drug or medicine and the name and address of the vendor; and

(b) he shall not deliver the drug or medicine to the purchaser in a bottle, box, package or container that has been previously used unless all previous labels on it have been removed, or in a bottle, box, package or container bearing the name of any other person, unless the name and address of the vendor clearly appear as such on the label.

5. Substitution of substances in prescriptions.

A pharmacist or any other person who dispenses, compounds or makes up any medicine in dispensing a prescription and substitutes any other substance for a substance specified in the prescription without the prior consent of the person who signed the prescription is guilty of an offence.

Penalty: A fine not exceeding K40.00.

6. Methods of preparation.

(1) In this section—

“the Australian Formulary” means The Australian and New Zealand Formulary issued by the Pharmaceutical Association of Australia and New Zealand, in the edition from time to time in force;

"the Codex" means the British Pharmaceutical Codex published in Great Britain by direction of the Council of the Pharmaceutical Society of Great Britain, in the edition from time to time in force;

"the Pharmacopoeia" means the British Pharmacopoeia as published in the United Kingdom by direction of the General Medical Council, in the edition from time to time in force.

(2) A person preparing or compounding any medicine or drug in dispensing a prescription must, subject to Subsections (3) and (4), comply with the method of preparation or compounding prescribed in the British Pharmacopoeia, or when no method is prescribed in the Pharmacopoeia, in the Codex or, where no method is prescribed in either the Pharmacopoeia or the Codex, in the Australian Formulary.

(3) When a prescription indicates that the drug, medicine or mixture is to be prepared or compounded in accordance with the Codex or the Australian Formulary, a pharmacist or any other person who dispenses, compounds or makes up the prescription must not, except in case of emergency or except where expressly authorized by the person who signed the prescription, depart from the method of preparation or of compounding the drug, medicine or mixture specified in the Codex or in the Australian Formulary, as the case may be.

(4) Where a method of preparation of a drug or a medicine or of compounding a mixture of drugs or medicines is specified in the British Pharmacopoeia, and a pharmacist or any other person, in preparing or compounding the drug, medicine or mixture, departs from that method, he must make a notice of the fact on the label of the container in which the drug, medicine or mixture is delivered to the purchaser.

Penalty: A fine not exceeding K40.00.

7. Notice of absence.

A pharmacist who carries on business at a shop, and leaves it open for business under the control of some other person for a period of more than 14 days, must immediately give notice by registered post of his absence and of its expected duration and the name of the other person to the Chairman of the Board.

Penalty: A fine not exceeding K40.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 94.

Pharmacy.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE PHARMACY ACT.

Part A.—Previous Legislation.

Pharmacy Act 1952 (No. 65 of 1952)

as amended by—

Pharmacy Act (No. 2) 1952 (No. 136 of 1952)

Pharmacy Act 1953 (No. 84 of 1953).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	3
2	4(1)
3	4(2)
4	10
5	5
6	9
7	6
8	8
9	13
10	7,11
11	12
12	15
13	16

¹ Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE PHARMACY REGULATION.

Part A.—Previous Legislation.

Pharmacy Regulations 1955 (Regulations No. 13 of 1955)

as amended by—

Statute Law Revision (Metric Conversion) Act 1974 (No. 49 of 1974).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	3
2	4
3	5
4	6
5	7
6	8
7	9

¹ Unless otherwise indicated, references are to the regulations set out in Part A.