Commencement: 27 August 1966

CHAPTER 48

SALE OF MEDICINES (CONTROL)

JR 32 of 1966
Act 9 of 1988

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SALE OF MEDICINES (CONTROL)

To control the sale of medicines.

1. Interpretation

In this Act, unless the context otherwise requires –

"medicine" means any substance which is referred to in the article itself, or in advertisements or documents of any kind in terms calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury afflicting the human body;

"pharmacist" means a person holding a licence issued by the Pharmacists Practitioners Commission as provided for by the Control of Pharmacists Act, Cap. 23;

"medical or dental practitioner" means a medical or dental practitioner registered in accordance with the provisions of the Health Practitioners Act, Cap. 164;

"Minister" means the Minister responsible for health;

"veterinary surgeon" means a person authorised by the Minister, by reason of his qualifications, to act as such;

"druggist" means a person who shall have obtained from the Pharmacists Practitioners Commission a licence authorising him to sell medicines under the conditions prescribed in this Act and outside the zone protecting a pharmacist.

2. Limitation on the retail sale of medicines

(1) When a pharmacist has his principal place of business in any place within Vanuatu, no person other than a pharmacist shall operate a drug-store within 5 miles of that place of business.

(2) Outside this zone and subject to their observing international legislation, in particular legislation prohibiting anyone other than a pharmacist from selling narcotics, druggists may sell the same medicines as a pharmacist.

3. Limitation on the wholesale sale of medicines

(1) No person shall sell wholesale any medicine other than those as may be prescribed under section 7(1) to any person other than a pharmacist or druggist.

(2) Any importation of medicines shall be recorded by the Director of Customs who shall send a list thereof to the Director of Health.

4. Sale of narcotics

No person other than a pharmacist shall have in his possession, import, sell or otherwise deal in any of the substances subject to the Regulations of the Permanent Opium Committee:

Provided that a person shall be lawfully in possession of the substances aforesaid if he is in such possession by virtue of a medical prescription.

5. Control of price

The Minister may by Order take such measures as he may deem necessary to control the sale price of medicines.

6. Inspection of premises

(1) Every member of the Department of Health or any other person authorised in that behalf by the Director of Health shall, for the purpose of ensuring that the provisions

of this Act have been complied with, have the right of access to any premises on which he reasonably suspects that such provisions are not being so complied with.

(2) Any person who obstructs any member of the Department of Health or any person authorised under the provisions of subsection (1) in or upon the occasion of the execution of his duty under this Act shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 20,000.

7. Regulations

(1) The Minister may by Order make regulations not inconsistent with the provisions of this Act –

(a) regulating the sale of medicines; or

(b) prohibiting the sale of any medicines except upon the prescription of a medical practitioner or dental practitioner or veterinary surgeon.

(2) Any regulation made under subsection (1) may authorize the Principal Pharmacist to make and issue notices or directives with respect to such matters prescribed by that regulation.

8. Penalties

(1) Any person who acts in contravention of sections 2 and 3 shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

(2) Any person who acts in contravention of section 4 shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a term of imprisonment not exceeding 2 years, or to both such fine and imprisonment.

9. Application

Notwithstanding the provisions of this Act the Minister may, by Order, authorise the health service, hospitals and clinics (public or private), to sell medicines under the same conditions as a pharmacist or a druggist, and the conditions governing distance provided for in section 2(2) shall not apply to them.