

CHAPTER 40A

DRUG SERVICE

ARRANGEMENT OF SECTIONS

SECTION

1. Citation.
2. Definitions.
3. Establishment of Drug Service.
4. Administration.
5. Drug Formulary.
- 5A. Drug Formulary Committee.
6. Dispensing of interchangeable pharmaceutical products.
- 6A. Accounts and audit
- 6B. Amend report to Minister and Parliament.
7. Regulations.
8. Offences.
9. Validation.

SCHEDULE

CHAPTER 40A
DRUG SERVICE

An Act to provide for the establishment of a Drug Service for Barbados.

[8th September, 1983]

1980-58.
1984-22.
1989-1.
1990-16.
Commence-
ment.
1983
No. 141.
Citation.

1. This Act may be cited as the *Drug Service Act*.

2. For the purposes of this Act,

Definitions.

"Accounting Officer" means the Permanent Secretary, Ministry of Health;

1984-22.

"Committee" means the Drug Formulary Committee established under section 5A;

1990-16.

"Director" means the Director of the Drug Service referred to in section 4;

1984-22.
1981-1.

"drug" has the meaning assigned to it by regulation 2 of the *Health Services (Control of Drugs) Regulations, 1970*;

1970
No. 212.

"Formulary" means the Barbados National Drug Formulary prepared under section 5A and as amended or revised from time to time;

1990-16.

"Drug Service" means the Barbados Drug Service established under section 3;

"Drug Service Office" means the Drug Service Office established under section 4 (1);

1989-1.

"interchangeable pharmaceutical product" means a product listed in the Formulary containing a drug

(a) in the same amounts;

(b) of the same active ingredients; and;

(c) in the same dosage form as directed in the prescription in which the drug product is prescribed

"person" in relation to negotiations and contracts, includes a partnership and an institution;

THE LAWS OF BARBADOS

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"related item" includes any chemical, material, apparatus, container or other item for use in connection with the presenting, dispensing, conveyance or administration of a drug and extends to "drug";

"wholesaler" means a person carrying on the business of storing drugs and redistributing drugs to institutions and to persons other than consumers and includes a commission agent.

Establishment of Drug Service.

Administration. 1984-22. 1989-1.

3. There is established in Barbados a drug service to be known as the Barbados Drug Service.

4. (1) For the purposes of administering the Drug Service there is established an office to be known as the Drug Service Office with Staff comprising

- (a) a Director of the Drug Service who is a public officer, and
- (b) such other public officers as are necessary for the efficient administration of the Drug Service.

(2) The functions of the Director are to administer and direct the affairs of the Drug Service generally and in particular

- (a) to keep and maintain an accurate record of the receipt and issue of drugs and other property kept in stock for the purpose of the Drug Service;
- (b) to oversee the storing and distribution of drugs and related items;
- (c) to ensure that, in so far as is practicable, an adequate stock of drugs is at all times available for the purposes of the Drug Service at a reasonable price; and
- (d) to perform such functions as the Accounting Officer may require;

(3) The Director may, with the approval of the Minister enter into arrangements or contracts with persons in Barbados and persons abroad for the providing of drugs and related items and services required for the purposes of the Drug Service.

Drug Formulary. 1989-1. 1990-16.

5. (1) The Minister shall cause a formulary, to be known as the Barbados National Drug Formulary, to be prepared.

(2) The Formulary referred to in subsection (1), shall comprise drugs and items related thereto for use in the Drug Service with or

without interchangeable products of each drug or related item listed in the Formulary.

(3) The Minister shall, by order, approve the Formulary.

5A. (1) The Minister shall appoint a Committee to be known as the Drug Formulary Committee, and shall consult that Committee in respect of the preparation of the Formulary.

Drug Formulary Committee. 1990-16.

(2) The Minister shall, in consultation with the Committee, review the Formulary at least once annually for the purpose of determining whether amendments to the Formulary are required or whether a new Formulary should be prepared.

(3) The *Schedule* has effect in relation to the constitution of the Committee and otherwise in relation thereto.

Schedule.

6. (1) Unless the person prescribing a drug otherwise specifically directs, a pharmacist dispensing a drug or drug product, may select and dispense an interchangeable pharmaceutical product of lesser cost than the one prescribed.

Dispensing of interchangeable pharmaceutical products.

(2) No liability attaches to a pharmacist or a person prescribing a drug by reason only of the fact that the pharmacist has dispensed an interchangeable pharmaceutical product.

6A. (1) The Accounts of the Drug Service are to be audited at least once in each year by the Auditor-General.

Accounts and audit 1989-1.

(2) The Auditor-General shall, at least once in each year, report to the Minister the result of the audit carried out under subsection (1).

6B. (1) Without limiting or affecting the operation of section 6A, the Director and the Accounting Officer shall, within 3 months after the 31st March in every year, submit to the Minister a report of the operations of the Drug Service during the preceding year.

Amend report to Minister and Parliament.

(2) The Minister shall, as soon as practicable after receiving a copy of the report referred to in subsection (1), lay a copy thereof in Parliament.

7. The Minister may make regulations respecting

Regulation 1984-22. 1989-1.

THE LAWS OF BARBADOS

- (a) the establishment of a service for the purpose of providing assistance in the procurement of drugs by such categories of persons as the Minister determines and for the performing of such acts as may be necessary for assisting those persons in the securing of the drugs;
- (b) arrangements for the acquiring, packaging, storing and distribution of drugs and related items;
- (c) the entering into negotiations and agreements with manufacturers, importers, wholesalers, agents, pharmacists, pharmacies, hospitals and other persons for the purposes of paragraph (a);
- (d) the publishing and distributing of the Drug Formulary;
- (e) the approval of drugs and related items for the purposes of the Drug Service; and
- (f) establishment of committees or any other matter that is necessary for the effective administration of the Drug Service.

Offences.

8. (1) Any person who

- (a) maliciously commits an act that is likely to have an adverse effect on the operation of the Drug Service;
- (b) unlawfully removes any drug, related item or document from the stock kept for the purposes of the Drug Service;
- (c) conceals, destroys or attempts to conceal or destroy any record relating to the operation of the Drug Service; or
- (d) contravenes any of the regulations

is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 12 months or both.

(2). Any person who by the offer of any gratuity, bribe or other inducement attempts to procure a contract for himself or for another person for the supply of drugs or related items for use in the Drug Service, is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or imprisonment for a term of 2 years or both.

9. (1) All functions performed in pursuance of the Act by the Committee and all matters done in relation thereto during the period the 22nd February, 1985 to the period 25th May, 1988 shall be deemed to have been validly performed or done. Validation.
1990-16.

(2) The *Drug Service (Barbados National Drug Formulary) Order, 1987* has effect and is deemed to have always had effect from the date of its coming into operation on the 19th March, 1987.

SCHEDULE

1. The Drug Formulary Committee consists of

- (a) the Director and the Chief Medical Officer or his nominee *ex officio*;
and
- (b) not less than 3 other persons appointed by the Minister.

2. The Committee shall meet at a place and at such times as the business of the Drug Service requires.

3. A majority of the members of the Committee present at a meeting constitutes a quorum.

4. The Minister shall appoint one of the members of the Committee to be Chairman and one to be Deputy Chairman respectively.

5. The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Committee.

6. Decisions of the Committee must be by $\frac{2}{3}$ of the votes cast at a meeting.

7. Members of the Committee, other than *ex officio* members, hold office for a period of 3 years from the date of their appointment but are eligible for re-appointment on the expiration of the period of their tenure of office.

8. A member of the Committee other than an *ex officio* member may resign his office at any time by instrument in writing addressed to the Minister.

9. Subject to this Schedule the Committee may regulate its own procedure.

THE LAWS OF BARBADOS