

[AS] INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*further to amend the Pharmacy Act, 1967*

**WHEREAS** it is expedient further to amend the Pharmacy Act, 1967 (XI of 1967), for the purposes hereinafter appearing;

It is hereby enacted as follows: -

**1. Short title, extent, and commencement.** (1) This Act may be called the Pharmacy (Amendment) Bill, 2024.

(2) It shall come into force at once.

**2. Amendment of Section 2, Act XI of 1967.-** In the Pharmacy Act, 1967 (XI of 1967), hereinafter referred to as the said Act, in section 2,

(i) clause (d), shall be omitted.

(ii) in clause (f), the words "or register B" shall be omitted.

(iii) in clause (g), the word "and" occurring at the end shall be omitted; and

(iv) in clause (h), for the full stop "(.)" occurring at the end semicolon "(:)", shall be substituted and thereafter, following new clauses (i), (j), (k), (l) (m), (n), (o), (p) and (q) shall be added namely. -

"i "Code of ethics and conduct" means the code of ethics and conduct as prescribed and revised by the Pharmacy Council of Pakistan from time to time;

j. "Conflict of Interest" means as defined under Section 36 of this Act.

k. "degree in Pharmacy" means a basic degree in pharmacy conferred by a university or an institution recognized by the Pharmacy Council of Pakistan for this purpose;

l. "Prescribed" means prescribed by rules made under this Act;

m. "Pharmacy Technician" means a person who is registered in Register B under Section 24, of this Act and works as an assistant to a pharmacist in rendering pharmacy services;

- n. "pharmacy" means a healthcare profession that involves provision of pharmacy services to the community and to the ambulatory or hospitalised patients; in the context of place or premises word pharmacy shall be referred to place or premises where pharmacy services are being offered.
- o. "Pharmacy Institution" means an institution whose qualifications in pharmacy are recognized under this Act.
- p. "pharmacy services" mean services rendered by a pharmacist, including but not limited to, drug preparation, formulation, compounding, admixture, selection, dispensing, posology, use, administration, counselling, prescription monitoring, information, poisoning control, forecasting, procurement, storage, sales, Pharmaceutical marketing, Pharmaceutical management, supply chain management, distribution, utilization evaluation, utilization review, formulary based utilization and managing drugs at all levels including hospitals, medical institutions, clinics, medical stores, along with pharmacovigilance, pharmacoepidemiology, and pharmaco-economic; and
- q. "Register" means register maintain under section 24 of this Act.
- r. "Secretary" means the Secretary of the Council appointed under Section 15 of this Act."

**3. Substitution of Section 4, Act XI of 1967.-** (1) In the said Act, section 4, shall be substituted with the following, namely;

**"4. Composition of the council. -** (1) The Pharmacy Council shall, subject to the provisions of sub-section (2), consists the following members: -

**(a)** There shall be a President of the Council, who shall be elected as per the procedure specified in Section 11, of this Act.

**(b)** The Prime Minister shall, in consultation with the Chief Ministers of the respective Provincial Governments, nominate four (4) members to the Council.

(c) The Prime Minister shall, in consultation with the Ministers in charge of the Provincial health departments, nominate four (4) members to the Council from respective Provincial Pharmacy Councils.

(d) The Prime Minister shall, also nominate one person from the Islamabad Capital Territory, in consultation with the Minister in charge of the controlling ministry.

(e) The Prime Minister shall, in consultation with the Pakistan Pharmacists Association, nominate one member to the Council.

Provided that the President and all members so appointed, or elected must be pharmacists, having experience in the relevant field of not less than fifteen (15) years.

(2) The Prime Minister may, by notification in the Official Gazette, increase or decrease the number of members of the Council, but such increase or decrease shall not deprive the representation of any province or the Islamabad Capital Territory.

(3) In the event of a vacancy occurring in the Council, the vacancy shall be filled within thirty (30) days, in accordance with the procedure prescribed for this purpose."

4. **Amendment of Section 5, Act XI of 1967.-** In the said Act, in section 5, in sub-section (1):

(i) in Paragraph (b), before the words "the officer" the words "subject to section 6 of this Act," shall be inserted.

(ii) in paragraph (c), for the words, "Provincial Government" the words "Chief Minister," shall be Substituted.

5. **Amendment of Section 7, Act XI of 1967.-** In the said Act, in section 7:

(i) for the words, "Federal Government" the words "Prime Minister", shall be Substituted.

(ii) for the words, "Provincial Government" the words "Chief Minister," shall be Substituted.

**6. Amendment of Section 8, Act XI of 1967.-** In the said Act, in section 8; -

a) in sub-section (1), after the words "for re-nomination" the expression "for another consecutive term only" shall be added.

b) in sub-section (2), for the words, "Federal Government" the words "Prime Minister" shall be Substituted.

**7. Substitution of Section 11, Act XI of 1967.-** In the said Act, section 11 shall be substituted with the following, namely: -

**"11. Election of the President and Vice-President. –** (1) The President and Vice President of Council, shall be elected by the members through secret balloting and shall hold office for a term of one year. Upon the conclusion of the term, the President and Vice President shall be eligible for re-election:

(2) The Vice President shall perform such functions as are entrusted to him by the Council and in the absence of President, also the functions of the President."

**8. Amendment of Section 13, Act XI of 1967.-** In the said Act, in section 13, in sub-section (1), the proviso, shall be substituted with the following, namely: -

"Provided that, the Council shall convene meetings not less than three times in each calendar year."

**9. Amendment of Section 16, Act XI of 1967.-** In the said Act, in section 16, for sub-section (1), the following shall be substituted, namely: -

"(1) The funds of a Pharmacy Council shall consist of the fees received by it under this Act and such moneys as may be placed at its disposal by the Federal Government."

**10. Amendment of Section 17, Act XI of 1967.-** In the said Act, in section 17:

A. in sub-section (1);

(i) in clause (a), after the words "registration as pharmacists", the expression "and pharmacy technicians", shall be inserted.

(ii) Clause (g) shall be substituted with the following, namely:

“(g) to recognize degrees, diplomas, and certificates in pharmacy for the purpose of registration as pharmacists and pharmacy technicians, respectively.”

(iii) in clause (h), the word “and” occurring at the end shall be omitted.

(iv) the existing clause (l), shall be omitted, and thereafter, the following new clauses (l), (j), (k), (l), (m), (n), (o) and (p) shall be added, namely:

“(i) to lay down the qualification as pharmacists, pharmacy technicians and to review these qualifications and their conditions whenever it deemed necessary;

(j) to prescribe the Code of Ethics and Conduct for pharmacy professionals;

(k) to maintain record of pharmacists and pharmacy technicians in collaboration with Provincial Pharmacy Councils;

(l) to enrol students at the time of admission in a pharmacy institution and prescribe fee for this purpose;

(m) to prescribe and collect fee for inspection of the Pharmacy Institutions and for other purposes and to review the same whenever so required;

(n) to recognize post graduate diplomas in different fields of pharmacy as specialization;

(o) may make regulations for the functioning of the council as and when required; and

(p) to perform such other acts and discharge such other functions as may be empowered or required to do under or by this Act.”

B. in sub-section (2), for the words, “Federal Government”, the words, “Prime Minister”, shall be substituted.

11. **Insertion of new sections, 18A, and 18B, Act XI of 1967.**- In the said Act, after section 18, the following new sections 18A and 18B, shall be inserted, namely: -

**“18A. Establishment and Recognition of Pharmacy Institutions.** - (1) Any public or private organization intending to establish a pharmacy institution shall

apply to the Pharmacy Council of Pakistan for the purpose of recognition, as per rules made under this Act.

(2) The Pharmacy Council shall process all such applications in accordance with the prescribed criteria and take a decision within the prescribed period, as per the rules made under this Act.

(3) If, after such inquiry as it may deem fit, the Pharmacy Council is satisfied that an application made under sub-section (1), conforms to the provisions of this Act and the rules made thereunder, it shall issue a No Objection Certificate (NOC) and, by notification in the official Gazette, declare the institution to be recognized for imparting education in pharmacy. If the application is rejected, the Council shall provide reasons for such rejection.

(4) An applicant aggrieved by the decision of the Pharmacy Council may appeal to the Ministry of National Health Services, Regulations and Coordination, which may either refer the matter back to the Council for review or constitute a Review Committee to consider the appeal.

(5) The Review Committee, if constituted, shall conduct a necessary inspection, provide a hearing to the applicant, and record its decision within three months. The decision of the Review Committee shall be binding on both the applicant and the Council.

(6) No applicant shall advertise for admissions or admit any student until permitted to do so by the Pharmacy Council.

(7) No university, college, or institution shall award any degree or certificate in pharmacy unless such university, college, or institution has been granted an NOC or is recognized by the Pharmacy Council.

**18B. Recognition of Foreign Pharmacy Qualifications.** - A pharmacy qualification granted by an institution outside Pakistan may be recognized by the Pharmacy Council for the purpose of registration as a pharmacist or pharmacy technician, as the case may be, subject to such conditions as may be prescribed through bye laws and reviewed from time to time:

Provided that the holder of the qualification must be registered with the relevant professional body in the country of origin of the qualification.”

**12. Amendment of Section 19, Act XI of 1967.**- In the said Act, in section 19, in sub-section (2), for the words "Federal Government," wherever occurring, the expression "Minister in-charge", shall be substituted.

**13. Amendment of Section 20, Act XI of 1967.**- In the said Act, in section 20:

- (i) in clause (d), the word "and" occurring at the end shall be omitted; and
- (ii) in clause (e), for the full stop at the end, the expression "; and" shall be substituted; thereafter, the following new clause (f) shall be added, namely:

"(f) Any other information or document which the Council may require from time to time."

**14. Amendment of Section 21, Act XI of 1967.**- In the said Act, in section 21, after sub-section (3), the following new sub-section (4) shall be added, namely:

"(4) Subject to the approval of the Minister in charge, the Pharmacy Council may make rules outlining the criteria, pre-qualifications, and procedure for the appointment of inspectors under this Act."

**15. Substitution of Section 23, Act XI of 1967.**- In the said Act, section 23 shall be substituted, namely: -

**"23. Functions of a Provincial Council.** — The Provincial Council shall have the following functions:

- a) to prepare and maintain comprehensive registers of pharmacists and pharmacy technicians in pharmacy;
- b) to register pharmacists and pharmacy technicians and issue certificates of registration;
- c) to conduct examinations for the purpose of registration as pharmacists and pharmacy technicians;
- d) to organize, arrange, and oversee mandatory training, refresher courses, and professional development programs for registered pharmacists and pharmacy technicians; and
- e) To carry out any other acts and perform any additional functions as authorized or required by the Pharmacy Council or as prescribed under this Act."

**16. Amendment of Section 24, Act XI of 1967.-** In the said Act, in section 24, in sub-section (1):

a) For the word "apprentices", the words "pharmacy technicians" shall be substituted.

b) Clause (b) shall be substituted with the following, namely:

"(b) Register B - in which shall be registered the persons specified in clause (b) of the said sub-section."

c) Clause (c), along with the proviso, shall be omitted.

**17. Substitution of Section 25, Act XI of 1967.-** In the said Act, section 25 shall be substituted with the following, namely: -

**"25. Qualifications for Registration as a Pharmacist or Pharmacy Technician. —** (1) The following persons shall, subject to the provisions of sub-section (2), be qualified for registration as pharmacists or pharmacy technicians under this Act, namely:

a) Persons who hold a degree in pharmacy conferred by a university or an institution affiliated therewith, where the degree and the relevant university or institution are duly recognized by the Pharmacy Council, or those who hold a degree in pharmacy from abroad recognized by the Pharmacy Council under section 18B, shall be registered as pharmacists;

b) Persons who hold a diploma in pharmacy granted by any institution duly recognized by the Pharmacy Council, or who have qualified an examination in pharmacy held by the Provincial Council and duly approved by the Pharmacy Council for that purpose, or those who hold a diploma in pharmacy from abroad recognized by the Pharmacy Council under section 18B, shall be recognized as pharmacy technicians.

(2) No person shall be qualified for registration as a pharmacist or pharmacy technician if;

a) he is of unsound mind and stands so declared by a court of law; or

b) he has been convicted by a court of any offence which, in the opinion of the Provincial Council, involves moral turpitude.”

**18. Amendment of Section 26, Act XI of 1967.-** In the said Act, in section 26, in sub-section (1) for the word “apprentices” the words “Pharmacy Technicians” shall be substituted.

**19. Amendment of Section 27, Act XI of 1967.-** In the said Act, in section 27, after sub-section (4) the following new sub-section (5) shall be added namely. -

“(5) Subject to the provisions of this Act, the registration of a Pharmacist and/or of a Pharmacy technician shall be valid for a period of five years from the date of its issuance and shall be renewed under such conditions as may be prescribed by rules made under this Act from time to time.”

**20. Amendment of Section 29, Act XI of 1967.-** In the said Act, in section 29, sub-section (1), shall be substituted with the following, namely: -

“(1) For the purpose of registration as pharmacists or pharmacy technicians, of those holding a degree or diploma in pharmacy from institutions within or outside Pakistan, the Provincial Councils may, after giving notice in this regard, hold an examination with the prior approval of the Pharmacy Council, when required.”

**21. Substitution of Section 30, Act XI of 1967.-** (1) In the said Act, for section 30, the following shall be substituted, namely: -

**“30. Qualification for admission to an examination. -** An applicant for admission to an examination under section 30 shall:

- a) hold a recognized degree or diploma in pharmacy from an institution within Pakistan;
- b) hold a foreign degree or diploma and be duly registered with the relevant professional body of the country of origin; and
- c) fulfill any other conditions as may be prescribed by the Pharmacy Council of Pakistan or Provincial Council through rules made under this Act, from time to time.”

**22.Substitution of Section 31, Act XI of 1967.-** In the said Act, for section 31, the following shall be substituted, namely: -

**“31. Prohibitions.** - (1) No institution or college shall impart pharmacy education unless a No Objection Certificate or recognition has been granted to such institution or college by the Pharmacy Council of Pakistan under this Act.

(2) No person shall, subject to the provisions of sub-section (4), practice as a pharmacist or pharmacy technician unless he is registered with a Provincial Pharmacy Council and displays his certificate of registration in a conspicuous place within the premises in which he practices.

(3) Any person who employs a pharmacist or pharmacy technician for the purpose of business or professional practice in pharmacy shall ensure that the certificate of registration of the person so employed is displayed in a conspicuous place within the premises where such business or practice is carried on.

(4) Nothing in sub-section (1), shall apply to a foreign pharmacist who is engaged, with the approval of the Pharmacy Council, for the purposes of consultation, advice, or instruction.”

**23.Insertion of new section 31A, Act XI of 1967.-** In the said act after section 31, the following new section 31A shall be inserted, namely: -

**“31A. Penalties.** -(1) Whoever contravenes sub-section (1), of section 31, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years, or a fine which may extend to one million rupees, or both.

(2) Where the person guilty of an offence referred to in sub-section (1) is an association or organization, every officer responsible for the conduct of its affairs shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of the offence.

(3) Whoever contravenes the provisions of sub-section (2), or (3), of section 31 shall be punished with imprisonment of either description for a term which may

extend to six months, or with a fine which may extend to twenty-five thousand rupees, or both.

(4) Whoever contravenes any provision of this Act, or any rules made thereunder, or any directions of the Councils, may be punished with a fine as considered appropriate by the Councils."

**24. Amendment of Section 34, Act XI of 1967.**- In the said Act, in section 34:

(i) sub-section (3), Shall be omitted.

**25. Addition of new sections 35,36 and 37, Act XI of 1967.**- In the said Act, after section 34, the following new sections 35, 36 and 37 shall be added namely: -

**35. Power to make Rules, By-Laws and Regulations.** - (1) The Council shall, subject to the prior approval of the Federal Government, have the power to make rules or by-laws for the effective implementation of the provisions of this Act.

(2) The Council shall have the power to make regulations, by a majority of two-thirds of its members, for the internal administration and the implementation of this Act.

**36. Conflict of Interest.** - (1) For the purposes of this Act, a "conflict of interest" occurs when a member, officer, or employee of the Council, or any individual involved in the implementation of this Act, has a direct or indirect financial, personal, or professional interest that could influence, or appear to influence, their impartiality in performing their duties.

(2). Where a conflict of interest is disclosed, the affected individual shall recuse themselves from participating in any discussions, decisions, or votes related to the matter in which the conflict exists.

(3). Any member, officer, or employee of the Council who is aware of a potential conflict of interest shall disclose the nature of the conflict to the Council in writing, at the earliest opportunity, and shall refrain from participating in any decision-making process related to the matter in question.

(4). The Council shall establish a procedure for investigating disclosed conflicts of interest, and where necessary, shall take appropriate corrective actions, including removing the individual from the relevant decision-making process or from the position, as deemed necessary.

(5). Failure to disclose a conflict of interest or to recuse oneself from relevant proceedings shall be deemed a violation of this Act, and may result in disciplinary action, including but not limited to removal from office or legal consequences as prescribed by law.

**37. Saving.** - (1) The persons currently registered in Register-B, as provided under the said Act, shall be deemed to be registered as pharmacy technicians under this Act for all intents and purposes:

Provided that holders of such registration certificates shall apply to the relevant Provincial Councils for the grant of a new registration certificate as pharmacy technicians, along with the prescribed fee, within a time frame to be determined by the relevant Provincial Councils:

Provided further that a notice in this regard shall be published for a continuous period of not less than one week in at least one English-language newspaper and one local-language newspaper, each having wide circulation in the respective provinces.

(2) All decisions made by the Council shall remain valid and effective, notwithstanding any changes in the composition of the Council, and shall not be declared invalid on the basis of such changes.

(3) All functions performed and powers exercised by the Pharmacy Council prior to the enactment of this amendment shall be deemed to have been validly performed and shall be accorded the same legal effect as if performed under the provisions of this Act.”

#### STATEMENT OF OBJECTS AND REASONS

The Pharmacy Act, 1967, was promulgated in a time when Pakistan had limited qualified professionals in the field of pharmacy. At that time, only a couple of universities, such as University of the Punjab and University of Karachi, were awarding degrees in pharmacy. However, today there are more than 200 Universities/ Colleges

offering Doctor of Pharmacy degree program and over 700 institutions providing education in pharmacy technician programs. This rapid expansion necessitates significant amendments to the outdated Pharmacy Act.

2. The existing law focuses primarily on the registration of pharmacists but does not address the diverse categories of professionals within the field of pharmacy. Globally, health professions are being categorized based on levels of service delivery and specialization. To meet the growing demand for skilled professionals both domestically and internationally, these categories must be clearly defined within the legal framework.

3. The proposed amendments aim to modernize and streamline pharmacy education in Pakistan, ensuring the production of highly skilled professionals. The amendments also seek to establish a recognition system for qualified pharmacists, encourage postgraduate specialization, and regulate the proliferation of substandard pharmacy programs through a vibrant and effective recognition process.

4. The Bill is designed to achieve these goals, addressing the evolving needs of the pharmacy profession in Pakistan and aligning with international standards.

Sd/-

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