

CAYMAN ISLANDS



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THE PHARMACY LAW, 1979
(Law 23 of 1979)

Date of operation:
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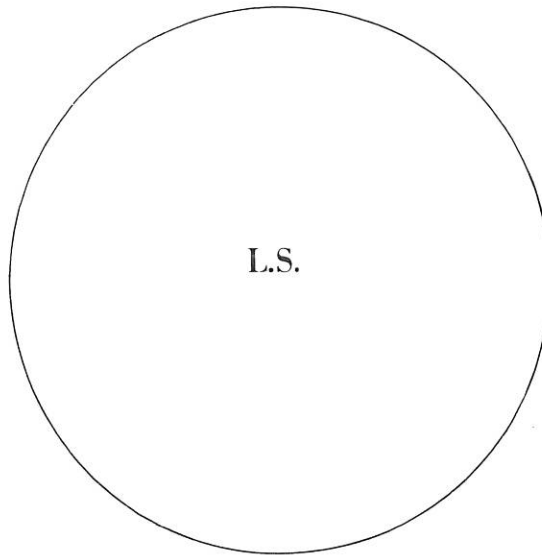
CAYMAN ISLANDS

Law 23 of 1979

I assent

T. RUSSELL
Governor

2nd October, 1979



A LAW to control dealings in poisonous substances and in pharmaceutical products having potential danger to health if misapplied and for connected purposes

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Pharmacy Law, 1979.

Interpretation.

2. In this Law, unless the context otherwise requires –
“Board” means the Pharmacy Board established under section 3;
“Chairman” means the Chairman of the Board designated under section 4;
“Chief Agricultural Officer” means the person for the time being holding or acting in, the post of Chief Agricultural Officer or anyone working under his direction;
“Chief Medical Officer” means the person for the time being holding or acting in the post of Chief Medical Officer or anyone working under his direction;
“dealer” means a person authorized by the Board under section 10 to deal in poisons;
“Governor” means the Governor in Council;

- Law 19 of 1974. "medical practitioner" means a person licensed under the Health Practitioners' Law, 1974, to practice medicine or dentistry;
- "pharmaceutical" means a prescribed pharmaceutical product or class of pharmaceutical products;
- Law 19 of 1974. "pharmacist" means a person licensed under the Health Practitioners' Law, 1974, to practise pharmacy and includes anyone acting under his direct supervision;
- "poison" means a prescribed poisonous substance or class of poisonous substances;
- "prescribed" means prescribed by this Law or any regulation made under it;
- "prescription" means an order or authorization issued and signed by a medical practitioner or veterinary surgeon to supply, administer or consume a pharmaceutical;
- "restricted pharmaceutical" means a pharmaceutical prescribed as such which may not be dispensed or administered except under prescription and all drugs scheduled in the Misuse of Drugs Law, 1973;
- Law 13 of 1973.
- Law 5 of 1978. "veterinary surgeon" has the meaning ascribed to it by the Veterinary Law, 1978.
- Establishment of the Pharmacy Board. 3. There is hereby established a public authority called the Pharmacy Board which, subject to the provisions of this Law, shall exercise the powers conferred, and discharge the duties imposed, on it by this Law.
- Composition of the Board. 4. (1) The Board shall consist of —
(a) the Chief Medical Officer, who shall be Chairman; and
(b) three other members appointed by the Governor each of whom shall, subject to the other provisions of this section and unless he earlier dies or vacates his office, hold office at the pleasure of the Governor.
- (2) A member may resign his office by giving written notice to the Governor.
- (3) A member appointed under subsection (1) (b) who ceases to be a member shall be eligible for re-appointment.
- (4) The names of the members of the Board as first constituted and particulars of every change in the membership thereof shall be published in the *Gazette*.
- (5) If at any time a member appointed under subsection (1) (b) is by reason of ill-health, absence from the Islands or other sufficient cause unable to perform his duties as such, the Governor may appoint

another person to act as a member during the incapacity of the substantive member and any person so appointed shall while so acting be deemed to be a member.

Meetings and
proceedings
of the Board.

5. (1) The Board shall meet at such times and places as the Chairman may decide.

(2) The quorum at any meeting of the Board shall be three members present.

(3) At all meetings of the Board the Chairman, or, in his absence, such other member as the members present select, shall preside.

(4) All questions coming or arising before a meeting of the Board shall be decided by a majority of the members present and voting thereon at the meeting, save that the person presiding shall not have an original vote, but in the case of an equality of votes he shall have a casting vote.

(5) Subject to the other provisions of this section the Board may regulate its own procedure.

Pecuniary
interest of
members to
be disclosed.

6. If a member has a pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting and thereupon such member may take part in the consideration or discussion of the contract or other matter, but shall not vote or otherwise take part in the decision thereon of the Board.

Remuneration
of members.

7. A member, not being a public officer, may be paid and receive from public funds such allowances for travelling and subsistence as may from time to time be payable to persons serving upon public bodies.

Acts, etc. of the
Board not
to be invalidated
by reason
of vacancies.

8. No act or proceeding of the Board shall be invalidated in consequence of there being a vacancy in the number of members of the Board at the time of such act or proceeding.

Restriction
of dealing
with poisons.

9. Whoever not being –
(a) the Chief Medical Officer;
(b) a medical practitioner;
(c) a pharmacist;
(d) a veterinary surgeon;
(e) a dealer; or
(f) the Chief Agricultural Officer

imports or deals in any poison is guilty of an offence.

Dealers.

10. (1) The Board may authorise any person who –
(a) makes application in the prescribed manner;
(b) is over the age of 18 years;

(c) is in the opinion of the Board a person of good understanding and responsibility; and

(d) the prescribed fee

to be a dealer for the purposes of this Law subject to such limitations, restrictions and conditions as the Board sees fit to impose in each case.

(2) The Board may at any time vary or revoke any authorisation with or without compensation to the dealer.

(3) The Board shall issue to every person authorised under this section a certificate of authority in a form approved by the Board.

Import, etc.
of restricted
pharmaceu-
ticals.

11. Subject to the provisions of this Law whoever, not being —

- (a) the Chief Medical Officer;
- (b) a medical practitioner;
- (c) the Chief Agricultural Officer; or
- (d) a pharmacist

imports, dispenses or otherwise deals in restricted pharmaceuticals is guilty of an offence.

Dispensing
restricted
pharmaceu-
ticals.

12. Whoever being a pharmacist dispenses any restricted pharmaceutical otherwise than upon the authority of a prescription is guilty of an offence.

Recipients
of poisons
to be
identified.

13. Whoever being a dealer sells or distributes any poison to any person —

- (a) under the age of 18; or
- (b) whose identity is not well known to such dealer or to a witness there present who is well known to him; or
- (c) without the purchaser signing the entry in the licensee's book before delivery of the poison

is guilty of an offence.

Poisons Book.

14. Every dealer and other person lawfully dispensing poison under this Law shall keep and accurately maintain a Poisons Book showing —

- (a) all stocks of poisons acquired;
- (b) all stocks of poisons disposed of with the dates, amounts and names and signatures of the dealer and of the person acquiring the same;
- (c) all existing stocks; and
- (d) such other particulars as may be prescribed.

Records of
restricted
pharmaceu-
ticals

15. All pharmacists and others lawfully dispensing restricted pharmaceuticals under this Law shall keep records showing —

- (a) all restricted pharmaceuticals acquired;

- (b) all restricted pharmaceuticals dispensed or otherwise disposed of together with prescriptions or other particulars showing the persons to whom they were to be administered or the means and reasons for disposal as the case may be;
- (c) such other particulars as may be prescribed.
- Information to customs. 16. The Board shall keep the Collector of Customs informed of all persons authorized under this Law to import poisons or restricted pharmaceuticals and of all changes which occur in such authorization.
- Right of inspection. 17. All places used for the storage of poisons and restricted pharmaceuticals are to be open to inspection by the Chief Medical Officer at all reasonable times together with all records required by this Law to be kept and maintained and whoever –
- (a) obstructs him in carrying out an inspection;
- (b) fails promptly to comply with any of his directions given for the purpose of facilitating such inspection
- is guilty of an offence.
- Storage and labelling. 18. (1) All poisons and pharmaceuticals, whether the latter are restricted or not, held in store or dispensed from store shall be adequately packaged and labelled and in particular –
- (a) all poisons shall be clearly labelled "POISON: NOT TO BE TAKEN INTERNALLY"; and
- (b) all restricted pharmaceuticals shall be clearly labelled with a description of their contents and intended use and their names or synonyms in the Pharmacopoeia in which they are recorded with a reference to the particular Pharmacopoeia in each case.
- (2) Where the Chief Medical Officer is not satisfied with the packing, storage or labelling or any poison or pharmaceutical he shall give instructions for the rectification thereof and whoever receiving such instructions fails to comply therewith is guilty of an offence.
- (3) The Chief Medical Officer may at any time require any person authorised under this Law to hold in store any poison or restricted pharmaceutical to make return of stocks and dealings.
- Regulations. 19. The Governor may make Regulations –
- (a) prescribing pharmaceuticals, poisons and restricted pharmaceuticals;
- (b) prescribing forms for use in the implementation of this Law;
- (c) prescribing procedures for importation and customs clearance of poisons and pharmaceuticals;
- (d) prescribing fees to be charged under section 10 (1) (d); and
- (e) prescribing anything by this Law required to be prescribed.

Penal.

20. **Whoever —**

(a) makes any declaration, statement or return for any purpose of this Law in the truth of which he does not believe (the onus of proof of his belief being upon him); or

(b) contravenes this Law or any Regulations made hereunder is guilty of an offence and punishable upon summary conviction with a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months or both.

Saving of
Law 13 of
1973 and
the Caymanian
Protection
Law (R).

21. Nothing in this Law derogates from any provision of the Misuse of Drugs Law, 1973, or the Caymanian Protection Law (Revised).

Passed the Legislative Assembly this 6th day of September, 1979.

T. RUSSELL
President

ALINE WOOD
Acting Clerk of the Legislative Assembly