

PHARMACY COUNCIL OF NIGERIA (ESTABLISHMENT, ETC.), BILL, 2019

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A BILL

FOR

AN ACT TO REPEAL THE PHARMACISTS COUNCIL OF NIGERIA ACT CAP. P17, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND RE-ENACT THE PHARMACY COUNCIL OF NIGERIA ACT TO REGULATE THE TRAINING AND PRACTICE OF PHARMACY; AND FOR RELATED MATTERS, 2019

Sponsored By Johnson Egwakhidè Oghuma

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT OF THE PHARMACY COUNCIL OF NIGERIA

2 1.-(1) There is established a body known as the Pharmacy Council
3 of Nigeria (in this Bill referred to as "the Council")

Establishment
of the Pharmacy
Council of Nigeria

4 (2) The Council-

5 (a) shall be a body corporate with perpetual succession and a
6 common seal;

7 (b) may sue or be sued in its corporate name, and

8 (c) may acquire, hold or dispose of any property, movable or
9 immovable, subject to the provisions of the Land Use Act, for the purpose of
10 carrying out any of its functions under this Bill.

11 2.-(1) The Council shall consist of-

Composition of
the Council

12 (a) Chairman, who shall be a pharmacist with not less than twenty -
13 five years post registration experience;

14 (b) the Head of Food and Drug Services Department of the Federal
15 Ministry of Health or his representative, who shall be a registered
16 Pharmacist;

17 (c) the President of the Pharmaceutical Society of Nigeria;

18 (d) one Director responsible for Pharmaceutical Services from
19 each of the geo-political zones chosen in rotation among the States in the

1 respective zones;

2 (e) six members of the Committee of Deans who shall be registered
3 pharmacists chosen in rotation from approved Faculties of Pharmacy in
4 Nigerian Universities;

5 (f) the head of Pharmaceutical Services of the Armed Forces of
6 Nigeria;

7 (g) the Director-General of the National Institute of Pharmaceutical
8 Research and Development or his representative; who shall be a Pharmacist;

9 (h) six members who shall not be of less than 10 years post
10 qualification experience to represent the geo-political zones of the Federation,
11 on the recommendation of the Pharmaceutical Society of Nigeria through the
12 Minister;

13 (i) three members who shall be a registered Pharmacy Technician in
14 good standing with the Council with not less than ten years post-registration
15 experience;

16 (j) the Registrar of the Council who shall be a member and the
17 Secretary to the Council; and

18 (k) the Director-General of National Agency for Food and Drug
19 Administration and Control (NAFDAC) or its representative who shall be a
20 registered pharmacist.

21 (2) The Chairman and members of the Council shall be paid such
22 emoluments, allowances and benefits as the President may, from time to time,
23 direct in line with the recommendations of the Revenue Mobilization,
24 Allocation and Fiscal Commission.

25 3.-(1)The Chairman and other members of the Council other than the
26 Registrar, shall-

27 (a) be appointed by the President on the recommendation of the
28 Minister;

29 (b) hold office on part time basis for a term of four years; and

30 (c) be eligible for re-appointment on satisfactory performance for a

1 further term of four years and no more;

2 (2) The office of the Chairman or a member of the Council shall
3 become vacant where-

4 (a) his term of office expires;

5 (b) he resigns his appointment as a member of the Council by a
6 notice in writing under his hand addressed to the President; or

7 (c) he dies;

8 (3) The President may on the recommendation of the Minister
9 remove the Chairman or a Member of the Council on any of the following
10 grounds-

11 (a) he has been absent from the Council meetings for four
12 consecutive times without the permission of the Council;

13 (b) he is incapable of carrying out his duties due to mental or
14 physical infirmity;

15 (c) he has been declared bankrupt or he makes compromise with
16 his creditors;

17 (d) he has been convicted of a felony or any offence involving
18 fraud or dishonesty;

19 (e) he is guilty of gross misconduct relating to his duties;

20 (f) the President is satisfied that it is not in the interest of the
21 Council or of the public for the person to continue in office; or

22 (g) in the case of an ex-officio member, he ceases to hold the office
23 on the basis of which he became a member of the Council.

24 (4) Where any member of the Council ceases to hold office before
25 the date when his term of office would have expired by the effluxion of time,
26 the body or person by whom he was appointed shall as soon as possible
27 appoint a person to fill the vacancy for the residue of the term aforesaid.

28 (5) The provisions of the First Schedule to this Bills shall have effect
29 with respect to the proceedings of the Council and other matters mentioned
30 in it.

Functions and
powers of the
Council

- 1 4.--(1) The Council shall in the public interest-
- 2 (a) administer the provisions of this Bill;
- 3 (b) regulate the standard of Pharmacy practice and business in
- 4 Nigeria;
- 5 (c) determine the standard of knowledge and skills to be attained by
- 6 persons seeking to become registered members of the pharmacy profession and
- 7 review such standards, from time to time;
- 8 (d) determine and set standards for the degree courses in Faculties of
- 9 Pharmacy in Nigerian Universities;
- 10 (e) establish requirements and standards for registration of intern
- 11 Pharmacists for internship and any other experiential training to enable a
- 12 person obtain practical experience in the practice of pharmacy;
- 13 (f) establish requirements for the grant of licence to intern
- 14 Pharmacists to undergo internship training and engage in the practice of
- 15 Pharmacy in an approved institution under the direct supervision of registered
- 16 pharmacists;
- 17 (g) establish and maintain a register of persons entitled to practice as
- 18 members of the pharmacy profession and publish the list of members from time
- 19 to time;
- 20 (h) inspect, approve, licence and regulate the registration and practice
- 21 or operations in all pharmaceutical premises where drugs, medicines and
- 22 poisons are manufactured, imported, exported, distributed, stored, dispensed
- 23 or sold in Nigeria, based on good pharmaceutical practice standards (GPP).
- 24 (i) establish and maintain a register of premises used for the
- 25 manufacture, storage, importation, exportation, distribution, sale and
- 26 dispensing of drugs, poisons, medicines, and medical devices and accessories;
- 27 (j) regulate, formulate, publish and review from time to time, the
- 28 Code of Conduct, Ethics and Practice of the pharmacy Profession and code of
- 29 conduct for pharmacy technicians, patent medicine vendors and
- 30 pharmaceutical marketers;

1 (k) determine and set standards for the training of Pharmacy
2 technicians in Schools and Colleges of health technology approved by
3 Council;

4 (l) determine the standards of knowledge and skills to be attained
5 by persons seeking to become pharmacy technicians and patent medicine
6 vendors, and review such standards, from time to time;

7 (m) establish requirements for continuing education and
8 development for pharmacists, pharmacy technicians, patent medicine
9 vendors and other cadres in practice in institutions and centres recognized
10 by it, including the determination of acceptable continuing educational and
11 developmental courses;

12 (n) register, licence, regulate and control the practice of
13 Pharmacists, pharmacy technicians or such other cadres as may be
14 recognized by the Council in Nigeria;

15 (o) register, licence, regulate and control the activities of Patent
16 and Proprietary Medicines Vendors and satellite medicine facilities,
17 pharmacies, pharmaceutical manufacturing, importation, exportation,
18 storage distribution of pharmaceutical products and veterinary products in
19 Nigeria;

20 (p) regulate and control the practice of pharmaceutical marketing
21 and representations;

22 (q) regulate and control pharmacy practice in all its aspects and
23 ramifications; and

24 (r) do such other things that are necessary to ensure the efficient
25 discharge of the functions conferred on the Council under this Bill.

26 PART II - REGISTRAR AND OTHER STAFF OF THE COUNCIL

27 5.-(1) There shall be a Registrar appointed by the Council who
28 shall be a registered Pharmacist of not less than 20 years post - registration
29 experience.

Appointment,
functions and
tenure of the
Registrar of the
Council

30 (2) The Registrar shall be-

- 1 (a) the chief executive and accounting officer of the Council;
- 2 (b) member and secretary to the Council and the secretary to the
- 3 Disciplinary Tribunal;
- 4 (c) responsible for the execution of policies, decisions and directives
- 5 of the Council and the day-to-day administration of the Council;
- 6 (d) responsible for keeping and maintaining the registers under this
- 7 Bill; and
- 8 (e) subject to the supervision and control of the Council.
- 9 (3) The Registrar shall hold office-
- 10 (a) for a term of four years from the date of his appointment and shall
- 11 be eligible for re-appointment for another term of 4 years and no more; and
- 12 (b) on such other terms and conditions as may be specified in his letter
- 13 of appointment.
- 14 (4) The office of the Registrar shall become vacant where-
- 15 (a) his term of office expires;
- 16 (b) he resigns his appointment as Registrar by a notice in writing
- 17 under his hand addressed to the Council;
- 18 (c) he is incapable of carrying out his duties due to mental or physical
- 19 infirmity;
- 20 (d) he has been declared bankrupt or he makes compromise with his
- 21 creditors;
- 22 (e) he has been convicted of a felony or any offence involving fraud or
- 23 dishonesty;
- 24 (f) he is guilty of gross misconduct relating to his duties;
- 25 (g) he dies; or
- 26 (h) the Council is satisfied that it is not in the interest of the Council or
- 27 of the public for the person to continue in office.
- 28 6.-(1) The Council shall appoint directly or on secondment from other
- 29 Government Ministries, Departments and Agencies such number and category
- 30 of employees as it may require in the effective discharge of its duties and

1 functions under this Bill.

2 (2) The Council shall have power to appoint, promote and
3 discipline staff of the Council.

4 (3) The Council shall make rules and regulations in line with Public
5 Service Rules relating to the conditions of service of employees of the
6 Council, including rules providing for the appointment, promotion,
7 advancement, determination of appointment and discipline of the
8 employees.

9 (4) The members of staff of the Council shall be public officers as
10 defined in the Constitution of the Federal Republic of Nigeria, 1999 (as
11 amended).

12 (5) Service in the Council shall be pensionable service under the
13 Pension Reform Act provided that nothing in this section shall exclude the
14 Council from employing staff on non-pensionable terms and conditions.

15 7. The Council shall have the power to establish Zonal and State
16 Offices to enhance its operations and the performance of its functions under
17 this Bill.

Zonal and state
offices

18 8. The Council may cooperate with relevant organizations and
19 authorities involved in public health - related issues in the performance of its
20 functions under this Bill.

Co-operation
with other bodies

21 PART III - FINANCIAL PROVISIONS

22 9.-(1) There is established for the Council, a fund which shall
23 consist of-

Fund of the
Council

24 (a) budgetary and extra budgetary allocations received from the
25 Government of the Federation, grants and annual subventions;

26 (b) all monies held immediately before the commencement of this
27 Bill by the Pharmacists Council of Nigeria;

28 (c) gifts, loans, endowment, grants-in-aids, testamentary
29 disposition, bequest or other voluntary contributions where the terms and
30 conditions attached are not inconsistent with the functions of the Council;

1 (d) all foreign aids and monetary assistance received by the Council
2 under any agreement or arrangement with any international body or
3 organization with the approval of the Government of the Fédération;

4 (e) fees, charges for publications and services rendered by the
5 Council; and

6 (g) such other monies as may be received by the Council from
7 investments and other sources

8 (2) The Council may apply the fund established under subsection (1)
9 of this section-

10 (a) to pay the costs of administration, charges and expenses of the
11 Council;

12 (b) to discharge the cost of maintaining the Head Office and other
13 offices of the Council;

14 (c) for the development and maintenance of any property vested in or
15 owned by the Council;

16 (d) for the payment of the allowances and other benefits of members
17 of the Council or any committee set up by it;

18 (e) for payment of emoluments, allowances, benefits and other
19 entitlements of the Registrar and other staff of the Council;

20 (f) for payment for all purchases made by the Council and the training
21 of members of its staff;

22 (g) for provision of scholarships, bursaries and awards for specialized
23 training of members of staff of the Council;

24 (h) for payment to publicize and promote the activities of the Council;

25 (i) for payment to various stakeholders involved in regulatory
26 activities of the Council;

27 (j) for payments for the support of national and international scientific
28 and professional organizations;

29 (k) for maintaining general financial reserves subject to general or
30 specific directives that may be given by the President;

1 (l) for payments of annual and other subscriptions and
2 contributions to national and international scientific and professional
3 organizations;

4 (m) for the payment of all consultancies, legal fees and costs of
5 contracts awarded by the Council; and

6 (n) for any other expenditure as may be approved by the Council,
7 from time to time, in connection with all or any of its functions and powers
8 under this Bill.

9 **10.-(1)** The Council may invest any or all monies in its fund, not
10 immediately required for its current expenditure in-

Investment of
the fund of the
Council

11 (a) any securities created or issued by or on behalf of the Federal
12 Government, as may be approved by the Council, from time to time;

13 (b) the purchase or improvement of any land in any part of the
14 Federation; or

15 (c) any venture in Nigeria as may be approved by Minister,
16 including investment in stocks quoted at the Nigerian Stock Exchange.

17 (2) In the exercise of its powers of investment under subsection (1)
18 of this section, the Council may from time to time vary any such investments
19 and may deposit any monies for the time being un-invested with any bank
20 approved by the Council in line with Government Regulations.

21 **11.** The Council may with the approval of the President and in line
22 with applicable laws, policies and regulations, borrow such sums by way of
23 loan, overdraft or from any other source, as may be required for the
24 performance of its functions and meeting its obligations under this Bill; and
25 any interest payable on monies so borrowed shall be paid out of the fund of
26 the Council.

Power to borrow

27 **12.-(1)** The Council may accept gifts of land, money or other
28 property on such terms and conditions, if any, as may be specified by the
29 persons or organization making the gift.

Power to accept
gifts

30 (2) The Council shall not accept any gift if the conditions attached

1 by the persons or organization offering the gift are inconsistent with the
2 functions of the Council under this Bill.

Annual estimates

3 13.-(1) The Council shall, not later than 30th September of each
4 financial year, prepare and submit to the Minister for onward transmission to
5 the National Assembly, an estimate of its income and expenditure for the next
6 succeeding year.

7 (2) Notwithstanding the provisions of subsection (1) of this section,
8 the Council may, where necessary due to unforeseen circumstances, submit
9 supplementary or adjusted statements of estimated income and expenditure to
10 the Minister for onward transmission to the National Assembly for approval.

Accounts,
records and
audit

11 14.-(1) The Council shall keep proper and regular accounts and other
12 records of monies received and paid by the Council and for other purposes for
13 which monies have been received or paid, and of its assets, credits and
14 liabilities in respect of each year and shall cause its accounts to be audited on or
15 before 31st March of the following year to which the accounts relate, by a firm
16 of auditors appointed from the approved list of auditors, and in accordance with
17 guidelines, supplied by the Auditor-General for the Federation.

18 (2) The Council shall do all things necessary to ensure that all
19 payments of its funds and bank accounts are correctly made and properly
20 authorized and that adequate control is maintained over its assets.

21 (3) As soon as the accounts and the financial statements of the Council
22 have been audited in accordance with the requirement of this Bill, the Council
23 shall forward a copy of the audited financial statements to the Minister together
24 with any report or observations made by the auditors and the Auditor-General
25 for the Federation on the statement of accounts.

26 (4) The remuneration of the auditor shall be paid out of the fund of the
27 Council.

Annual reports

28 15. The Council shall, not later than 30th June of each year, prepare
29 and submit to the Minister and the Auditor - General of the Federation, a report
30 on the activities and administration of the Council during the preceding year

1 and shall include in the report a copy of the audited accounts of the Council
2 for the year and the auditor's report thereon.

3 PART IV - REGISTERS OF PHARMACISTS, PHARMACY TECHNICIANS,
4 PREMISES, SATELLITE MEDICINE FACILITIES AND PATENT
5 MEDICINES SHOPS

6 16. -(1) The Registrar shall in accordance with Rules made by the
7 Council, keep and maintain-

Keeping and
maintaining
registers

8 (a) a register of Pharmacists, where the names, addresses,
9 qualifications and such other particulars of all persons who are entitled to be
10 enrolled as provisional members or members of the profession who apply to
11 the Council to be so registered shall be entered;

12 (b) the register of Pharmacy Technicians where the names,
13 addresses, qualifications and such other particulars of all persons who are
14 entitled to be enrolled as Pharmacy Technicians who apply to the Council to
15 be so registered shall be entered;

16 (c) the registers of premises used by Pharmacists, Pharmacy
17 Technicians and Patent Medicine vendors, or any other person licensed by
18 the Council for the manufacture, production, exportation, importation,
19 stocking for research or any other purposes, storage, distribution, sale or
20 dispensing of drugs and medicines, medical devices and accessories and the
21 provision of other pharmaceutical products shall be entered; and

22 (d) any other register that the Council may require to be kept from
23 time to time.

24 (2) The register of Pharmacists provided for under subsection (1)
25 of this section shall consist of two parts as follows-

26 (a) provisional members; and

27 (b) members.

28 (3) The register of the Pharmacy Technicians provided for under
29 subsection (1) of this section shall consist of-

30 (a) the names of Pharmacy Technicians;

1 (b) matters relating to Pharmacy Technicians; and
2 (c) particulars of the location where medicines are sold or distributed
3 by Pharmacy Technician or satellite medicine facility.

4 (4) A register of premises referred to under subsection (1) of this
5 section shall contain-

6 (a) the names and addresses of premises to which the entries relate
7 and to which members carry on pharmacy business;

8 (b) the type of pharmaceutical practice being carried on at the
9 premises;

10 (c) the name of the Pharmacist or person, company, firm or body
11 lawfully carrying on the business;

12 (d) the name of the approved vendor of medicines and location where
13 the medicines are being sold; and

14 (e) such other matters relating to the premises as may be specified by
15 the Council.

Rules for keeping
and maintaining
registers

16 17.--(1) Subject to the provisions of this Bill, the Council shall make
17 rules with respect to the forms, contents, parts and procedures for keeping and
18 making of entries in any of the registers provided under this Part.

19 (2) The rules made pursuant to subsection (1) of this section shall in
20 particular make provision for-

21 (a) regulating the making and processing of applications for
22 enrolment of provisional members or members and the registration of premises
23 under this section;

24 (b) providing for the notification to the Registrar of any change in
25 those particulars by the person to whom any registered particulars relate or by
26 the person carrying on a pharmacy practice at any registered premises;

27 (c) providing for the procedure for the acceptance and registration of
28 additional qualification to the earlier qualification held by him which is in
29 relation to the profession;

30 (d) specifying the fees, including any annual subscription, to be paid

1 to the Council in respect of-

2 (i) entry of names in the register of Pharmacists or in respect of the
3 registration of premises in the register of premises, and

4 (ii) entry of names in the register of Pharmacy Technicians or in
5 respect of the registration of Satellite Medicine Facilities or Patent
6 Medicines Vendors in respect of registration of shops;

7 (e) authorizing the Registrar to refuse to enter a name or premises
8 in a register until any fees specified for the entry has been paid or until the
9 premises comply with the requirements of this Bill or of rules made on that
10 behalf which are for the time being in force; and

11 (f) specifying any other thing not mentioned under the foregoing
12 provisions which the Council considers necessary or expedient.

13 (3) A document signed by the Registrar stating that, on a specified
14 date, specified persons or premises were or were not registered under this
15 Bill shall be admissible in a proceeding as evidence of such registration or
16 non-registration.

17 18. It shall be the duty of the Registrar, to-

18 (a) correct any entry in the registers of Pharmacists, premises,
19 Pharmacy technicians, satellite medicines facilities and patent medicines
20 shops in accordance with the Council's directions or order of court;

21 (b) make or update, from time to time, any necessary alteration in
22 the registers of Pharmacists, Pharmacy Technicians, satellite medicines
23 facilities, licensed patent medicines shops and the registers of premises as
24 may be necessary or expedient;

25 (c) remove from the registers of Pharmacists, pharmacy
26 technicians, satellite medicines facilities and patent medicines shops or the
27 registers of premises the name of any registered person who is dead or
28 premises which has ceased to be used for the purpose for which it was
29 registered; and

30 (d) remove from the register of premises any premises that its

Correction of
entries in the
registers

1 registration has become void under the provisions of this Bill.

Removal of
names from
the registers

2 **19.**-(1) Where the Registrar-

3 (a) sends by registered post, e-mail or other recognized means of
4 communication to any person, a letter addressed to him at the address on the
5 register of Pharmacist, Pharmacy Technician, satellite medicines facilities and
6 Medicines Vendor, enquiring whether the registered particulars relating to him
7 or to the premises at which he carries on pharmacy practice are correct and the
8 Registrar receives no reply to the letter within a period of six months from the
9 date of posting or sending it; and

10 (b) considers it necessary upon the expiration of that period of six
11 months, sends in the like manner to the person in question, a second similar
12 letter and receives no reply within three months from the date of posting or
13 sending it;

14 (c) the Registrar may remove the name and particulars of that person
15 or any registered premises where that person carries on a pharmacy practice
16 from the register of Pharmacists, Pharmacy technicians, satellite medicines
17 facilities and Patent Medicines Vendors or the registers of premises or both.

18 (2) The Council may direct the Registrar to restore to the appropriate
19 register any name, premises or particulars removed from the register under
20 subsection (1) of this section.

Publication of
list of Pharmacists,
pharmacy
technicians,
premises, satellite
medicines facilities
and patent
medicines shops,
etc.

21 **20.** The Registrar shall cause-

22 (a) the list of licensed Pharmacists, Pharmacy Technicians, Satellite
23 Medicines Facilities, Patent Medicines Vendors and licensed premises to be
24 printed, published and gazette not later than two years from the
25 commencement of this Bill;

26 (b) to be updated, printed and published, each of the lists referred to
27 under paragraph (a) of this section, in each subsequent year;

28 (c) a print of each edition of the list of licensed Pharmacists,
29 Pharmacy Technicians, satellite medicines facilities and Vendors and the lists
30 of premises and of each document or corrections thereto to be deposited at the

1 principal office of the Council; and

2 (d) to be kept, the documents so deposited in line with the
3 provisions of paragraph (c) of this section, open to members of the public at
4 all reasonable times for inspection.

5 21.-(1) A document purporting to be a print of an edition of any list
6 published under section 20 of this Bill by authority of the Registrar, or
7 documents purporting to be prints of an edition of such list, and of the lists of
8 corrections to that edition so published in the current year and of lists of
9 corrections to that edition so published, shall (without prejudice to any other
10 mode of proof) be admissible in any proceedings as evidence showing that-

Print of an edition
of a register as
admissible evidence

11 (a) any other person or premises specified in the document, or

12 (b) the documents read together, as being licensed;

13 (c) was so licensed at that date of the edition or of the list of
14 corrections of licensed persons or premises, as the case may be, and that any
15 person or premises not so specified was not so licensed at that date.

16 (2) Where in accordance with subsection (1) of this section, the
17 name of any person or any premises, as the case may be, is in any
18 proceedings shown to have been or not to have been licensed in the register
19 of pharmacists or the register of premises at a particular date, the person or
20 the premises, as the case may be, shall unless the contrary is proved, be taken
21 for the purposes of those proceedings as having at all material times
22 thereafter continued to be, or not to be so licensed.

23 PART V - INSPECTION AND REGISTRATION OF PREMISES

24 22.-(1) Any place used for the purpose of dispensing, selling,
25 compounding, distribution, storage, stocking, retailing, wholesale,
26 manufacturing, importation, exportation of drugs and poisons, scientific
27 offices or any other form of pharmaceutical activities shall be inspected and
28 registered in accordance with the provisions of this Bill and in case of
29 manufacturing facility such (GMP) activities conducted by the National

Inspection and
Registration of
premises

1 Agency for Food and Drug Administration and Control (NAFDAC) are not
 2 included.

3 (2) Where an application is made under subsection (1) of this section
 4 and it appears to the Registrar that the premises to which the application relates
 5 do not comply with the requirements of this Bill, the Registrar may refuse to
 6 register the premises and state the reasons for such refusal in writing.

7 (5) The applicant may within thirty days after the service of notice of
 8 refusal by the Registrar under subsection (2) of this section, give notice to the
 9 Registrar of his desire to be heard or make representation in writing to the
 10 Registrar with respect to the notice of refusal.

11 (4) The Registrar before making any determination under subsection
 12 (3) of this section shall—
 13 (a) where the applicant has given notice of his desire to be heard;
 14 afford the applicant an opportunity of appearing before and being heard by a
 15 person appointed by the Registrar for the purpose; or
 16 (b) where the applicant has made representations in writing; consider
 17 the representations of the applicant in determining whether the premises is
 18 suitable for registration or otherwise.

19 (5) Where a determination is made pursuant to subsection (4) of this
 20 section that the premises is—
 21 (a) suitable for registration, the Registrar shall cause the details of the
 22 premises to be entered into the register subject to the provisions of section 23 of
 23 this Bill; or
 24 (b) unsuitable for registration, the Registrar shall not enter the
 25 premises in the register, and shall notify the applicant of his decision
 26 accordingly.

27 (6) Where the applicant is dissatisfied with the decision under
 28 paragraph (b) of subsection (5) of this section, he may within fourteen days
 29 after being notified of the decision make application in writing to the Council
 30 stating the grounds of his dissatisfaction and the reliefs sought.

Print of an edition of a register as submitted in evidence

Registration of premises and inspection

1 (7) The Council shall consider and determine the application made
 2 pursuant to the provisions of subsection (5) of this section within three
 3 months of the receipt of the application or such extended period as it may
 4 deem necessary in any particular case.

5 (8) Where the Council pursuant to subsection (6) of this section,
 6 determines that the premises is

7 (a) suitable for registration, the Registrar shall enter the premises in
 8 the register, subject to the provisions of section 23 of this Bill; or

9 (b) unsuitable for registration, the Registrar shall not enter the
 10 premises in the register; and shall notify the applicant of the decision
 11 accordingly, in writing.

12 9. (1) Where the Registrar is of the view that a licence should be
 13 suspended, revoked, withdrawn, canceled or restored, the holder of such
 14 licence shall, by notice, be required to give reasons within 14 days of receipt
 15 of such notice why the licence should not be suspended, revoked, withdrawn
 16 or cancelled.

17 (2) If the Registrar is satisfied by the reasons so given, such licence
 18 shall not be suspended, revoked, withdrawn or cancelled.

19 (3) If the reason given is not satisfactory, the Registrar shall notify
 20 his decision to suspend, revoke, withdraw or cancel same to the holder
 21 thereof and in such case, the holder of the licence shall within 14 days appeal
 22 to the Council.

23 10. An application shall be made to the registrar for his approval
 24 for change, variation or modification in a licence in respect of
 25 superintendent Pharmacist, structure of premises, location of premises
 26 scope and areas of practice or any other change or variation that may affect
 27 the licence.

28 23-(1) The Council shall prescribe the fees for the registration and
 29 retention of premises.

30 (2) The Council may vary the prescribed fees provided for under

Retention fees

Records of premises

Payment of fees in respect of registration and retention of premises

1 subsection (1) of this section.

2 (3) A person shall not operate a premises where drugs, poisons,
3 medicines and medical devices and medical accessories are sold, dispensed,
4 distributed, manufactured, stored, imported or exported unless he has paid the
5 prescribed fees and is duly licensed by the Council.

Payment of
retention fees

6 24.-(1) Where any premises has been entered in the register of
7 premises, a retention fee of an amount prescribed by the Council in respect of
8 the type of pharmacy practice being carried on at the premises, shall be payable
9 to the Council every subsequent year by the person carrying on the pharmacy
10 practice in the premises.

11 (2) A retention fee shall become due on the first day of January of
12 each year.

13 (3) Where the person carrying on pharmacy practice at any premises
14 entered in the register of premises fails to pay the retention fee in respect of any
15 year by 31st day of March, the Council may close the premises and remove the
16 name from the register of premises.

17 (4) Where the person in default of payment of retention fees under
18 subsection (2) of this section, pays before the end of the year in default,
19 together with additional sum, the Registrar shall restore the name of the
20 premises to the register and the restoration shall be deemed to have had effect
21 as from the date on which the premises were removed from the register of
22 premises.

Records of annual
subscription
defaulters

23 25. The Registrar shall keep record of the names of registered
24 persons who are in default of the payment of the annual subscription for a
25 period of more than six months and take such actions including the removal of
26 the names of the defaulters from the appropriate register as the Council may
27 direct or require.

Application for
retention of name
of all premises

28 26.-(1) Every person who carries on practice of Pharmacy whether on
29 line or on sight shall, in the month of January in each year deliver to the
30 Registrar, an application for renewal or retention of name of the premises at

1 which his practice is located or where he carries on his practice for a
2 prescribed fee.

3 (2) An application for renewal or retention of premises under
4 subsection (1) of this section shall state the name of the Superintendent
5 Pharmacist under whose control the practice is being carried on.

6 27.-(1) A person shall not own or operate a retail or community
7 pharmacy practice unless such a person is registered as a Pharmacist under
8 this Bill.

Operating a retail,
community
pharmacy or
pharmaceutical
company

9 (2) The Council may approve satellite pharmacy owned by
10 licensed pharmacists who have a minimum of 10 years post-registration
11 experience provided that such satellite pharmacy is affiliated to a registered
12 pharmaceutical premises for the purpose of regulation and control.

13 (3) A company owned by Nigerians or foreign company shall not
14 own or operate a chain retail or community pharmacy unless such a
15 company has Nigerian pharmacist or pharmacists on Board of Directors
16 who shall alone or jointly own not less than 40% shares of the company.

17 (4) A corporate body shall not operate a pharmaceutical company
18 for the purpose of manufacture, importation, exportation, storage,
19 distribution or wholesale business without having as a member of the Board
20 of Directors, at least a registered Pharmacist who shall be a shareholder of
21 the company.

22 (5) A person or corporate body shall not own or operate a private
23 pharmacy in a public health facility.

24 (6) Any pharmacist who makes a false statement under subsection
25 (3) above commits an offence and is liable on conviction to a fine equivalent
26 to the value of the shares he claimed to own or a term of imprisonment for 2
27 years or both.

28 28.-(1) Any licensee that fails to renew its licence by the 31st day of
29 January in each year shall in addition to the prescribed fee, pay a fine
30 equivalent to fifty percent of the applicable fee.

Failure to renew
premises licence
by the 31st day
of March

(2) Any premises which fail to renew its licence by the 31st day of March in each year shall be considered to be operating in violation of the provisions of this Bill and shall be liable to closure by the Council.

Requirement for Superintendent Pharmacists

29.-(1) Every pharmaceutical premises shall be under the direct supervision of a Superintendent Pharmacist.

Operating a retail pharmacy or pharmaceutical company

(2) Where a premises is operated without a Superintendent Pharmacist for a continuous period of thirty days, the registration of the premises licence shall lapse at the expiration of that thirty days.

Notification of change in company's profile

(3) Every pharmacy whether in public or private hospital shall be under the supervision and control of a superintendent pharmacist.

30.-(1) A body corporate shall notify the Council of any change in its company's profile, profile of Pharmacist Director, ownership, type of business being done on the premises and name of the company not later than sixty days of its occurrence.

(2) A body corporate shall conspicuously display the original of the Superintendent Pharmacist's annual licence and certificate of registration of the premises.

Appointment of Pharmaceutical Inspection Officer

31.-(1) The Council shall appoint licensed pharmacists as Pharmaceutical Inspection officers.

(2) A person appointed by the Council as Pharmaceutical Inspection officer may for the purposes of section 32 of this Bill enter at any reasonable time-

(a) any premises where pharmaceutical activities are carried on; or

(b) any premises on or in relation to which he has reasonable cause to believe that an offence with respect to this Bill has been committed.

Powers of Pharmaceutical Inspection Officer

32.-(1) A pharmaceutical Inspection officer may-

(a) require the Superintendent Pharmacist on the premises to furnish him with any information in his or her possession concerning the pharmaceutical activities being carried on in the premises;

(b) inspect and seal premises where drugs are sold or dispensed, in

1 violation of any provisions of the Bill, 1 inspection and
 2 shall be subject to inspection, registration and annual licence by the Council. 2 registration of
 3 (2) A Pharmaceutical inspection officer appointed by the Council 3 pharmacist
 4 in the course of his duty and on production of his identity card if so 4
 5 private hospital, clinic or healthcare institution where drugs are dispensed 4
 6 requested, may- 4
 7 (3) The Council may grant exemptions on the application of 5
 8 (a) open and examine while in the premises any container or 5
 9 package which he reasonably believes may contain anything which may 6
 10 pharmaceutical services in underwritten areas of such areas as the Council 7
 11 help in his investigation; 7
 12 (b) examine any book, computer, document, prescription, register 8
 13 of poison or dangerous drugs or other records, electronic or printed found on 9
 14 the premises which the pharmaceutical inspection officer reasonably 10
 15 believes may contain any information relevant to the enforcement of the Bill 11
 16 and make copies thereof or extracts from it. 12
 17 (3) A registered pharmacist shall be entitled to practice as a 13
 18 pharmacist in any part of Nigeria provided he is licensed to practice. 14
 19 (1) A person admitted to membership of the Pharmacy profession 15
 20 in Nigeria under the provisions of this Bill may be regarded as- 16
 21 (a) a provisional member or 17
 22 (b) a member. 18
 23 (3) A person shall be entitled to be enrolled as a provisional member 19
 24 of the profession if he- 20
 25 (a) has completed a degree course of study in a Faculty of Pharmacy 21
 26 in a recognised university; 22
 27 (b) has submitted a written application in the form prescribed by the 23
 28 Council and has paid the prescribed registration fee; 24
 29 (c) has sworn to the pharmacist oath; 25
 30 (d) is of good character. 26
 31 (4) A person operating any pharmaceutical business on any 27
 32 premises has a duty to provide information on the owner when requested by 28
 33 an inspector and to produce to the inspector all books kept in accordance 29
 34 with this Bill. (1) meets any other requirements for registration as a provisional 30
 35 member of the profession as may be prescribed by the Council;

Inspection and
registration of
hospital
pharmacies

1 33.- (1) Pharmacies in both public and private hospitals and clinics
2 shall be subject to inspection, registration and annual licensure by the Council.

3 (2) There shall be a Superintendent Pharmacist in every public or
4 private hospital, clinic or healthcare institution where drugs are dispensed.

5 (3) The Council may grant exemptions on the application of
6 subsections (1) and (2) of this section or prescribe supervisory roles to cover
7 pharmaceutical services in underserved areas, on such terms as the Council
8 may prescribe.

9 PART VI - REGISTRATION OF PHARMACISTS

Registration of
Pharmacists

10 34.- (1) A person shall not hold any appointment as a Pharmacist or
11 practice as a Pharmacist in Nigeria unless he is registered and licenced with the
12 Council under the provisions of this Bill.

13 (2) A registered Pharmacist shall be entitled to practice as a
14 Pharmacist in any part of Nigeria provided he is licenced to practice.

Registration of
provisional
member or member

15 35.- (1) A person admitted to membership of the Pharmacy profession
16 in Nigeria under the provisions of this Bill may be registered as-

17 (a) a provisional member; or

18 (b) a member.

19 (2) A person shall be entitled to be enrolled as a provisional member
20 where he-

21 (a) has completed a degree course of study in a Faculty of Pharmacy
22 in a recognized University;

23 (b) has submitted a written application in the form prescribed by the
24 Council and has paid the prescribed registration fee;

25 (c) has sworn to the Pharmacist oath;

26 (d) is of good character;

27 (e) has not been convicted in the last ten years in Nigeria or elsewhere
28 of any criminal offence involving fraud or dishonesty; and

29 (f) meets any other requirements for registration as a provisional
30 member of the profession as may be prescribed by the Council;

(3) A person shall be entitled to be registered as a member of the profession if in addition to holding the qualifications and satisfying all the conditions set out in subsection (2) of this section; he-

(a) has submitted a written application in the form prescribed by the Council and paid the prescribed fee for his registration;

(b) has completed the statutory continuous internship training for not less than one year in an institution approved by the Council and has obtained from the approved institution a certificate of experience in that regard;

(c) meets any other requirements for registration as a member of the profession as may be prescribed by the Council.

36. A Nigerian citizen who qualified as a Pharmacist in an approved institution outside Nigeria shall be registered as a Pharmacist under this Bill; where he-

Registration of
Nigerian citizen
who qualified
outside Nigeria

(a) holds a qualification in Pharmacy awarded by an approved or recognized university outside Nigeria which qualification for the time being, is acceptable to the Council for the purposes of this Bill;

(b) holds a certificate of registration as a Pharmacist, acceptable to the Council;

(c) has completed in Nigeria the statutory internship course of training and obtained certificate specified in section 35 (3) (b) of this Bill (where applicable);

(d) has received instructions in Pharmacy for a period specified by the Council in an institution in Nigeria approved by the Council for the purpose, and has passed such examinations as the Council may prescribe, including an examination in Forensic Pharmacy;

1 prescribed form and paid the prescribed fee for his registration; and

2 (h) meets any other requirements for registration as a member of the
3 profession as may be prescribed by the Council.

Registration of
non-Nigerian
Pharmacists

4 37.-(1) A person who is not a citizen of Nigeria may be registered as a
5 Pharmacist under this Bill if the country of which he is a citizen grants
6 reciprocal registration facilities to Nigerian citizens and where he-

7 (a) holds a requisite qualification recognized by the Council;

8 (b) has passed the Council's examination in law and ethics governing
9 the practice of Pharmacy in Nigeria and such other examinations as the Council
10 may prescribe;

11 (c) has acquired the requisite experience in accordance with section
12 34(3)(b) of this Bill;

13 (d) has been resident in Nigeria for not less than twelve calendar
14 months immediately preceding the date of his application for registration; and

15 (e) meets all other requirements for registration as may be prescribed
16 by the Council.

17 (2) An applicant applying for registration under this section shall in
18 addition to evidence of qualification, satisfy the Council that he-

19 (a) is of good character;

20 (b) has not been convicted in the last ten years in Nigeria or elsewhere
21 of any criminal offence involving fraud or dishonesty;

22 (c) submits a duly completed application in writing in the prescribed
23 form; and

24 (d) has paid the prescribed fee for registration.

Payment of
practicing fees

25 38.-(1) No person shall practice as a Pharmacist in any year unless he
26 has paid to the Council the appropriate practicing fees prescribed by the
27 Council which shall be due in January of each year as prescribed by the
28 Council.

29 (2) The Council shall disburse or distribute the aggregate amount
30 collected as practicing fees as follows-

1 (a) 70 percent to the Pharmaceutical Society of Nigeria; and

2 (b) 30 percent to the Council.

3 (3) A Pharmacist with at least forty years post registration
4 experience or who has attained the age of sixty-five years is exempted from
5 the payment of practicing fees.

6 (4) A registered Pharmacist who fails to pay the prescribed
7 practicing fee by 31st day of March of every year shall in addition to the fee,
8 pay a fine of a sum which is equivalent to fifty percent of the applicable fee
9 within the year.

10 (5) A registered Pharmacist who has paid his practicing fee in any
11 year as prescribed in subsection (1) of this section or who is exempted from
12 payment of practicing fee under subsection (3) of this section, shall be
13 entitled to a practicing licence for that year authorizing him, subject to any
14 enactment or regulation in force applicable to him to-

15 (a) import, export, mix, compound, prepare, dispense, sell, procure
16 and distribute drugs and poisons, herbal medicines, veterinary drugs and
17 health supplements, chemicals and home use Invitro Diagnostics (IVDs);

18 (b) monitor pharmaceutical products;

19 (c) perform other duties related to-

20 (i) Drug Utilization Review (DUR);

21 (ii) Pharmaceutical Care (PC);

22 (iii) Collaborative Drug Therapy Management (CDTM); and

23 (d) any other pharmaceutical activities.

24 (6) The Council may from time to time, vary the practicing fees
25 prescribed in subsection (1) of this section provided that any variation of the
26 practicing fee shall not come into force unless confirmed at the Annual
27 General Meeting of the Pharmaceutical Society of Nigeria.

28 PART VII - TRAINING AND INTERNSHIP OF PHARMACISTS

29 39.-(1) No Institution shall award any degree in pharmacy unless
30 such Institution and the Course of study are approved by the Council.

Approval of
institutions and
pharmacy degree
courses, etc.

1 (2) The Council may approve-

2 (a) any course of training intended for persons seeking to become or
3 who are already Pharmacists and which in the opinion of the Council is
4 designed to confer appropriate knowledge and skills; and

5 (b) any qualification with attendant course content which in the
6 opinion of the Council affords the candidate sufficient knowledge and skill to
7 practice as Pharmacist.

8 (3) The Council may withdraw any approval given under subsection
9 (1) of this section in respect of any course, qualification or institution provided
10 that before such approval is withdrawn, the Council shall-

11 (a) give notice of such proposed withdrawal to the affected
12 institution;

13 (b) give the institution an opportunity of make representation to the
14 Council in respect of the proposed withdrawal; and

15 (c) take into account any representations made to it pursuant to
16 paragraph (b) of this subsection as regards the proposed withdrawal.

17 (4) A course, qualification or an institution shall not be treated as
18 approved under this section during any period that the approval is withdrawn
19 by the Council under this section.

20 (5) The withdrawal of an approval under subsection (3) of this
21 section shall not prejudice the registration or eligibility for registration of any
22 person who by virtue of the approval was registered or was eligible for
23 registration either unconditionally or subject to obtaining a certificate of
24 experience as an intern Pharmacist immediately before the approval was
25 withdrawn.

26 (6) The giving or withdrawal of an approval under this section shall
27 have effect front the date the Council may signify in an instrument and the
28 Council shall-

29 (a) publish such instrument in the Gazette; and

30 (b) before its publication as foresaid, send a copy of the instrument to

1 the Minister.

2 40.-(1) The Council shall, from time to time, assess the nature of
3 instructions given to persons undergoing professional degree course of
4 training in Pharmacy in an approved Institution.

Supervision and
assessment of
institutions,
instructions and
degree examinations

5 (2) The council may where necessary constitute external assessors
6 or visitation teams to evaluate degree examinations or course of training in
7 approved Institutions.

8 (3) The external assessors or visitation teams shall submit a report
9 to the Council on the approved institution visited and the report may
10 disclose-

11 (a) the adequacy of the instructions given to persons attending the
12 degree course of training in Pharmacy or the facilities for such instructions;

13 (b) the adequacy of the professional Pharmacy degree
14 examinations; and

15 (c) any other matter relating to the institutions and examinations on
16 which the Council may, either generally or in particular direct;

17 (d) provided that external assessors or visitation team shall not in
18 the performance of its functions under this section interfere with the holding
19 of any degree examination.

20 (4) The Council may, on the receipt of a report made under this
21 section by a visitation team or external assessors, demand for a clarification
22 from the institution visited where necessary.

23 41.-(1) A person seeking to undergo training as an intern
24 Pharmacist under this Bill shall-

Intern Pharmacists
trained in Nigeria

25 (a) be a graduate and have received a first degree in Pharmacy from
26 a recognized University approved by the Council; and

27 (b) be duly registered as a provisional member.

28 (2) An intern Pharmacist shall within six weeks of commencing his
29 training as an intern notify the Council in the prescribed form of the-

30 (a) identity of the institution approved by the Council, where he is

1 undergoing his internship;

2 (b) particulars of the registered Pharmacist approved by the Council
3 to supervise his work; and

4 (c) date when the internship commenced.

5 (3) An intern Pharmacist shall as soon as any change in the particulars
6 mentioned in subsection (2) (a) and (b) of this section occurs, notify the
7 Council of the change.

8 (4) One year period of internship training shall be calculated from the
9 date of the notification referred to in subsection (2) of this section.

10 (5) An Intern Pharmacist, after the one year internship training shall
11 be required to pass a pre-registration examination to qualify for full registration
12 as a pharmacist.

Approval of
institutions for
internship
placement

13 **42.**-(1) An Institution or Facility shall not be used for internship
14 placement for the purposes of section 39 of this Bill, unless approved by the
15 Council in writing.

16 (2) The Council shall approve an institution for the purpose of
17 subsection (1) of this section where it is satisfied that-

18 (a) the Institution or facility provide a conducive environment to the
19 learning of the practice of Pharmacy by intern Pharmacists; and

20 (b) all intern Pharmacists undergoing the training at the institution at
21 any particular time are exposed to all facets of the practice of Pharmacy
22 available at the institution or facility.

23 (3) The Council may make rules or guidelines for Internship
24 placement.

Supervision of
Intern Pharmacists

25 **43.** An intern Pharmacist in an approved institution under section 40
26 (1) of this Bill shall be under the direct supervision of a licensed Pharmacist
27 who must have practiced for such a period as Council may specify by
28 regulations.

29 (2) A Pharmacist serving as a supervisor of an intern Pharmacist shall
30 notify the Council in the prescribed form of the date of commencement of the

1 internship by the intern Pharmacist.

2 PART VIII - TRAINING AND REGISTRATION OF PHARMACY TECHNICIANS

3 44.-(1) No Institution shall award Pharmacy Technician certificate
4 unless such Institution and the Course of study are approved by the Council.

Training and
registration of
pharmacy
Technician

5 (2) A person shall not be qualified to work as a Pharmacy
6 Technician in any part of the Federation unless he is duly registered and
7 issued with an annual permit by the Council as a Pharmacy Technician.

8 (3) A person shall not be registered by the Council as a Pharmacy
9 Technician unless he as-

10 (a) undergo a course of training for Pharmacy Technicians in a
11 School of Health Technology or any other institution approved by the
12 Council;

13 (b) been converted from pharmacy assistant to Pharmacy
14 Technician before the commencement of this Bill or holds a certificate
15 issued by a recognized Institution approved by the Council; or

16 (c) undergone a course of training in a foreign institution
17 recognized by the Council for a specified period of time and has also
18 undergone a mandatory six months orientation programme in a School of
19 Health Technology or any other Institution recognised by the Council for
20 that purpose.

21 (4) A person who is registered as a Pharmacy Technician under
22 subsection (2) of this section shall work under the direct supervision and
23 control of a registered Pharmacist.

24 (5) A supervising Pharmacist shall not assign to a Pharmacy
25 Technician any duty which is required under the provision of this Bill to be
26 performed only by a Pharmacist.

27 (6) A person who does not possess the qualifications specified in
28 subsection (2) of this section or who has not registered as a pharmacy
29 technician or deemed to have been so registered, shall not work or perform

1 any duty as a pharmacy technician at any place of work in any part of Nigeria.

2 (7) A person shall not-

3 (a) use or bear the title "Pharmacy Technician" in connection with any
4 work or duty performed by him at any place of work in any part of Nigeria, if he
5 is not registered as a Pharmacy Technician in accordance with the provisions of
6 this Bill;

7 (b) use or bear the title "Pharmacy Technician" in connection with his
8 work or duty, in circumstances likely to suggest that he possesses any of the
9 qualifications specified in subsection (2) of this section for Pharmacy
10 Technicians but that person does not in fact possess or to suggest that he has
11 been registered or deemed to be registered as a Pharmacy Technician under this
12 Bill, when in fact he is not so registered; and

13 (c) work as a Pharmacy Technician in any year unless he has paid in
14 respect of that year the prescribed annual permit renewal fee before 31st day of
15 March.

16 (8) Any person who violates the provisions of subsection (5) and (6)
17 of this section commits an offence and shall be liable on conviction to a term of
18 imprisonment for 2 years or a fine of N500,000 or to both such fine and
19 imprisonment.

20 PART IX - PROFESSIONAL DISCIPLINE

Establishment
of disciplinary
tribunal

21 45.-(1) There shall be a tribunal to be known as the Pharmacy Council
22 of Nigeria Disciplinary Tribunal (hereinafter referred to as the "Tribunal")
23 which shall be charged with the responsibility of considering and determining
24 any case referred to it by the Investigating Panel established under section 46 of
25 this Bill.

26 (2) The Tribunal shall consist of the Chairman of the Council and six
27 other members appointed by the Council.

Establishment
of an investigating
panel

28 46.-(1) There shall be a body to be known as the Pharmacy Council of
29 Nigeria Investigating Panel (hereinafter referred to as the "Investigating
30 Panel") charged with the following responsibilities-

1 (a) conducting a preliminary investigation into any case where it is
2 or Provisional member has committed an act in that capacity amounting to a
3 professional misconduct or infamous conduct in a professional respect, or
4 should for any other reason be the subject of proceedings before the
5 Tribunal; and

6 (b) deciding whether the case should be referred to the Tribunal.

7 (2) The Panel shall be appointed by the Council and shall consist of
8 four members of the Council and one other person who is not a member of
9 the Council, but who shall be a registered Pharmacist appointed by the
10 Council.

11 (3) The provisions of the second Schedule to this Act applies to the
12 Investigating Panel and the Tribunal respectively.

13 (4) Without prejudice to the foregoing provisions of this section,
14 the Council shall make regulations for the discipline of pharmacy
15 technicians and medicine Vendors when necessary.

16 47.- (1) For the purposes of this Part, professional misconduct or
17 infamous conduct in a professional respect include -

Meaning of
provisional
misconduct or
infamous conduct

18 (a) the publication or circulation of false, misleading or deceptive
19 statements concerning the practice of pharmacy;

20 (b) divulging or revealing to unauthorized persons, a patient or
21 another practitioner's information, or the nature of professional pharmacy
22 services rendered, without the patient's express consent, or without order or
23 direction of a court;

24 (c) selling, giving away, or disposing of accessories, chemicals,
25 drugs, medicines or devices which have been obtained illegally, when the
26 pharmacist knows or ought to have known of their having been obtained
27 illegally or their intended use in illegal activities;

28 (d) manufacturing, importing, exporting, procuring,
29 compounding, mixing, preparing, dispensing, selling, distributing of
30 medicines, chemicals, drugs, poisons, devices or accessories in an

1 (b) where an appeal under subsection (5) of this section is brought
2 against the direction, but it is withdrawn or struck out for want of prosecution,
3 from the date of the withdrawal or striking out of the appeal; or

4 (c) where such an appeal is brought and is not withdrawn or struck out
5 as aforesaid, if and when the appeal is dismissed.

6 (6) A person whose name is struck out of any register kept under this
7 Bill or suspended from practice in pursuance of a direction of the tribunal shall
8 not be entitled to be re-registered in that register or reinstated to practice,
9 except in pursuance of a direction given by the Tribunal or the Appellate Court.

10 (7) A Pharmacist who in respect of any year practices the profession
11 without paying his annual practicing fee commits a misconduct and shall be
12 liable-

13 (a) in the case of a first offender, to a fine of twice the prescribed
14 practicing fee;

15 (b) in the case of a second or subsequent offender, to a fine of not less
16 than ten times the prescribed practicing fees, and if the Pharmacist is in the
17 employment of any person, the employer shall be guilty of an offence
18 punishable in the like manner as the Pharmacist where it is proved that the
19 Pharmacist's failure to pay the prescribed fees was with the knowledge,
20 consent or connivance of the employer.

When a person
shall be treated
as convicted

21 49. For the purposes of section 48(1)(b) of this Bill, a person shall not
22 be treated as convicted unless as at the time the conviction is subsisting, the
23 time stipulated for appeal has lapsed and no appeal is pending in an appellate
24 court.

When a person
is deemed to
practice as a
Pharmacist

25 50. For the purpose of this Bill, a person shall be considered to
26 practice as a pharmacist if he-

27 (a) engages himself in the practice of pharmacy or holds himself out
28 to the public as a pharmacist;

29 (b) renders professional service or assistance in or about matters of
30 principle or detail relating to pharmacy; or

1 (c) renders any other service which may, by regulations made by
2 the Council, be designated as service constituting practice as a licensed
3 pharmacist.

4 51. Criminal proceedings shall not oust the jurisdiction of the
5 Disciplinary Tribunal from determining any case of misconduct or infamous
6 conduct in a professional respect.

The jurisdiction
of the disciplinary
tribunal

7 PART X - OFFENCES AND PENALTIES

8 52.-(1) Any person who knowingly makes a false statement for the
9 purpose of procuring the registration of any name, premises, qualification or
10 any other matter under this Bill, commits an offence.

General offences

11 (2) A person who is not a registered pharmacist, an intern-
12 pharmacist, pharmacy technician, satellite medicines facilities, vendor or
13 pharmaceutical representative under this Bill, but practices as such or holds
14 himself out as being so registered and entitled to practice in that capacity
15 whether for reward or not, or takes or uses any name, title, addition or
16 description implying that he is so registered and authorized by law to so
17 practice, commits an offence under this Bill.

18 (3) A person convicted of any offence under this section is liable
19 on-

20 (a) conviction in the case of subsection (1) of this section, to a fine
21 of not less than N500,000.00 or to a term of imprisonment not exceeding one
22 year or to both; or

23 (b) conviction in the case of subsection (2) of this section, to a fine
24 of not less than N1,000,000.00 or to a term of imprisonment not exceeding
25 two years, or to both.

26 (4) A body corporate that violates the provisions of this section
27 commits an offence and is liable on-

28 (a) conviction in the case of subsection (1) of this section, to a fine
29 of not less than N2,000,000.00 and the directors or principal officers of the
30 body corporate shall be liable to a fine of not less than N250,000.00 or to a

1 term of imprisonment not exceeding two years or to both; or

2 (b) conviction in the case of subsection (2) of this section, to a fine of
3 not less than N5,000,000.00 and the directors or principal officers of the body
4 corporate shall be liable to a fine of not less than N500,000.00 or to a term of
5 imprisonment not exceeding three years or to both.

6 (5) Where an offence under this Bill which has been committed by a
7 body corporate is proved to have been committed with the consent, connivance
8 or collusion of or to be attributable to any neglect on the part of a director,
9 manager, secretary or any other similar officer of the body corporate or any
10 person who was purporting to act in any such capacity, he, as well as the body
11 corporate shall be guilty of that offence and shall be liable to be proceeded
12 against and punished accordingly.

13 (6) In relation to a body corporate carrying on pharmacy business,
14 subsection (4) of this section shall have effect as to a person who not being an
15 officer of the body corporate at the time of the commission of the offence-

16 (a) is the superintendent pharmacist; or

17 (b) at any premises where the business is carried on, is the pharmacist
18 who acts under the directions of the superintendent pharmacist;

19 © as if he were such an officer of the body corporate as is mentioned in
20 preceding subsection.

21 **53.** Any person who-

22 (a) obstructs, resists, or attempt to obstruct or resist a Pharmaceutical
23 Inspection Officer in the execution of his duty under this Bill;

24 (b) makes any statement to a Pharmaceutical Inspection Officer in the
25 course of his duties which that person knows or has reasonable cause to believe
26 to be false or misleading;

27 (c) without the authority of the Pharmaceutical Inspection Officer
28 removes, alters or interferes in anyway with any article seized under this Bill;

29 (d) breaks the Council's seal or lock, commits an offence and is liable
30 on conviction to a fine of N2,000,000.00 or to a term of two years

Obstruction of
a pharmaceutical
inspection officer
and breaking of
seal

1 imprisonment or to both.

2 54.-(1) Any person or body corporate that owns, operates,
3 maintains, establishes or has charge of either alone or with another person or
4 persons, a pharmacy which is not registered under the provisions of this
5 Bill, commits an offence and is liable on conviction to a fine of N2,500,
6 000.00 or two years imprisonment or both.

Operating a
pharmacy without
registration

7 (2) Any person or body corporate that owns, operates, maintains,
8 establishes or has charge of, either alone or with another person or persons, a
9 pharmacy in which a person not licensed as a pharmacist or not registered as
10 an intern pharmacist or in which an intern pharmacist who is not acting
11 under the direct and immediate personal supervision of a licensed
12 pharmacist fills, compounds, or dispenses any prescription or dispenses
13 medicines, drugs or poison commits an offence and is liable on conviction
14 to a fine of N2,500,000.00 or two years imprisonment or both.

15 (3) Any person or body corporate that owns, operates, maintains,
16 establishes or has charge of either alone or with another person or persons a
17 Satellite Medicine Facilities outlet or Patent and Patent Medicines Vendors
18 Shop which is not registered under the provisions of this Bill commits an
19 offence and is liable on conviction to a fine of N500,000.00 or to a term of
20 imprisonment not less than 6 months or both.

21 (4) Any person who knowingly and with intent to defraud-

22 (a) makes a false or fraudulent claim, either for himself or another
23 person, in any application, affidavit or statement presented to the Council or
24 any proceeding before the Council; or

25 (b) fills, compounds or dispenses prescriptions or medicines
26 without holding a valid licence as a pharmacist or not registered as an intern
27 Pharmacist or is an intern not acting under the direct and immediate personal
28 supervision of a licensed pharmacist; commits an offence and is liable on
29 conviction to a fine of N250,000.00 or one year imprisonment or both.

General penalty 1 55.-(1) Any person who commits an offence under this Bill for which
2 no specific penalty is provided is liable on conviction to a fine of not less than
3 N500,000.00 or to a term of two years imprisonment or both.

4 (2) A body corporate that commits an offence under this Bill for which
5 no specific penalty is provided is liable on conviction to a fine of not less than
6 N2,000,000.00.

Arrest,
investigating
and prosecution
of criminal cases

7 56. Subject to the provisions of the Constitution of the Federal
8 Republic of Nigeria, 1999 (as amended) and the Administration of Criminal
9 Justice Act, a Police officer or other relevant law enforcement agencies shall
10 have power under this Bill to-

11 (a) arrest and investigate offenders; or

12 (b) prosecute cases.

Seizure

13 57.-(1) Any medicines, drugs, poisons or other articles sold, offered
14 for sale, stocked or dispensed in violation of any provisions of this Bill may be
15 seized by the Council.

16 (2) Whenever Medicines, drugs, poisons or other articles are seized
17 under any of the provisions of this Bill, the Council may-

18 (a) place the Medicines, drugs, poisons or other articles under seal; or

19 (b) remove the Medicines, drugs, poisons or other articles to a place
20 designated by the Council.

Forfeiture of
drugs, medicines,
poison etc.

21 58.-(1) Medicines, drugs, poisons or other articles seized under this
22 Bill shall be forfeited to the Federal Government of Nigeria and shall be free of
23 any encumbrances.

24 (2) Any drug, medicine, poison or other articles seized by the Council
25 in accordance with the provisions of this Bill shall be forfeited to the Federal
26 Government and shall be dealt with in such manner as the Minister may, from
27 time to time determine.

28 PART XI - ETHICAL AND DANGEROUS DRUGS

Storage and
supply of ethical
or dangerous drugs

29 59.-(1) No ethical drugs shall be stored, supplied, sold, offered to be
30 sold or dispensed by any person unless under the direct supervision of a

1 licensed pharmacist.

2 (2) No person shall store, supply, sell or dispense dangerous drugs
3 unless-

4 (a) he is a licensed pharmacist;

5 (b) the drug is in a container of the prescribed description; and

6 (c) the container bears a label indicating the prescribed particulars
7 of its contents.

8 (3) Where a drug is supplied on prescription, the supplier of the
9 drug shall-

10 (a) enter on the prescription in indelible writing, the-

11 (i) date on which the drug is supplied; and

12 (ii) name and address of the supplier; and

13 (b) if the drug is fully dispensed, make entry in a manner as to be
14 readily available for inspection.

15 60.-(1) A person who supplies dangerous drugs shall keep on the
16 premises from where he supplied the drugs, a book of the prescribed
17 description to be known as the "Dangerous Drugs Record"

Dangerous drugs
record

18 (2) Before a person supplies dangerous drugs, he shall record in the
19 Dangerous Drugs Record the-

20 (a) name and quantity of the drug to be supplied;

21 (b) name, and address, signature or thumbprint of the person to
22 whom it is supplied;

23 (c) signature of the person who supplied the drug; and

24 (d) date of supply.

25 61. A pharmacist shall not dispense dangerous drugs, except
26 under a prescription issued by a licensed medical practitioner, dentist or
27 veterinary practitioner.

Control of
dispensing of
dangerous drugs

28 62. -(1) A person shall not mix, compound, prepare or supply
29 restricted drug unless that person is a registered pharmacist or a licensed
30 company under the supervision of a pharmacist.

Preparation of
restricted drugs

1 (2) The provisions of subsection (1) of this section shall not apply to
2 the mixing, compounding or preparing of a dangerous drug by a student under
3 the supervision of a pharmacist.

4 PART XII - MISCELLANEOUS

Jurisdiction
5 63. The Federal High Court shall have the jurisdiction to hear and
6 determine criminal and civil matters under this Bill.

Regulations,
rules and guidelines
7 64.-(1) The Council may, with the approval of the Minister, make
8 regulations, rules and guidelines as may be required to give effect to the
9 provisions of this Bill.

10 (2) Without prejudice to the generality of the provisions of subsection
11 (1) of this section, the Council may make rules, guidelines and regulations for
12 the purpose of-

13 (a) ensuring the ethical sales, dispensing, distribution, importation,
14 exportation, compounding, warehousing, manufacture of drugs, medicines,
15 drugs and poisons, operations of pharmacy technicians, medicine vendors and
16 such other persons as may be approved by the Council;

17 (b) training of pharmacists, pharmacy technicians and Patent
18 medicines vendors;

19 (c) supervision and regulation of the engagement, training and
20 transfer of such persons;

21 (d) prescribing the type of licence to be issued annually under this
22 Bill to a person to practice as an intern pharmacist or pharmacy technician and
23 operating premises; or, where the Council considers fit, for the annual renewal
24 of the licence to be done by endorsement of the renewal on an existing licence;

25 (e) restricting the right of practice as a pharmacist or operating a
26 premises where there is a default of payment of the amount of the annual
27 subscription and the default continues for longer than such period as may be
28 prescribed by the rules;

29 (f) restricting the right of practice as a pharmacist where the
30 qualification granted outside Nigeria does not entitle the holder to practice as a

1 pharmacist in Nigeria;

2 (g) prescribing the form and manner of the inspection of premises
3 where medicines, pharmaceutical raw materials are kept, stored, sold or
4 manufactured;

5 (h) reviewing all categories of pharmacy practice from time to
6 time;

7 (i) prescribing the procedure for maintaining and filing with the
8 Council within two months of the publication of the result of the final
9 examination conducted by a School of Health Technology or any other
10 Institution approved by the Council for persons seeking to qualify as
11 pharmacy technician including the list of the candidates who are successful
12 at the examination;

13 (j) regulating all forms of manufacturing, compounding, storage,
14 sale, dispensing, distribution, importation or exportation of drugs, poisons,
15 medicines, herbal medicines, food supplements, nutraceuticals, veterinary
16 drugs and pharmaceuticals or by whatever name described;

17 (k) prescribing the requirement of re-certification as a condition
18 for the retention of the name of registered Pharmacists, Pharmacy
19 Technicians and Medicine Vendors in the register or conditions for renewal
20 of the practicing license of a registered pharmacist, Pharmacy Technicians
21 and Medicine Vendors; or

22 (l) supervision and regulation of Pharmacy Technicians and
23 restriction of the work of any Pharmacy Technician in default where such
24 defaults continue longer than that prescribed by the rules.

25 (m) regulating the grant, renewal, restoration, endorsement,
26 revocation, suspension, cancellation, withdrawal of licence

27 (n) prescribing the procedures for changes, variations and
28 modification of licence.

29 (3) The power to make regulations, rules and guidelines under

1 subsections (1) and (2) of this section shall not be exercised in the absence of
2 the Council.

3 (4) Any Regulation, rule or guideline made under this Bill shall be
4 published in the Gazette.

Duty of Deans
to furnish Registrar
details of pharmacy
students in
training

5 65. It shall be the duty of the dean of each faculty of pharmacy
6 approved by Council in any University in Nigeria to furnish to the Registrar-

7 (i) not later than 31st of March in every year a list of the names and
8 such other particulars as the Council may by order specifying of all persons
9 who are registered as pharmacy students in that faculty during the academic
10 session;

11 (ii) with the list of candidates successful at the final pharmacy degree
12 examination immediately after the release of the result.

Pre-action notice

13 66.-(1) No suit shall be commenced against the Council before the
14 expiration of a period of one month after a written notice of intention to
15 commence the suit had been served on the Council by the intending plaintiff or
16 his agent and the notice shall clearly state the-

17 (a) the cause of action;

18 (b) the particulars of the claim;

19 (c) the name and place of abode of the intending plaintiff; and

20 (d) relief which he claims.

21 (2) The notice referred to in subsection (1) of this section and any
22 summons, notice or other document required or authorized to be served on the
23 Council under this Bill or any other law, may be served by-

24 (a) delivering it to the abode of the intending plaintiff; or

25 (b) sending it by registered post addressed to the Registrar at the Head
26 Office of the Council.

Restriction on
execution against
property of the
Council

27 67. In any action or suit against the Council, no execution shall be
28 levied or attachment process issued against the Council unless not less than 30
29 days' notice of the intention to execute or attach has been given to the
30 Council.

1 68. A member of the Council, Registrar, officer or employee of the
2 Council shall be indemnified out of the assets of the Council against any
3 proceedings brought against him in his capacity as a member of the Council,
4 Registrar, officer or employee of the Council where the act complained of is
5 not ultra vires his powers.

Indemnity of
officers of the
Council

6 69.-(1) The Pharmacists Council of Nigeria Act, Cap P17, Laws of
7 the Federation of Nigeria, 2004, (in this Act referred to as "the repealed
8 Act") is repealed.

Repeal and
savings

9 (2) Notwithstanding the provisions of subsection (1) of this
10 section-

11 (a) any person who is registered and all regulations and
12 amendments made under the repealed Act shall be deemed to have been
13 made under this Bill;

14 (b) any register kept in pursuance of the repealed Act shall be
15 deemed to be part of the register kept under this Bill;

16 (c) any document referring to the provisions of the former Acts
17 shall be construed as referring to the corresponding provisions of this Bill;

18 (d) any direction, orders and appointments lawfully given, made or
19 other acts done under the repealed Act and in force immediately before the
20 commencement of this Bill, shall be deemed to have been given, made or
21 done under this Bill and shall have effect accordingly;

22 (e) any person who immediately before the commencement of this
23 Bill held appointment as an employee of the Council shall on the
24 commencement of this Bill be deemed to have been deployed to the Council
25 as an employee without further assurance; and

26 (f) all property held by or on behalf of the Council immediately
27 before the commencement of this Bill, shall on the commencement of this
28 Bill be deemed to have been vested in the Council without further assurance.

29 70.-(1) The Poisons and Pharmacy Act, Cap 535, Laws of the
30 Federation of Nigeria, 1990 shall be read with such modifications as are

Adaptation of
the poisons and
pharmacy Act

1 necessary to bring it into conformity with the provisions of this Bill.

2 (2) Where the provisions of the Poisons and Pharmacy Act are
3 inconsistent with the provisions of this Bill, the provisions of this Act shall
4 prevail and the provisions of the Poisons and Pharmacy Act shall to the extent
5 of the inconsistency be void in relation to matters provided for under this Bill.

Interpretation

6 71. In this Bill-

7 "Approved" means approved by the Council;

8 "Article" includes-

9 (a) any drug, poison, medicine or medical consumables;

10 (b) anything used for the manufacture, preparation, preservation,
11 packaging or storing of any drug poison or medical device;

12 (c) any labeling or advertising material relating to or for use in
13 connection with any drug, poison or medical device;

14 (d) records and books required to be kept under this Bill; or

15 (e) electronic records, receipts, invoices and other relevant
16 documents;

17 "Associate Member" mean students in accredited Faculties or Schools of
18 Pharmacy;

19 "CDTM" Collaborative Drug Therapy Monitoring, this is a team approach to
20 healthcare delivery, that seeks to maximize the expertise of the pharmacist and
21 the physician in order to achieve optimal patient care outcomes through
22 appropriate medication use and enhanced patient care services;

23 "Chain Retail Pharmacy" means a number of registered pharmaceutical
24 premises as specified by regulation bearing same name engaged in retail
25 pharmaceutical practice and owned by body corporate or pharmacist;

26 "Community Pharmacy" is a health care facility that provides pharmaceutical
27 services to people in a local area or community;

28 "Council" means the Pharmacy Council of Nigeria established under section 1
29 of this Bill;

30 "Court" means the Federal High Court;

1 "Dangerous Drugs" means any drug to which the provisions of Dangerous
2 Drugs Act apply;

3 "Disciplinary Tribunal" means the Pharmacy Council of Nigeria
4 Disciplinary Tribunal established under this Bill;

5 "Dispensing" means to prepare, to count out, measure or decant from a bulk
6 supply, or mix, or dissolve, or disperse, and dispose the drug, for gain or
7 otherwise for the treatment of a particular person or animal but does not
8 include the actual administration of the drug;

9 "Doctor's Emergency Medicine Kit" means drug for patients' immediate
10 use; for a period not exceeding 24 hours, and contained in a standard leather
11 briefcase;

12 "Drugs or medicines" include any substance of vegetable, animal or mineral
13 origin or any preparation or mixture, which is used for internal or external
14 application in-

15 (a) the diagnosis, treatment, mitigation or prevention of any
16 disease disorder, abnormal physical state, or the symptoms thereof, in man
17 or in animals;

18 (b) restoring, correcting or modifying organic functions in man or
19 in animals;

20 (c) disinfection, or the control of vermin, insects or pests, or

21 (d) contraception.

22 "DUR" means Drug Utilization Review Process of a comprehensive review
23 of medication profile by a pharmacist;

24 "Ethical Drugs" means drugs or medicines dispensed under the direct
25 supervision of a licenced Pharmacist"

26 "Emergency Drugs" are medications for immediate use within a period of 24
27 hours as specified by the prescriber

28 "Emergency Tray" means a standard array of listed emergency and
29 lifesaving drugs specifically laid out and replenished only in hospital;

30 "Fees" include annual subscription, practicing fee, registration fees,

- 1 renewal fees, inspection fees;
- 2 "Forensic Pharmacy" means study of pharmacy and drug laws as well as the
3 application of pharmaceutical sciences and practice to legal matters;
- 4 "GMP" with reference to the functions of the Council is limited to the
5 inspection of pharmaceutical facilities for the purposes of licensure and
6 revalidation of such licences;
- 7 "GPP" means Good Pharmaceutical practice in accordance with best global
8 practices;
- 9 "Hospital Pharmacy" is the department, section or unit of the hospital or clinic
10 that manage the procurement, storage, preservation, packaging, sterilization,
11 compounding, preparation, dispensing or distribution of medicine in the
12 hospital or clinics;
- 13 "Insanitary Conditions" mean such condition or circumstances that might
14 contaminate any food, drug or cosmetic with dirt or filth or render it injurious to
15 health;
- 16 "Investigating Panel" means the Pharmacy Council of Nigeria Investigating
17 Panel established under this Bill;
- 18 "Label" in relation to any food, drug, cosmetic, medical device or package
19 which includes any legend, word or mark attached to, included in, belonging to
20 or accompanying that food, drug, cosmetic, medical device or package;
- 21 "PPMV" refers to a person whose patent medicines shop has been licenced to
22 stock and sell Class C drugs;
- 23 "Medical Devices and Accessories" used in this Act include needle, syringes,
24 gauze, cotton wools.
- 25 "Members" mean persons with full registration status with Pharmacy Council
26 of Nigeria (PCN);
- 27 "Minister" means the Federal Minister charged with the responsibility for
28 matters relating to Health;
- 29 "OTC" means Over the Counter medicines which may be sold without
30 prescription and include but not limited to non-prescription medicine and

1 invitro diagnostic;

2 "Package" includes anything in which any food, drug, cosmetic or device is

3 wholly or partly contained, wrapped, placed or packed;

4 "Pharmacist" refers to any person who is registered and licensed to engage

5 in pharmacy in Nigeria and whose name is in the register kept for such

6 purpose by Pharmacy Council of Nigeria;

7 "Pharmacy Technician", means a person who has undergone a course of

8 training for Pharmacy Technicians in a School of Health Technology or any

9 other institution approved by the Council, is duly registered and issued with

10 an annual permit by the Council as a Pharmacy Technician Pharmacist;

11 "Pharmaceutical activities" include dispensing, selling, distribution,

12 storage, stocking, wholesaling or manufacturing of drugs and poisons;

13 "Pharmaceutical Inspection Officer" also known as "Pharmaceutical

14 Inspector" and

15 "Pharmaceutical Inspector" refers to a registered Pharmacist appointed or

16 engaged by the Pharmacy Council of Nigeria to carry out inspection on

17 premises where pharmaceutical activities, operations and businesses are

18 carried out;

19 "Pharmaceutical Care" is the responsible provision of drug therapy for the

20 purpose of achieving definite outcomes that improve and sustain a patient's

21 quality of life;

22 "Pharmaceutical Marketing and Representation" means any activity

23 undertaken or organized or sponsored by a company, distributor, or an

24 importer that is promoting the prescription, recommendation, supply, sale or

25 distribution of a pharmaceutical product;

26 "Pharmaceutical sales Representatives" means persons involved in

27 pharmaceutical marketing and representation;

28 "Pharmacy" or any other cognate expression when used in connection with a

29 business carried on any premises shall be deemed to be reasonably

30 calculated to suggest that the owner of the business and the person having

- 1 the control of the business on those premises are registered or ought to be
2 registered under this Bill;
- 3 "Pharmacy Practice" include giving of patient-centred care, provision of drug
4 information, monitoring of drug therapy, discovery and evaluation of drugs,
5 clinical interventions and provision of technical aspects of pharmaceutical
6 services or business such as importation, exportation, mixing, compounding,
7 preparing, dispensing, selling and distribution of drugs and poisons;
- 8 "Poison" includes substances whether natural or synthetic, mixed with other
9 ingredients or not, and whatever restrictions under the provisions of this Bill
10 are placed on any particular poison shall apply to it whether it is unmixed or is
11 contained as an ingredient in some preparation, unless it is contained in one of
12 the preparations specifically exempted from such provisions;
- 13 "POM" Prescription only Medicines, these are medicines which can only be
14 obtained by the general public if they are in possession of a valid prescription;
- 15 "Practicing fee" means payment made by registered members of the profession
16 to Council;
- 17 "Premises" refers to a place approved and registered by the Council for any of
18 the following purposes of dispensing, selling, distribution, storage, stocking,
19 retailing, wholesale, manufacturing, importation, exportation of drugs and
20 poisons, herbal and dietary supplements, scientific offices or any other form of
21 pharmaceutical activities;
- 22 "Prescribed" means prescribed by the regulations;
- 23 "President" means President and Commander-in-Chief of the Federal Republic
24 of Nigeria;
- 25 "Profession" means Pharmacy Profession;
- 26 "Provisional Members" persons with provisional registration status with
27 Pharmacy Council of Nigeria (PCN) and this include non-Nigerians and
28 Nigerian citizens undergoing internship programmes;
- 29 "Register" means any register maintained or required to be maintained in
30 accordance with the provisions of this Bill;

1 "Registrar" means the Registrar appointed under the provisions of this Bill;

2 "Regulation" means rules and regulations made under this Bill;

3 "Restricted Drugs" these are controlled and psychotropic substances as well
4 as any drug to which the provisions of Dangerous Drugs Act apply;

5 "Retention Fees" are annual fees paid for the retention of names of persons
6 or premises in their respective registers;

7 "Satellite Medicine Facility" is a retail medicine facility established through
8 an arrangement with a registered community pharmacy of not less than 5
9 years of existence in Nigeria, for the sole purpose of improving access to
10 quality, safe, efficacious and affordable Pharmaceutical products and
11 services in underserved communities and other areas the Council deems
12 necessary;

13 "Selling" includes offering for sale, hawking for sale and displaying for
14 purpose of sale and in possession for sales or distribution;

15 "Society" means the Pharmaceutical Society of Nigeria;

16 "Superintendent Pharmacist" means a registered and licenced pharmacist
17 who applied for and through whom the registration of the pharmaceutical
18 premises was procured and he exercises direct personal control and
19 management of pharmaceutical activities carried on in the premises.

20 72. This Bill may be cited as the Pharmacy Council of Nigeria Short title
21 (Establishment, Etc.) Bill, 2019.

11 SCHEDULES

2 FIRST SCHEDULE

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 *Proceedings of the Council*

5 (1) Subject to the provisions of this Bill, the Council may make
6 standing orders regulating its proceedings or any of its committees thereof.

7 (2) Questions for determinations shall be decided by a majority of the
8 members present and voting thereon and, in the event of equality of votes, the
9 chairman shall have a second or casting vote.

10 (3) Standing orders made for a committee shall provide for the
11 committee to report to the Council on any matter referred to it by the Council.

12 (4) The quorum of the Council shall be one-third of the members of
13 the Council and the quorum of a committee of the Council shall be fixed by the
14 Council.

15 (5) The Council may invite any person to attend and participate at any
16 of its meetings provided that a person so co-opted shall only be in attendance
17 and shall not count towards the quorum or vote at the meeting.

18 *Meetings of the Council*

19 (1) Subject to the provisions of any standing orders of the Council,
20 the Council shall meet whenever it is summoned by the chairman, and if the
21 chairman is requested to do so, by notice in writing given to him by not less than
22 five other members, he shall summon a meeting of the Council to be held
23 within fourteen days from the date on which the notice is given.

24 (2) At any meeting of the Council, the Chairman shall preside or in his
25 absence, the members present at the meeting, shall appoint one of their
26 members to preside.

27 (3) Where the Council desires to obtain the advice of any person on a
28 particular matter, the Council may co-opt him as a member for such period as
29 the Council thinks fit, but a person who is a member by virtue of this paragraph

1 shall not be entitled to vote at the meeting and shall not count towards the
2 quorum.

3 (4) Notwithstanding anything in the foregoing provisions of this
4 paragraph, the inaugural meeting of the Council shall be summoned by the
5 Minister.

6 Committees

7 3.-(1) The Council may appoint one or more committees to carry
8 out on behalf of the Council such functions as the Council may determine.

9 (2) A Committee appointed under this paragraph shall consist of
10 the number of persons determined by the Council of whom not more than
11 two thirds may be persons who are not members of the Council.

12 (3) A person other than a member of the Council shall hold office
13 on the committee in accordance with the terms of the letter by which he is
14 appointed.

15 (4) A decision of a committee of the Council shall be of no effect
16 until it is confirmed by the Council.

17 Miscellaneous

18 4.-(1) The fixing of the seal of the Council shall be authenticated by
19 the signature of the chairman, the Registrar or any other members of the
20 Council authorized generally or specially by the Council to act for that
21 purpose.

22 (2) Any contract or instrument which, if made or executed by a
23 person not being a body corporate, would not be required to be sealed, may
24 be made or executed on behalf of the Council, by any person generally or
25 specially authorized by the Act, for that purpose by the Council.

26 (3) Any document purporting to be a document duly executed
27 under the seal of the Council shall be received in evidence and shall, unless
28 the contrary is proved, be deemed to be so executed.

29 (4) The validity of any proceedings of the Council or of a
30 committee of the Council shall not be adversely affected by any vacancy in

1 membership of the Council or by any defect in the appointment of a member of
2 the Council or of a person to serve on the committee, or by reason that a person
3 not entitled to do so took part in the proceedings.

4 (5) Any member of the Council and any person holding office on a
5 committee of the Council, who has a personal interest in any contract or
6 arrangement entered into or proposed to be considered by the Council or a
7 committee thereof shall disclose his interest, and shall not vote on any question
8 relating to the contract or arrangement.

9 (6) A person shall not by reason only of his membership of the Council
10 be treated as holding an office in the public service of the Federation.

11 SECOND SCHEDULE

12 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
13 TRIBUNAL AND INVESTIGATING PANEL

14 *The Disciplinary Tribunal*

15 1. The quorum of the Disciplinary Tribunal shall be five members.

16 2. The Attorney General of the Federation shall-

17 (a) appoint an assessor to the Tribunal for the purpose of any
18 proceeding before the Disciplinary Tribunal; and

19 (b) make rules as to the selection of members of the Disciplinary
20 Tribunal for the purpose of any proceeding, the procedure to be followed and
21 the rules of evidence to be observed in proceedings before the Disciplinary
22 Tribunal.

23 3. The Rules made pursuant to paragraph 3 of this Schedule shall in
24 particular provide-

25 (a) for securing that notice of the proceedings shall be given in such
26 time and manner, as may be specified by the rules to the person who is the
27 subject of the proceedings;

28 (b) for determining who, in addition to the person aforesaid, shall be a
29 party to the proceedings;

30 (c) for securing that any party to the proceedings shall, if he so

1 requires, be entitled to be heard by the Disciplinary Tribunal;

2 (d) for securing that any party to the proceedings may be
3 represented by a legal practitioner;

4 (e) for determining the costs of proceedings before the
5 Disciplinary Tribunal;

6 (f) for requiring, in a case where it is alleged that the person who is
7 the subject of the proceedings is guilty of infamous conduct in any
8 professional respect, that where the Disciplinary Tribunal adjudges that the
9 allegation has not been proved it shall record a finding that the person is not
10 guilty of such conduct in respect of the matters to which the allegation
11 relates; and

12 (g) for publishing in the Gazette notice of any direction of the
13 Disciplinary Tribunal which has taken effect providing that a person's name
14 shall be struck off a register.

15 4. For the purpose of any proceedings before the Disciplinary
16 Tribunal, any member of the Disciplinary Tribunal may administer oath and
17 any party to the proceedings may issue out of the registry of the Federal High
18 Court writs of *supoena ad testificandum* and *ducestecum* but no person
19 appearing before the Disciplinary Tribunal shall be compelled to-

20 (a) make any statement before the Disciplinary Tribunal tending to
21 incriminate himself; or

22 (b) produce any document under such a writ which he could not be
23 compelled to produce at the trial of an action.

24 5. For the purpose of advising the Disciplinary Tribunal on
25 questions of law arising in proceedings before it, there shall in all such
26 proceedings be an assessor to the Disciplinary Tribunal who shall be
27 appointed by the Council on the nomination of the Attorney-General of the
28 Federation and shall be a legal practitioner of not less than ten years
29 standing.

30 6. The Attorney-General of the Federation shall make rules as to

1 the functions of assessors appointed under this paragraph and in particular such
2 rules shall contain provisions for securing that-

3 (a) where an assessor advises the disciplinary tribunal on any
4 question of law as to evidence, procedure or any other matters specified by
5 rules, he shall do so in the presence of every party or person representing a party
6 to the proceedings who appear thereat or, if the advice is tendered while the
7 Disciplinary Tribunal is deliberating in private, that every such party or person
8 as aforesaid shall be informed what advice the assessor has tendered; and

9 (b) every such party or person as aforesaid shall be informed if in any
10 case the Disciplinary Tribunal does not accept the advice of the assessor on
11 such a question as aforesaid.

12 *Investigating Panel*

13 7. The quorum of the Investigating Panel shall be three all of whom
14 shall be pharmacists.

15 8. The Investigating Panel may, at any of its meeting attended by all
16 the members of the Investigating Panel, make standing orders with respect to
17 the Investigating Panel.

18 9. Subject to the provisions for any such standing orders, the
19 Investigating Panel may regulate its own procedure.

20 *Miscellaneous*

21 10. A person ceasing to be a member of the Disciplinary Tribunal or
22 the Investigating Panel shall be eligible for appointment as a member of that
23 body.

24 11. A person may, if otherwise eligible, be a member of both the
25 Disciplinary Tribunal and the Investigating Panel; but no person who acted as a
26 member of the Investigating Panel with respect to any case shall act as a
27 member of the Disciplinary Tribunal with respect to that case.

28 12. The Disciplinary Tribunal or the Investigating Panel may act
29 notwithstanding any vacancy in its membership, and the proceedings of either
30 body shall not be invalidated by any irregularity in the appointment of member

1 of that body by reason of the fact that any person who was not entitled to do
2 so took part in the proceedings of that body.

3 13. Any document authorized or required by virtue of this Bill to
4 be served on the Disciplinary Tribunal or the Investigating Panel shall be
5 served on the Registrar.

6 14. Any expenses of the Disciplinary Tribunal or Investigating
7 Panel shall be defrayed by the Council.

8 15. A person shall not by reason of his appointment as an assessor
9 to the Disciplinary Tribunal, be treated as holding an office in the Public
10 Service of the Federation.

EXPLANATORY NOTE

*(This note does not form part of the above Bill but is intended to
explain its purport)*

The Bill seeks to establish the Pharmacy Council of Nigeria charged with the duty, amongst others, of regulating and controlling the education, training and practice of Pharmacy and allied matters in Nigeria.

of the Board of Directors of the National Bank of Commerce, Inc.,

and the Board of Directors of the National Bank of New York, Inc.

1. The Board of Directors of the National Bank of Commerce, Inc.,

is hereby authorized to execute and deliver to the Board of Directors of the National Bank of New York, Inc.,

the following instrument:

2. Any expenses of the National Bank of Commerce, Inc.,

incurred in connection with the execution of this instrument,

shall be paid by the National Bank of Commerce, Inc.,

and the National Bank of New York, Inc., shall be bound to pay the same.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the National Bank of Commerce, Inc.,

EXHIBIT A

This instrument is a copy of the instrument as it appears in the original.

Very truly yours,

The Board of Directors of the National Bank of Commerce, Inc.,

and the Board of Directors of the National Bank of New York, Inc.,

do hereby certify that the foregoing is a true and correct copy of the instrument as it appears in the original.