VETERINARY DRUGS ACT

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VETERINARY DRUGS ACT

CHAPTER 363 [RSBC 1996]

[includes 2014 Bill 19, c. 16 (B.C. Reg. 7/2015) amendments (effective January 19, 2015)]

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(REP) Repealed
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PART 1  Repealed

(REP) 2. to 9. Repealed
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22. to 27. Repealed.  [2003-77-49 (B.C. Reg. 419/2008)]
PART 4 – Prohibitions and Duties

(REP) 28. and 29. Repealed
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(REP) 30. to 32. Repealed
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   30. to 32. Repealed.  [2003-73-6 (B.C. Reg. 419/2008)]

(REP) and 34. Repealed
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   33. and 34. Repealed.  [2003-77-50 (B.C. Reg. 419/2008)]

(REP) Repealed
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   35. Repealed.  [2003-73-6 (B.C. Reg. 419/2008)]

(REP) to 38.1 Repealed
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   36. to 38.1 Repealed.  [2003-77-50 (B.C. Reg. 419/2008)]

Repealed
(REP) 39. (1) to (3) Repealed.  [2003-73-7 (B.C. Reg. 419/2008)]
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(REP) 40. to 43. Repealed
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40. to 43. Repealed. [2003-77-51 (B.C. Reg. 419/2008)]

(REP) 44. to 48. Repealed
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44. to 48. Repealed. [2003-73-8 (B.C. Reg. 419/2008)]
PART 6  Repealed

(REP) 49. to 60. Repealed
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49. to 60. Repealed. [2003-73-9 (B.C. Reg. 419/2008)]
PART 7 – Bylaws, Rules and Drug Schedules

Council bylaws

(1) Repealed. [2003-73-10 (B.C. Reg. 419/2008)]

(2) Repealed. [B.C. Reg. 345/2006]

(3) A bylaw made by the council under subsection (2) (f) may include a requirement that a pharmacist, in relation to every prescription dispensed by that pharmacist, obtain and record on PharmaNet the patient record information specified in the bylaws.

(4) Provisions in a bylaw made under subsection (2) may be different for registrants in different categories or in different specialty practice areas.

(5) A bylaw does not come into force until approved by the Lieutenant Governor in Council.

(6) The Lieutenant Governor in Council must not approve a bylaw under this section unless satisfied that appropriate provision has been made for
   (a) the election of registrants to the council under section 7 (1) (a), and
   (b) each of the matters referred to in section 2 (3).

(2) Repealed


(2) and 64. Repealed

63. and 64. Repealed. [2003-77-53 (B.C. Reg. 419/2008)]
PART 8 – Medicated Feeds and Veterinary Drugs

Definitions

65. In sections 65 to 71:

"animal" means an animal, alive or dead, and includes all living organisms other than plants and humans;

"drug" means a drug as defined in section 1 of the Pharmacy Operations and Drug Scheduling Act;

"drug schedules" means drug schedules made under section 71 (2) (h);

"licensee" means a pharmacist, an individual who is authorized under the Veterinarians Act to practise veterinary medicine or a person licensed under section 67 who is authorized to manufacture or sell a medicated feed or sell a veterinary drug;

"minister" includes a person designated in writing by the minister;

"pharmacist" means a pharmacist as defined in section 25.8 of the Health Professions Act;

"regulation" means a regulation made under section 71;

"veterinary drug" means a drug used or intended or represented to be used as a drug for the treatment, prevention or diagnosis of a disease of an animal, and includes a drug listed or included by reference in the regulations;

"veterinary drug dispenser" means a person licensed under the regulations to dispense veterinary drugs.

Sale restricted

66. A person, other than a pharmacist or an individual who is authorized under the Veterinarians Act to practise veterinary medicine, must not manufacture or sell medicated feeds or sell veterinary drugs unless that person has a valid licence issued under section 67 and the manufacture or sale complies with the regulations and the terms and conditions of the licence.

Licence

67. (1) On application in the prescribed form and payment of the prescribed fee by an applicant, the minister may issue, on terms the minister sets or the regulations prescribe, a licence enabling the applicant to manufacture or sell medicated feeds or sell veterinary drugs.

(2) If the regulations require the presence of a veterinary drug dispenser on the premises of a licensee, the licensee must inform the chief veterinarian appointed under the Animal Health Act of the name and licence number of the veterinary drug dispensers normally present on the licensee's premises during business hours.

(3) If the minister determines that a person licensed under this section has contravened a term of the person's licence, the minister may cancel that licence.

Minister may appoint inspectors

68. (1) The minister may appoint inspectors who may
(a) enter, during normal business hours, premises in which medicated feeds or veterinary drugs are sold to ascertain whether this Act and the regulations are being complied with,
(b) examine and seize books and records relating to the manufacture, use or sale of medicated feeds or veterinary drugs,
(c) if they believe on reasonable grounds that an agricultural or horticultural crop, product, animal, animal product, animal feed, medicated feed or veterinary drug contains a substance specified by the minister to be harmful to the health of persons or animals, enter any premises to inspect the thing suspected of containing the harmful substance and remove the thing or a sample of it,
(d) examine and remove medicated feeds or veterinary drugs from premises at which they are manufactured or sold, if they believe on reasonable grounds that sale of these medicated feeds or veterinary drugs is prohibited or that the stated expiry date for these medicated feeds or veterinary drugs has passed, and
(e) perform other duties imposed by the minister.

(2) An inspector may retain anything removed under this section to be dealt with under section 69.


Control of harmful drugs

69. (1) If a thing removed under section 68 (1) (c) and analyzed contains a substance considered by the minister to be dangerous to the health of a person or animal, the minister may cause the thing to be destroyed, or prohibit its sale, manufacture or use for the time the minister considers necessary.

(2) If a medicated feed or veterinary drug removed under section 68 cannot be lawfully sold by the person from whom it was removed, or if its expiry date has passed, the minister may direct that it be destroyed.

(3) The minister and the government are not liable to pay compensation for an economic loss that may occur as a result of any action taken in good faith under this section.


Prohibition against use of veterinary drugs

70. Despite this Act or the regulations, the minister may prohibit the use in British Columbia of any veterinary drug for veterinary purposes.

1993-62-68.

Power to make regulations

71. (1) For the purposes of sections 65 to 70, the Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting the following:

(a) issuing of licences and the fees for them under section 67;
(b) licence duration, renewal, cancellation, suspension, extent and production;
(c) keeping and inspection of registers of licences and veterinary drug dispensers and the payment of fees;
(d) qualification of applicants under section 67;
(e) storage, transportation and sale of veterinary drugs;
(f) analysis of a thing listed in section 68 (1) (c);
(g) maximum residue content of a veterinary drug in a thing subject to analysis under section 68 (1) (c);
(h) drugs listed or included by reference in the drug schedules and their amounts that may be used either to impregnate feeding mashes to prevent, control or treat animal diseases or to prevent, control or treat specific animal diseases;
(i) training courses, training and licensing for veterinary drug dispensers;
(j) the presence of a veterinary drug dispenser if veterinary drugs or medicated feeds are sold;
(k) establishing an advisory committee on veterinary drugs and specifying its duties.

PART 9 – General

(ADD) Definitions
Apr 01/09

71.1 In this Part:
"drug" means a drug as defined in section 1 of the Pharmacy Operations and Drug Scheduling Act;
"drug schedules" means drug schedules made under section 71 (2) (h);
"pharmacist" means a pharmacist as defined in section 25.8 of the Health Professions Act;
"regulation" means a regulation made under section 71;
"wholesaler" means a wholesaler as defined in section 1 of the Pharmacy Operations and Drug Scheduling Act.


Misrepresentation of drug

72. A person must not sell or represent something for sale as a drug or as a particular drug if it is not what it is represented to be.


Expiry date

73. A person must not sell a drug after a date on which the drug is indicated or labeled to expire.


(SUB) Recovery of payment
Apr 01/09

74. A person who sells anything in contravention of this Act, the drug schedules or the regulations is not entitled to recover payment for the sale.


(SUB) Exceptions
Apr 01/09

75. Nothing in this Act, the drug schedules or the regulations prevents

(a) an individual who is authorized under the Veterinarians Act to practise veterinary medicine or a pharmacist from directly dispensing a drug to the owner, or an agent of the owner, of an animal for which the drug has been prescribed, or

(b) a wholesaler or a manufacturer from selling a veterinary drug to a person licensed under section 67 to manufacture or sell the veterinary drug.


(REP) 76. and 77. Repealed
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76. and 77. Repealed. [2003-77-59 (B.C. Reg. 419/2008)]
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Offences and penalties

78. (1) Section 5 of the Offence Act does not apply to this Act.

(2) A person who contravenes section 66, 72 or 73 commits an offence.

(3) If a person contravenes this Act, the drug schedules or the regulations in the course of employment, the employer or manager of the person is deemed to have contravened the same enactment.

(4) If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced or participated in the commission of the offence is deemed to have contravened the same enactment.

(5) In any prosecution under this Act, it is sufficient to prove that the accused has done or committed a single act of unauthorized practice or has committed on one occasion any of the acts prohibited by this Act.


(REP) Repealed

80. If evidence is introduced in a prosecution under this Act that a sign, title, advertisement or word has been published or used contrary to this Act or the regulations, the onus is on a defendant to prove that it was not published or used by the defendant.


(REP) Repealed

83. Repealed. [2003-77-64 (B.C. Reg. 419/2008)]

Certificate of analysis

82. (1) A certificate of an analysis from an analyst appointed under the Food and Drugs Act (Canada) stating that the analyst has analyzed or examined a substance and stating the result of this analysis or examination is admissible in evidence in a proceeding under this Act, and is evidence of the statements contained in the certificate.

(2) The person against whom a certificate is admitted may, with leave of the court or chair of the proceeding, require the attendance of the analyst for purposes of cross examination.

(3) Reasonable notice of an intention to introduce a certificate in evidence must be given to the person against whom it is to be used, along with a copy of the certificate.


(REP) Repealed

83. Repealed. [2003-77-64 (B.C. Reg. 419/2008)]