

**LAWS OF THE REPUBLIC OF VANUATU
CONSOLIDATED EDITION 2006**

Commencement: 27 August 1966

**CHAPTER 48
SALE OF MEDICINES**

(CONTROL)

*JR 32 of 1966
Act 9 of 1988*



ARRANGEMENT OF SECTIONS

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SALE OF MEDICINES (CONTROL)

To control the sale of medicines.

1. Interpretation

In this Act, unless the context otherwise requires –

"medicine" means any substance which is referred to in the article itself, or in advertisements or documents of any kind in terms calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury afflicting the human body;

"pharmacist" means a person holding a licence issued by the Pharmacists Practitioners Commission as provided for by the Control of Pharmacists Act, Cap. 23;

"medical or dental practitioner" means a medical or dental practitioner registered in accordance with the provisions of the Health Practitioners Act, Cap. 164;

"Minister" means the Minister responsible for health;

"veterinary surgeon" means a person authorised by the Minister, by reason of his qualifications, to act as such;

"druggist" means a person who shall have obtained from the Pharmacists Practitioners Commission a licence authorising him to sell medicines under the conditions prescribed in this Act and outside the zone protecting a pharmacist.

2. Limitation on the retail sale of medicines

- (1) When a pharmacist has his principal place of business in any place within Vanuatu, no person other than a pharmacist shall operate a drug-store within 5 miles of that place of business.
- (2) Outside this zone and subject to their observing international legislation, in particular legislation prohibiting anyone other than a pharmacist from selling narcotics, druggists may sell the same medicines as a pharmacist.

3. Limitation on the wholesale sale of medicines

- (1) No person shall sell wholesale any medicine other than those as may be prescribed under section 7(1) to any person other than a pharmacist or druggist.
- (2) Any importation of medicines shall be recorded by the Director of Customs who shall send a list thereof to the Director of Health.

4. Sale of narcotics

No person other than a pharmacist shall have in his possession, import, sell or otherwise deal in any of the substances subject to the Regulations of the Permanent Opium Committee:

Provided that a person shall be lawfully in possession of the substances aforesaid if he is in such possession by virtue of a medical prescription.

5. Control of price

The Minister may by Order take such measures as he may deem necessary to control the sale price of medicines.

6. Inspection of premises

- (1) Every member of the Department of Health or any other person authorised in that behalf by the Director of Health shall, for the purpose of ensuring that the provisions of this Act have been complied with, have the right of access to any premises on which he reasonably suspects that such provisions are not being so complied with.
- (2) Any person who obstructs any member of the Department of Health or any person authorised under the provisions of subsection (1) in or upon the occasion of the execution of his duty under this Act shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 20,000.

7. Regulations

- (1) The Minister may by Order make regulations not inconsistent with the provisions of this Act –
 - (a) regulating the sale of medicines; or

- (b) prohibiting the sale of any medicines except upon the prescription of a medical practitioner or dental practitioner or veterinary surgeon.
- (2) Any regulation made under subsection (1) may authorize the Principal Pharmacist to make and issue notices or directives with respect to such matters prescribed by that regulation.

8. Penalties

- (1) Any person who acts in contravention of sections 2 and 3 shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.
- (2) Any person who acts in contravention of section 4 shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a term of imprisonment not exceeding 2 years, or to both such fine and imprisonment.

9. Application

Notwithstanding the provisions of this Act the Minister may, by Order, authorise the health service, hospitals and clinics (public or private), to sell medicines under the same conditions as a pharmacist or a druggist, and the conditions governing distance provided for in section 2(2) shall not apply to them.

**REPUBLIC OF VANUATU
SALE OF MEDICINES (CONTROL) (AMENDMENT) ACT NO. 8 OF 2014**

Arrangement of Sections

- 1 Amendment**
- 2 Commencement**

REPUBLIC OF VANUATU

Assent: 19/06/2014

Commencement: 17/07/2014

SALE OF MEDICINES (CONTROL) (AMENDMENT) ACT NO. 8 OF 2014

An Act to amend the Sale of Medicines (Control) Act [CAP 48].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Sale of Medicines (Control) Act [CAP 48] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

**AMENDMENTS OF THE SALE OF MEDICINES (CONTROL) ACT [CAP
48]**

1 Section 1 (definition of ‘druggist’)

Repeal the definition.

2 Subsection 2(1)

Delete “5 miles”, substitute “8 km”

3 Subsection 2(2)

Repeal the subsection, substitute

“(2) A person who intends to sell medicine in Vanuatu via the internet, must obtain the prior written approval of the Pharmacists Practitioners Commission.

(3) A person who has obtained approval to sell medicine under subsection (2) must do so under the supervision of a registered pharmacist.”

4 Sections 3 and 4

Repeal the sections, substitute

“3. Limitation on wholesale of medicine

(1) A person who intends to be a wholesale supplier of medicine, must obtain the prior written approval of the Pharmacists Practitioners Commission.

(2) A person who has obtained approval under subsection (1), must not sell any medicine by wholesale to any person other than to a licensed medical practitioner, pharmacist, licensed dentist, licensed veterinarian or a person approved by the Minister by Order.

3A. Import of medicines for sale

(1) Any importation of medicine for sale by wholesale or retail sale is to be recorded by the Director of Customs who is to send a list of all medicines imported to the Principal Pharmacist.

(2) Upon receiving the list of all imported medicines from the Director of Customs under subsection (1), the Principal Pharmacist is to review the list and may approve or refuse to approve the release of the medicines.

(3) If the Principal Pharmacist refuses to approve the release of medicine imported under subsection (1), he or she is to notify the importer and state the reasons for the decision.

(4) Subject to this Act, the Principal Pharmacist may attach conditions to any approved imported medicines.

4. Sale of narcotics

(1) A person who is not a pharmacist, a wholesale supplier approved under subsection 3(1) must not possess, import, sell or otherwise deal in any prohibited substances and materials listed in section 2 of the Dangerous Drugs Act [CAP 12].

(2) A pharmacist, a wholesale supplier who imports, sells or otherwise deals in any prohibited substance or material listed in section 2 of the Dangerous Drugs Act [CAP 12], must keep a proper record of the sale of each substance and disclose the records to the Pharmacists Practitioners Commission when requested to do so.

(3) Despite subsection (1), a person may possess or import a preparation of a substance prohibited under the Dangerous Drugs Act [CAP 12], if the preparation is a medical prescription for personal use and is:

- (a) of reasonable amount; and
- (b) accompanied by a letter from the medical practitioner from the person's country of origin; and
- (c) appropriately labelled with its correct name."

5 Section 7

Repeal the section, substitute

"7. Regulations

(1) The Minister may by Order make regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations for any of the following purposes:

- (a) to regulate the sale of medicines;
- (b) to prohibit the sale of any medicine except on the prescription of a medical practitioner, dental practitioner or a veterinary surgeon;
- (c) to prescribe fees or charges in respect of any application or approval made or any service provided under this Act.

(3) A regulation made under subsections (1) and (2) may authorise the Principal Pharmacist to make and issue a notice with respect to matters prescribed by that regulation.

(4) A Regulation made under subsection (1) or (2) may prescribe a penalty not exceeding VT250,000 for a breach of any provisions of the regulation."

6 Subsections 8(1) and (2)

Repeal the subsections, substitute

"A person who contravenes section 2, 3 or 4, commits an offence punishable on conviction to a fine not exceeding VT500,000 or to

imprisonment for a term of not more than 2 years, or both.”

7 After section 8

Insert

“8A. Penalty notice

(1) The Principal Pharmacist may serve a penalty notice on a person if it appears to him or her that the person has committed an offence under any provision of this Act or the regulations.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a Court, the person may pay to the Government Cashier, the amount of penalty set out in the penalty notice for the offence.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(6) The regulations may prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty prescribed under this Act.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”

8 Section 9

(a) Delete “or a druggist”;

(b) Delete “2(2)”, substitute “2(1)”