



PHARMACY ACT - 1994 (ACT 489)

Section - 1 - Establishment Of Council

There is established by this Act, a Pharmacy Council referred to in this Act, as the "Council".

Section - 2 - Functions Of Council.

- (1) The Council shall be responsible for securing in the public interest the highest standards in the practice of pharmacy.
- (2) Without prejudice to subsection (1) of this section the Council shall-
 - (a) ensure that courses of study and training in pharmacy at any institution in Ghana guarantee the necessary knowledge and skills needed for the efficient practice of pharmacy;
 - (b) determine in consultation with the appropriate educational institutions courses of instruction and practical training for pharmacy students;
 - (c) prescribe standards of professional conduct;

- (d) exercise disciplinary power over pharmacists;
 - (e) uphold and enforce professional standards through the disciplinary powers conferred on it;
 - (f) keep a register of duly qualified and practising pharmacists; and
 - (g) regulate the distribution of pharmacies in the country.
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Section - 3 - Members Of The Council.

The Council shall consist of the following members all of whom shall be appointed by the President in consultation with the Council of State-

- (a) a chairman who shall be a registered pharmacist of not less than fifteen years standing as a pharmacist;
 - (b) the Director of Pharmaceutical Services of the Ministry of Health;
 - (c) the Dean of the Faculty of Pharmacy, University of Science and Technology, Kumasi;
 - (d) the President of the Pharmaceutical Society of Ghana;
 - (e) two registered pharmacists including at least one fellow, elected by the Pharmaceutical Society of Ghana;
 - (f) two other persons one of whom shall be a pharmacist and the other a legal practitioner of not less than ten years' standing as a lawyer; and
 - (g) the Registrar of the Council.
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Section - 4 - Term Of Office Of Members.

The members of the Council specified in paragraphs (a), (e) and (f) of section 3 shall hold office for three years and shall at the expiration of their term of office be eligible for re-appointment.

Section - 5 - Meetings Of The Council.

- (1) The Council shall meet for the despatch of business at such times and places as shall be determined by the Chairman but shall meet at least once in three months.
- (2) The quorum at a meeting of the Council shall be five.
- (3) The Chairman shall preside at each meeting of the Council but in his absence a member of the Council elected by the members present from among their number shall preside.
- (4) A decision at a meeting of the Council shall be that of the majority of the members present and voting and in the

event of equality of votes, the person presiding at the meeting shall have a second or casting vote.

(5) The validity of proceedings of the Council shall not be affected by a vacancy in its membership or a defect in the appointment or qualification of a member.

(6) Except as otherwise provided in this Act, the Council shall regulate the procedure for its meetings.

Section - 6 - Power To Co-opt.

The Council may co-opt any person to act as an adviser at its meeting but no co-opted person is entitled to vote at a meeting.

Section - 7 - Committees Of The Council.

(1) The Council may appoint such committees as it considers necessary, and delegate to them any of its functions.

(2) A committee appointed by the Council may include members or non-members of the Council, but shall be chaired by a member of the Council.

Section - 8 - Allowances.

There may be paid to the members, members of a committee of the Council and persons co-opted to attend meetings of the Council such allowances as may be approved by the Minister for Finance with the Minister for Health.

Section - 9 - Appointment Of Other Staff.

(1) There shall be appointed for the Council such officers as it may require for the effective execution of its functions.

(2) The appointment of officers for the Council shall, subject to any delegation by the President, be made by the President in accordance with the advice of the Council given in consultation with the Public Services Commission.

Section - 10 - Regional Offices Of Council.

(1) There shall be established in each region of Ghana regional offices of the Council.

(2) There shall be appointed for the regional offices of the Council such officers as may be required for the performance of the functions of the Council in the regions.

(3) A regional office of the Council shall perform in the region such of the functions of the Council as the Council may determine.

(4) The Council may create such lower offices as may facilitate its operations.

Section - 11 - Expenses Of The Council.

Parliament shall provide for the Council such monies as it may require for the effective execution of its functions.

Section - 12 - Accounts And Audits.

(1) The Council shall keep books of account and proper records in relation to them and the account books and records of the Council shall be in a form approved by the Auditor-General.

(2) The accounts of the Council shall be audited by the Auditor-General within six months after the end of each financial year.

Section - 13 - Annual Reports.

(1) The Council shall submit an annual report on its activities to the Minister within six months after the end of the financial year.

(2) The financial year of the Council shall be the same as the financial year of the government.

Section - 14 - Ministerial Responsibility.

The Minister for Health shall have ministerial responsibility for the Council.

Section - 15 - Pharmacists To Register.

No person shall practise as a pharmacist unless he is registered in accordance with this Act.

Section - 16 - Application For Registration.

A person seeking registration shall apply in the prescribed form to the Registrar of the Council.

Section - 17 - Certificate Of Registration.

(1) Subject to subsection (2) of this section where the Council is satisfied that an applicant is of good character and-

(a) holds a degree in pharmacy; or

(b) holds a qualification equivalent to a degree that entitles him to be registered as a pharmacist in the country where the qualification was obtained,

it shall direct the Registrar to enter the applicant's name in the register and to issue the applicant with a certificate of registration on the payment of the prescribed fee by the applicant.

(2) No person shall be registered under subsection (1) of this section unless he has taken and passed the Ghana Pharmacy Professional Qualifying Examination.

Section - 18 - Registrar.

(1) The Council shall have a Registrar who shall be appointed by the President acting in accordance with the advice of the Council given in consultation with the Public Services Commission.

(2) The Registrar shall hold office on such terms and conditions as may be specified in his letter of appointment.

(3) The Registrar shall be a pharmacist of at least ten years' standing as a pharmacist and shall be a holder of a relevant post-graduate qualification.

Section - 19 - Register Of Pharmacists.

(1) There shall be a register to be known as the Register of Pharmacists in which shall be recorded by the Registrar the names of registered pharmacists.

(2) The Register shall be in such form as the Council shall determine.

Section - 20 - Functions Of The Registrar.

The Registrar shall, subject to the directions of the Council be responsible for the day-to-day administration of the Council and shall be answerable to the Council in the performance of his functions under this Act.

Section - 21 - Cancellation Or Suspension Of Registration And Appeal.

(1) A certificate of registration issued under section 17 may be cancelled or suspended for such period as the Council may determine where disciplinary enquiry conducted by the Council confirms that the registered pharmacist-

(a) has been convicted of an offence under this Act; or

(b) has been convicted of an offence related to pharmacy under any other enactment and sentenced to imprisonment;
or

(c) is guilty of professional misconduct.

(2) A person aggrieved by the cancellation or suspension of his certificate of registration may appeal against the decision to the High Court.

(3) Where a certificate of registration is to be cancelled or suspended, the Registrar shall-

(a) serve on the pharmacist a notice informing him of the order and requiring him to deliver the certificate within twenty-one days of the date of the service;

(b) publish in the Gazette a notice of the cancellation or suspension; and

(c) in the case of cancellation delete the name of the pharmacist from the Register of Pharmacists.

(4) Notwithstanding subsection (3), of this section, where a pharmacist appeals against a cancellation or suspension, the Registrar shall only act in accordance with subsection (3) on the expiration of the period of notice of appeal or after the disposal of the appeal.

(5) The Registrar, shall at the expiration of a suspension period return the certificate to the pharmacist, and cause notice of the expiration of the suspension to be published in the Gazette.

Section - 22 - Re-registration.

A registered pharmacist whose registration has been cancelled may apply to have his name re-registered if a period of not less than five years has elapsed since notice of the cancellation was published in the Gazette.

Section - 23 - Disciplinary Committee.

(1) Without prejudice to section 7 of this Act there is established by this Act a disciplinary committee of the Council which shall consist of-

(a) the President of the Pharmaceutical Society of Ghana;

(b) the Director of Pharmaceutical Services of the Ministry of Health;

(c) the legal professional member of the Council;

(d) the Dean of the Faculty of Pharmacy, University of Science and Technology, Kumasi; and

(e) a pharmacist elected by the Council from among its members.

(2) The Disciplinary Committee shall enquire into such matters relating to professional conduct and standards of pharmacists as may be referred to it by the Council.

(3) The procedure of the Disciplinary Committee and penalties that it may recommend to the Council shall be

prescribed by regulations.

(4) A person aggrieved by a decision of the Council in any disciplinary matter may appeal to the High Court.

Section - 24 - Restriction On Use Of `pharmacists' Pharmacy'.

(1) A person who is not a pharmacist shall not describe himself or hold himself out to be a pharmacist by the use of the terms `pharmacist', `chemist', `dispenser of drugs', `druggist', `compounder of drugs', or any other similar term.

(2) No person shall open or permit any other person to open any premises to the public under the description of `pharmacy', `dispensary', `chemist', `drug store' or any other similar description unless a registered pharmacist is on the premises to supervise the dispensing of drugs or medication.

Section - 25 - Annual Publication Of List Of Pharmacists.

The Registrar shall cause a list of registered pharmacists of good standing to be published in the Gazette in January of each year.

Section - 26 - Operation Of Pharmacies.

Subject to this Act, no person shall operate a retail pharmacy unless he is a registered pharmacist.

Section - 27 - Certificate To Supply Restricted Drugs From Premises.

(1) Where the Council is satisfied that premises are suitable for the supply of restricted drugs, other than Class A or B drugs, it may direct the Registrar to issue in respect of the premises a general or limited certificate if an application has been made in respect of either certificates.

(2) The Registrar shall, on the payment of the prescribed fee, issue the appropriate certificate to the applicant on the direction of the Council.

(3) A person who supplies restricted drugs from premises in respect of which a certificate has been issued shall notify the Council of any material alteration in the structure of the premises within 6 months of the alteration.

(4) The Council may revoke a certificate if it is satisfied that the physical conditions of the premises have ceased to be suitable for the supply of restricted drugs.

Section - 28 - Licensing Of Bodies.

(1) Subject to this Act, where an application is made in the prescribed form by a company, and the council is satisfied

(a) that the applicant is fit to carry on the business of mixing, compounding, preparing, or supplying restricted drugs by retail; and

(b) that the applicant's business of mixing, compounding, preparing or supplying restricted drugs by retail will be carried on under the supervision of a pharmacist,

the Council may direct the Registrar to issue to the applicant on payment of the prescribed fee, a licence authorising the applicant to carry on the business.

(2) If the Council is satisfied that a company has acted contrary to this Act, or a condition specified in the licence has ceased to exist for the carrying on of the business referred to in subsection (1), it may revoke the licence.

Section - 29 - Licensed Chemical Sellers.

(1) Notwithstanding section 27 where an application is made in the prescribed form by a person other than a pharmacist or body corporate, and the Council is satisfied that

(a) the applicant is fit to carry on the business of supplying by retail restricted drugs other than Class A or B drugs; and

(b) the area in which the applicant proposes to carry on that business is not sufficiently served by existing facilities for the retail supply of such drugs,

it may direct the Registrar, on the payment of the prescribed fee by the applicant, to issue to the applicant a licence authorizing him to carry on the business of supplying by retail restricted drugs other than Class A or B drugs on the premises specified in the licence.

(2) The Council may revoke a licence, if it is satisfied that the licence holder has contravened a provision of this Act, or that a condition specified in the licence has ceased to exist for the carrying on of the business of supplying by retail restricted drugs other than Class A or B drugs.

(3) The Council may, instead of revoking a licence under subsection (2), impose a penalty not exceeding c5 million on a licence holder.

Section - 30 - Licence For Wholesale Supply Of Restricted Drugs.

(1) No person shall carry on business of supplying restricted drugs by wholesale unless he has a licence issued to him in accordance with this section.

(2) Where an application is made for a licence in the prescribed form to carry on a business of supplying restricted drugs by wholesale, and the Council is satisfied that the applicant qualifies for the licence, the Council may on payment of the prescribed fee by the applicant, grant the licence.

(3) A licence granted under this section may include a condition prohibiting or limiting the supplying of restricted drugs of a particular description.

(4) The Council may revoke a licence if it is satisfied that the licence holder has contravened a provision of this Act or a condition specified in the licence has ceased to exist for the carrying on of the business of supplying restricted drugs by wholesale.

Section - 31 - Premises From Which Restricted Drugs May Be Supplied.

No person shall carry on a business of supplying from any premises restricted drugs classified by regulations as-

- (a) Class A drugs;
- (b) Class B drugs; or
- (c) Class C drugs,

unless that person has a valid general or limited licence issued under this Act in relation to those premises.

Section - 32 - Action To Be Taken After Supply Of Restricted Drugs

Where restricted drug is supplied under prescription, the supplier of the drug shall-

- (a) enter on the prescription in indelible writing the date on which the drug is supplied, and the name and address of the supplier; and
 - (b) if the drug is fully dispensed, retain the prescription for a period of two years on the premises at which the drug is dispensed, in a manner as to be readily available for inspection.
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Section - 33 - Supply Of Dangerous Drugs.

No person shall supply a dangerous drug unless-

- (a) the drug is in a container of the prescribed description; and
 - (b) the container bears a label indicating the prescribed particulars of its contents.
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Section - 34 - Dangerous Drugs Record.

(1) A person who supplies Class A or B, drugs shall keep on the premises from which he supplies these drugs a book of the prescription to be known as the 'Dangerous Drugs Record'.

(2) Before any person supplies Class A drugs he shall record in the Dangerous Drugs Record the following-

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

- (b) the name, and address, signature or thumbprint of the person to whom it is supplied;
- (c) the signature of the person who supplies the drug; and
- (d) the date of supply.

(3) Where a drug is supplied under a prescription which is retained by the supplier of the drug and an entry is made in the Dangerous Drug Record book enabling the prescription to be referred to, no entry need be made in the Dangerous Drug Record or any particulars specified in the prescription.

Section - 35 - Prescription For Supply Of Class A Drugs.

No pharmacist or licensed company shall supply class A drugs except under a prescription issued by a medical practitioner, a dentist or a veterinary practitioner.

Section - 36 - Restriction On Preparation Of Restricted Drugs.

- (1) No person shall mix, compound, prepare or supply restricted drug unless that person is a pharmacist or is a licensed company.
 - (2) Subsection (1) shall not apply to-
 - (a) the supply of a drug by a medical practitioner, dentist or veterinary surgeon to a patient in urgent need of treatment;
 - (b) the supply of a drug other than a drug of class A or B by a licensed chemical seller;
 - (c) the mixing, compounding or preparing of a drug under the supervision of a pharmacist by a student or a trainee undergoing instructions at an institution approved by the Council; or
 - (d) the supply of a drug in accordance with directions given by a medical practitioner to an out-patient attending a medical treatment centre or an in-patient by a nurse.
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Section - 37 - Supply Of Class B Drugs.

A pharmacist or licensed company may supply class B drugs to a person, without prescription if the supplier of the drug reasonably believes that person to be a proper person to whom the drug is to be supplied.

Section - 38 - Possession Of Dangerous Drugs.

Subject to the provisions of this Act, no person shall have any dangerous drug in his possession or control.

Section - 39 - Classification Of Drugs.

The Minister shall on the advice of the Food and Drugs Board established under the Food and Drugs Law, 1992 (PNDCL 305B) by legislative instrument specify drugs that are classified as class A, class B and class C for the purposes of this Act and may prescribe conditions for the importation, possession, supply and dispensing of such drugs.

Section - 40 - Medical Aid.

(1) Notwithstanding anything contained in section 48 of the Medical and Dental Decree, 1972 (NRCD 91) (which restricts the right to practise medicine or dentistry and to recover charges for it) a pharmacist may give medical and dental advice or aid-

(a) by way of first aid in the case of an accident, or

(b) by way of first aid treatment in the case of simple ailments of common occurrence where it is not reasonably practicable for the patient to consult a medical practitioner or dentist.

(2) The pharmacist shall, in the case of an emergency, immediately or within 24 hours of administering the initial dosage, refer the patient to a medical practitioner or a dentist as the case may be and shall in the referral state the drugs used and the extent of the treatment given.

Section - 41 - Entry Of Premises.

(1) A person authorised by the Council may for the purposes of section 42 of this Act enter at any reasonable time-

(a) premises in respect of which a licence or a certificate issued under this Act is valid;

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

(2) A police officer not below the rank of Assistant Superintendent may enter any premises if he has reasonable cause to believe that an offence with respect to this Act has been committed.

Section - 42 - Powers Of Investigation.

(1) A person authorised under section 41 of this Act to enter any premises (hereafter referred to as "an inspecting officer")-

(a) may require a person on the premises to furnish any information in that person's possession concerning the activities carried on, on the premises and persons by whom they are carried on;

(b) may inspect the premises and any articles found on the premises;

(c) may take away any drug found on the premises.

(2) Where a drug is taken away under this section reasonable payment for the drug shall be tendered by the inspecting officer.

(3) Notwithstanding subsection (2)-

(a) no payment shall be tendered in respect of a drug if the inspecting officer reasonably suspects that the drug is unfit for its purpose by reason of deterioration, impurity, adulteration or other defect;

(b) if the drug is found to be fit, reasonable payment shall be tendered by the inspecting officer in respect of the portion of the drug that is not returned to its owner in good condition;

(c) no payment shall be tendered in respect of a drug if the inspecting officer anticipates that proceedings for an offence under this Act may be brought in respect of the drug.

(4) Where no proceedings are commenced under subsection (3) within six months, reasonable payment shall be tendered by the inspecting officer in respect of the portion of the drug that has not been returned to its owner in good condition.

(5) Where any drugs or articles are taken under this section, an inventory of the drugs or articles shall be made and shall be signed by the pharmacist or the chemical seller and the inspecting officer and a copy of the inventory shall be given to the pharmacist or the chemical seller.

Section - 43 - Obstruction.

No person shall, obstruct an inspecting officer exercising his powers under this Act.

Section - 44 - Inspection Officer To Produce Document.

An inspecting officer exercising any powers conferred under this Act shall produce on demand a duly authenticated document showing that he is entitled to exercise those powers.

Section - 45 - Offences And Penalties.

(1) A person who-

(a) is not registered under section 17 of this Act and represents himself or holds himself out as so registered; or

(b) does not have the requisite qualification to practise as a pharmacist and knowingly represents that he has such qualification; or

(c) contravenes any of the provisions of this Act,

commits an offence and is liable on conviction to a fine not exceeding c5 million or a term of imprisonment not exceeding five years or to both; and in the case of a continuing offence to a further fine not exceeding c50,000.00 for each day that the offence continues after written notice has been served on the offender by the Council.

(2) Where an offence under this Act is committed by a body of persons-

(a) in the case of a body corporate other than a partnership, each director, secretary or other officers of that body shall also be guilty of that offence;

(b) in the case of partnership, each partner shall also be guilty of the offence.

(3) Notwithstanding subsection (2) no person shall be convicted of an offence if he proves that the offence was committed without his knowledge or consent, or that he took all steps necessary having regard to all the circumstances, to prevent the commission of the offence.

Section - 46 - Regulations.

The Minister may on the advice of the Council by legislative instrument make regulations-

(a) prescribing the procedure for the holding of disciplinary enquiry into allegations of misconduct against pharmacists;

(b) prescribing matters relating to disciplinary orders by the Council;

(c) relating to prescription of drugs;

(d) prescribing fees to be paid for any matter or thing to be done under this Act;

(e) prescribing conditions including the type of premises for the issue of a valid general or limited certificate by the Council; and

(f) providing generally for the effective implementation of this Act.

Section - 47 - Interpretation.

In this Act unless the context otherwise requires-

"dangerous drugs" means drugs prescribed by regulations as dangerous drugs;

"drug" has the same meaning as provided in section 51 of the Food and Drugs Law, 1993 (PNDCL 305B);

"medical treatment centre" means any health institution for the treatment of out-patients and which is under the immediate supervision of an attendant approved by the Minister;

"Minister" means the Minister responsible for Health;

"restricted drugs" means dangerous drug or any other drug which is not exempted drug.

Section - 48 - Repeal And Saving.

(1) The following enactments are repealed-

Pharmacy and Drugs Act, 1961 (Act 64);

Pharmacy and Drugs (Amendment) Act, 1963 (Act 222);

Pharmacy and Drugs Act, 1961 (Amendment) Decree 1969 (NLCD 361);

Pharmacy and Drugs Act, 1961 (Act 382);

Pharmacy and Drugs (Amendment) Decree, 1976 (SMCD 52); and

Pharmacy and Drugs (Amendment) Law, 1990 (PNDCL 237).

(2) Notwithstanding the repeal under subsection (1) of this section

(a) any regulation, licence, certificate, registration appointment issued or made under the repealed enactment; and

(b) the register of pharmacists in existence or in force immediately before the coming into force of this Act shall continue in force as if issued or made under the provisions of this Act until revoked, altered, cancelled or expires.

(3) Notwithstanding the repeal under subsection (1) of this section, the following schedules to the Pharmacy and Drugs Act, 1961 (Act 64) shall until provision is made by regulations under section 39 of this Act continue in force-

(a) First Schedule;

(b) Second Schedule-Part I;

(c) Third Schedule; and

(d) Fourth Schedule.
