



Narcotic and Controlled Drugs – Class Exemption for Pharmacists and Persons in Charge of a Hospital

The Director of the Office of Controlled Substances, Health Canada, authorized the following document related to section 56 of the *Controlled Drugs and Substance Act* (CDSA).

The document outlines where to find the class exemption legislation within the Act for pharmacists and person in charge of a hospital for the sale or provision of narcotics and controlled drugs to licensed dealers for destruction. It also explains the conditions of the exemption.



SECTION 56 CLASS EXEMPTION FOR PHARMACISTS AND PERSONS IN CHARGE OF A HOSPITAL FOR THE SALE OR PROVISION OF NARCOTICS AND CONTROLLED DRUGS TO LICENSED DEALERS FOR DESTRUCTION

Pursuant to section 56 of the *Controlled Drugs and Substances Act* (CDSA) and subject to the terms and conditions herein, pharmacists and persons in charge of a hospital are hereby exempted in the public interest from the application of the following provisions of the *Narcotic Control Regulations* (NCR) and Part G of the *Food and Drug Regulations* (FDR-Part G) when selling or providing narcotics and controlled drugs to a licensed dealer who is licensed to destroy narcotics and controlled drugs:

Pharmacists

- a. Subsections 5(1) and 5(2) of the CDSA.
- b. Subsection 31(1) of the NCR.
- c. Section G.03.002 of the FDR-Part G.

Persons in Charge of a Hospital

- a. Subsections 5(1) and 5(2) of the CDSA.
- b. Subsection 65(1) of the NCR.
- c. Subsection G.05.003(1) of the FDR-Part G.

This exemption gives authority to a pharmacist to sell or provide narcotics or controlled drugs, and to a person in charge of a hospital to permit narcotics and controlled drugs to be sold or provided, to a licensed dealer who is licensed to destroy narcotics or controlled drugs. This exemption is applicable only if the following conditions are met:

1. The sale or provision of narcotics and controlled drugs pursuant to this exemption must occur for the sole purpose of destruction.
2. Narcotics and controlled drugs sold or provided pursuant to this exemption may only be sold or provided to a licensed dealer who is licensed to destroy narcotics or controlled drugs.
3. Sale or provision pursuant to this exemption may only occur pursuant to a written signed order from the licensed dealer to whom the narcotic or controlled drug will be sold or provided for destruction. The written order must specify the name, quantity and strength per unit of the narcotic or controlled drug and must indicate that the sole purpose of the order is destruction.
4. A pharmacist must keep a record, and a person in charge of a hospital must keep a record or cause a record to be kept, of the name, quantity and strength per unit of a narcotic or controlled drug sold or provided under this exemption, the name of the pharmacist that requested the destruction as well as the name and address of the licensed dealer to whom it was sold or provided, a means of identifying the written order and the date on which it was sold or provided.
5. Any record or written order required under this exemption is a record required to be retained for a period of two years, in a manner that permits an audit to be made pursuant to sections 41 and 64 of the NCR, and sections G.03.011 and G.05.002 of the FDR-Part G.

This exemption will remain in effect until revoked.

Original signed by Johanne Beaulieu

Director, Office of Controlled Substances, CSTD/HECSB for and on behalf of the Minister of Health

Effective date: Sept 18, 2013