Publisher's Note

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CANADIAN PHARMACY LAW

Marie Berry Release No. 5, November 2025

The Canadian Pharmacy Law is a comprehensive and efficient working tool to help keep up with the changes in the law and the body of case law that follows. It explains the underlying principles and doctrines of law within the legal system as they apply to the practice of pharmacy and includes all of the latest case law, full legislation, jurisdictional comparison charts of practice in pharmacy, and much more.

What's New in this Update:

This release features updates to Chapter 4 (Administrative Law and Pharmacy Organization), Chapter 5 (Civil Liability and Professional Liability), Chapter 7 (Practice Issues), Chapter 9 (Selected Court Cases), Appendix A (Federal Legislation), Appendix B (Alberta), Appendix E (New Brunswick), Appendix F (Newfoundland and Labrador), Appendix J (Ontario), Appendix K (Prince Edward Island) and Appendix L (Quebec).

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Highlights

- Author's Comments When a pharmacist or pharmacy technician is found guilty of professional misconduct, regardless of the allegations, they have the option of applying for judicial review of their licensing body's determination. However, it seems that or health professional appeal boards or courts are reluctant to interfere with the licensing body's decision and confirm the decision. This makes sense in that the licensing body should have the best understanding of the profession and thus what constitutes professional misconduct.
- Case Law One approach to responding to an allegation of professional misconduct is for a pharmacist or pharmacy technician to resign their license and commit to not apply for re-registration. The matter ceases because they are no longer a pharmacist or pharmacy technician. In Pharmacists (Professional Order of) c. Beaulieu, 2025 QCCDPHA 18 (CanLII) and Ontario College of Pharmacists v. Tran, June 13, 2025, available at www.ocpinfo.com the pharmacists resigned and agreed to remain permanently so. However, in the latter matter, the Committee did find the pharmacist guilty of professional misconduct, issued a reprimand, and ordered costs of \$10,000. When the matter is settled because the licensee resigns, the Committee may dismiss the matter sine die as they did in Pharmacists (Professional Order of) c. Lai, 2025 QCCDPHA 17 (CanLII) meaning that if the pharmacist should apply for re-registration, the matter would resume.
- **Legislation** Legislation in Ontario and Prince Edward Island have been updated in this release.