

EC2009-468

EXECUTIVE COUNCIL ACT
 MINISTER OF INNOVATION AND ADVANCED LEARNING
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (MEMORANDUM OF UNDERSTANDING
 RE ACCESS TO GOVERNMENT PROCUREMENT
 IN ACCORDANCE WITH
 CANADA'S PROVINCIAL-TERRITORIAL
 GOVERNMENT PROCUREMENT OFFER
 TO THE UNITED STATES)
 WITH
 THE GOVERNMENT OF CANADA
 AND
 THE GOVERNMENTS OF THE PROVINCES
 AND THE TERRITORIES

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Innovation and Advanced Learning to enter into an agreement with the Government of Canada, as represented by the Minister of Foreign Affairs and the Minister of International Trade, and the Governments of the Provinces and the Territories, as represented by their respective Ministers Responsible for Trade, to provide access to government procurement in accordance with Canada's Provincial-Territorial Government Procurement Offer to the United States such as more particularly described in the draft agreement.

EC2009-469

EXECUTIVE COUNCIL ACT
 PROVINCIAL TREASURER
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (COMPUTERS FOR SCHOOLS PROGRAM
 CONTRIBUTION AGREEMENT)
 WITH
 INDUSTRY CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Provincial Treasurer to enter into an agreement with the Government of Canada, as represented by the Minister of Industry, to continue for the 2009-10 fiscal year, the Computers for Schools Program in Prince Edward Island, such as more particularly described in the draft agreement.

EC2009-470

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ACTIVE COMMUNITIES DEVELOPMENT INC.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Active Communities Development Inc. of Montague, Prince Edward Island to acquire a land holding of approximately sixteen decimal one (16.1) acres of land in Lot 66, Kings County, Province of Prince Edward Island, being acquired from PricewaterhouseCoopers Inc., trustee in bankruptcy for McGowan Tractor and Equipment Ltd., of Halifax, Nova Scotia SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Active Communities Development Inc. and on all successors in title.

EC2009-471

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 COLLINGS CONSTRUCTION LIMITED
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Collings Construction Limited of Mount Stewart, Prince Edward Island to acquire a land holding of approximately thirteen decimal six (13.6) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Peter F. Stanewick and Diane J. Stanewick, both of Manchester, Maine PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2009-472

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 COLLINGS CONSTRUCTION LIMITED
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Collings Construction Limited of Mount Stewart, Prince Edward Island to acquire a land holding of approximately four decimal six four (4.64) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Peter F. Stanewick and Diane J. Stanewick, both of Manchester, Maine.

EC2009-473

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 KENSINGTON ENTERPRISE CENTRE LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Kensington Enterprise Centre Ltd. to acquire a land holding of approximately five (5) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Terra Nova Island Warehouse Inc. of North Granville, Prince Edward Island. Further, Council noted that the said land holding, being Provincial Property No. 651695, was previously subject to a condition preventing subdivision in accordance with section 9 of the said Act. This subdivision restriction continues to apply.

EC2009-474

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 095034, LOT 14, PRINCE COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred and forty-three decimal three nine (143.39) acres of land, being Provincial Property No. 095034 located in Lot 14, Prince County, Prince Edward Island and currently owned by Arlington Farms Ltd. of Richmond, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately three (3) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 8 September 2009.

EC2009-475

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 458513, LOT 21, QUEENS COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-seven (27) acres of land, being Provincial Property No. 458513 located in Lot 21, Queens County, Prince Edward Island and currently owned by Arthur F. Fitzgerald and Jean Fitzgerald, both of St. Louis, Missouri.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal zero five (1.05) acres and is SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 89011. Further, Council determined that identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 8 September 2009.

EC2009-476

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 260869, LOT 61, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately fifty (50) acres of land, being Provincial Property No. 260869 located in Lot 61, Kings County, Prince Edward Island and currently owned by Fred McCarthy and Linda McCarthy, both of Glen Martin, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one (1) acre, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 8 September 2009.

EC2009-477

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 427740, LOT 64, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 21 of the Prince Edward Island Lands Protection Act in respect of approximately forty-three decimal eight four (43.84) acres of land, being Provincial Property No. 427740 located in Lot 64, Kings County, Prince Edward Island and currently owned by Northumberland Community Development Corporation of Murray River, Prince Edward Island.

Council noted that this amendment will enable subdivision and development of approximately twenty-one decimal five (21.5) acres for residential and/or recreational uses in association with the existing golf course, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land PROVIDED THAT such identification does not prevent continued operation of the golf course on the property.

This Order-in-Council comes into force on 8 September 2009.

EC2009-478

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 021543, LOT 13, PRINCE COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred and sixty-eight (168) acres of land, being Provincial Property No. 021543 located in Lot 13, Prince County, Prince Edward Island and currently owned by Valley Grove Enterprises Ltd. of Kelvin Grove, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately zero decimal three nine (0.39) acres and is SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 614370. Further, Council determined that identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 8 September 2009.

EC2009-479

LEGISLATIVE ASSEMBLY
(THIRD SESSION, SIXTY-THIRD GENERAL ASSEMBLY)
PROCLAMATION TO CONVENE

Council ORDERED that the Legislative Assembly of the Province be called to meet for the Despatch of Business on Thursday, the 12th day of November A.D. 2009 at the hour of three o'clock in the afternoon and that a proclamation be issued forthwith.

EC2009-480

AN ACT TO AMEND THE OPTOMETRY ACT
DECLARATION RE

Under authority of section 9 of *An Act to Amend the Optometry Act* Stats. P.E.I. 2008, c. 23, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Optometry Act" to come into force effective 1 September 2009.

EC2009-481

**OPTOMETRY ACT
LICENSURE REGULATIONS
AMENDMENT**

Pursuant to section 11 of the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6, the following regulations were made by the Prince Edward Island College of Optometrists after consultation with the Association and with the approval of the Lieutenant Governor in Council:

1. Section 1 of the *Optometry Act* Licensure Regulations (EC473/95) is amended by the addition of the following after clause (a):

(a.1) “Canadian Standard Assessment in Optometry” means the national examination administered by the Canadian Examiners in Optometry; Canadian Standard
Assessment in
Optometry

2. Section 2 of the regulations is amended

(a) in clause (g), by the deletion of the word “and”; and

(b) by the addition of the following after clause (g):

(g.1) a letter of good standing from the regulatory authority for optometry of each jurisdiction where the applicant is or has been authorized to practise optometry;

(g.2) a criminal record check that has been issued within the six months preceding the date of application; and

3. Section 4 of the regulations is amended

(a) in subsection (1), by the deletion of the words “the standard examination of the Maritime Provinces Board of Examiners in optometry” and the substitution of the words “the Canadian Standard Assessment in Optometry”; and

(b) by the revocation of subsection (2).

4. Clause 6(b) of the regulations is amended by the deletion of the words “standard examination referred to in subsection 4(1)” and the substitution of the words “examination referred to in section 4”.

5. Subsection 13(3) of the regulations is revoked.

6. Clause 14(b) of the regulations is amended by the deletion of the words “standard examination referred to in subsection 4(1)” and the substitution of the words “examination referred to in section 4”.

7. Section 15 of the regulations is amended

(a) in subsection (2) by the deletion of the words “standard examination referred to in subsection 4(1)” and the substitution of the words “examination referred to in section 4”; and

(b) by the revocation of subsection (4) and the substitution of the following:

(4) A person who applies for the renewal of a license, shall have completed, for the purpose of clause 15(4)(b) of the Act, *Idem*, credit hours

(a) if the Minister has authorized the person to give a prescription for a therapeutic drug or class of therapeutic drugs under section 14.1 of the *Pharmacy Act*, a minimum of

(i) 15 credit hours of continuing professional development activities, at least 3 of which are respecting therapeutic drugs, in the year preceding the application for renewal, or

(ii) 45 credit hours of continuing professional development activities, at least 10 of which are respecting therapeutic drugs, in the three years preceding the application for renewal; or

(b) if the Minister has not authorized the person to give a prescription for a therapeutic drug or class of therapeutic drugs under section 14.1 of the *Pharmacy Act*, a minimum of

- (i) 12 credit hours of continuing professional development activities in the year preceding the application for the renewal of the license, or
- (ii) 36 credit hours of continuing professional development activities in the three years preceding the application for renewal.

8. Subsection 17(1) of the regulations is revoked and the following substituted:

17. (1) The College shall appoint an Examination Committee to set, administer and evaluate examinations required under subsection 4(3), section 5 and clause 15(3)(b). Examination
Committee

9. The regulations are amended by the addition of the following after section 17:

17.1 A licensed optometrist shall, for the purpose of clause 15.1(1)(b) of the Act, provide proof that Training and
education

- (a) the licensed optometrist holds a valid CPR certificate;
- (b) the licensed optometrist
 - (i) has
 - (A) successfully completed at least 40 hours of clinical training in the administration and prescription of therapeutic drugs as a component of an optometry degree program approved by the Board, and
 - (B) passed the Ocular Therapeutics component of the Canadian Standard Assessment in Optometry examination or the Treatment and Management of Ocular Disease examination administered by the National Board of Examiners in Optometry in the United States;
 - (ii) has successfully completed an accredited course in the treatment and management of ocular disease, consisting of a minimum of 100 credit hours including 40 hours of clinical training, and passed the course examination; or
 - (iii) has given prescriptions for therapeutic drugs as part of the licensed optometrist's authorized practice of optometry in Canada or the United States within the three years preceding the application for a written confirmation; and
- (c) where the licensed optometrist
 - (i) has completed the requirements in subclause (b)(i) or (ii) more than three years preceding the application for a written confirmation, and
 - (ii) has not given prescriptions for a therapeutic drug as part of his or her authorized practice of optometry in Canada or the United States within the three years preceding the application for a written confirmation,

the licensed optometrist has completed an accredited refresher course in the administration and prescription of therapeutic drugs consisting of a minimum of 20 credit hours, and has passed the course examination.

10. The regulations are amended

(a) by the revocation of the heading entitled "FEES" immediately before section 22; and

(b) by the revocation of section 22.

11. These regulations are deemed to have come into force on September 1, 2009.

EXPLANATORY NOTES

SECTION 1 adds a definition for "Canadian Standard Assessment in Optometry" to the definition section of the regulations.

SECTION 2 adds two application requirements to existing requirements outlined in section 2 of the regulations.

SECTION 3 changes the reference in the section from the standard examination of the Maritime Provinces Board of Examiners to the Canadian Standard Assessment in Optometry, which is administered by the Canadian Examiners in Optometry. Due to this amendment, a subsection is revoked that is no longer needed.

SECTIONS 4 and 6 correct references to the standard examination of the Maritime Provinces Board of Examiners to reflect that the standard examination has been replaced by the Canadian Standard Assessment in Optometry and that more than one type of examination can satisfy the professional competency requirement.

SECTION 5 revokes a provision that is redundant.

SECTION 7 corrects the reference in the section to the standard examination of the Maritime Provinces Board of Examiners to reflect that the standard examination has been replaced by the Canadian Standard Assessment in Optometry and that more than one type of examination can satisfy the professional competency requirement. It also revokes and replaces the provision dealing with the requirements for the renewal of a license by a licensed optometrist.

SECTION 8 requires the College to appoint an Examination Committee to set, administer and evaluate several types of examinations the College may be responsible for under the regulations.

SECTION 9 adds a new section to the regulations outlining the prescribed training and education requirements of a licensed optometrist who wishes to give a prescription for a therapeutic drug or class of therapeutic drugs.

SECTION 10 revokes the provision dealing with fees.

SECTION 11 provides for the commencement of these regulations.

EC2009-482

OPTOMETRY ACT STANDARDS OF PRACTICE AND DISCIPLINE REGULATIONS AMENDMENT

Pursuant to section 11 of the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6, the following regulations were made by the Prince Edward Island College of Optometrists after consultation with the Association and with the approval of the Lieutenant Governor in Council:

1. The *Optometry Act* Standards of Practice and Discipline Regulations (EC474/95) are amended by the revocation of clause 16(i).

2. These regulations are deemed to have come into force on September 1, 2009.

EXPLANATORY NOTES

SECTION 1 revokes a clause that states that administering a drug to a patient for a therapeutic purpose is professional misconduct.

SECTION 2 provides for the commencement of these regulations.

EC2009-483**AN ACT TO AMEND THE PHARMACY ACT
DECLARATION RE**

Under authority of section 6 of *An Act to Amend the Pharmacy Act* Stats. P.E.I. 2008, c. 24, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Pharmacy Act" to come into force effective 19 September 2009.

EC2009-484**PHARMACY ACT
AUTHORIZATION REGULATIONS
AMENDMENT**

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Pharmaceutical Association pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

1. The preamble or wording immediately before section 1 of the *Pharmacy Act Authorization Regulations (EC575/92)* is amended by the deletion of the words "Pharmaceutical Association" and the substitution of the words "Prince Edward Island Pharmacists Association".

2. These regulations come into force on September 19, 2009.

EXPLANATORY NOTES

SECTION 1 changes the current reference to the "Pharmaceutical Association" to the "Prince Edward Island Pharmacists Association" in recognition of the recent name change of the Association.

SECTION 2 provides for the commencement of these regulations.

EC2009-485**PHARMACY ACT
CONTINUED CARE PRESCRIPTION REGULATIONS**

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Prince Edward Island Pharmacists Association pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

- | | |
|---|-----------------------------|
| 1. In these regulations | Definitions |
| (a) "Act" means the <i>Pharmacy Act</i> R.S.P.E.I. 1988, Cap. P-6; | Act |
| (b) "continued care prescription" means a prescription given by a pharmacist under subsection 2(1); | continued care prescription |
| (c) "controlled substance" means a substance included in Schedule I, II, III, IV or V of the <i>Controlled Drugs and Substances Act</i> (Canada); | controlled substance |
| (d) "dispenser" means a person who is entitled to dispense under the Act; | dispenser |
| (e) "narcotic" means a narcotic as defined by the Narcotic Control Regulations (Canada); | narcotic |

- (f) “original prescription” means a prescription referred to in clause 2(1)(a); original prescription
- (g) “prescriber” means prescriber
- (i) a medical practitioner licensed under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5,
- (ii) a dentist licensed under the *Dental Profession Act* R.S.P.E.I. 1988, Cap. D-6, or
- (ii) a person authorized to give a prescription by the Minister under section 14.1 of the Act.
- 2.** (1) Subject to subsection (2), a pharmacist may give a prescription to a person for a drug, other than a narcotic or a controlled substance, if the following conditions are met: Prescription by pharmacists, conditions
- (a) the person had a prescription, given by a prescriber, for the same drug;
- (b) the original prescription has expired or all authorized refills have been dispensed;
- (c) it is not reasonably possible for the person to obtain a subsequent prescription for the drug from the prescriber who gave the original prescription before the original prescription expires or the person finishes the last refill of the original prescription;
- (d) the person has an immediate need to continue treatment with the drug;
- (e) the original prescription was dispensed at the same pharmacy from which the pharmacist is giving the prescription;
- (f) the pharmacist has professional liability insurance with personal coverage in the amount of at least two million dollars;
- (g) the pharmacist believes that it is in the best interests of the person to give the person a prescription for the drug, in accordance with
- (i) accepted standards of practice as set out in the NAPRA Model Standards of Practice for Canadian Pharmacists,
- (ii) the code of ethics established or adopted by the Board, and
- (iii) any applicable practice directives established by the Board.
- (2) No pharmacist shall give a prescription to a person under subsection (1) for a benzodiazepine drug unless *Idem*
- (a) the person was given the original prescription for the drug for the treatment of a convulsive disorder; or
- (b) an unplanned discontinuation of the drug places the person at risk of experiencing a seizure.
- 3.** A pharmacist who gives a continued care prescription shall Contents of continued prescription
- (a) provide a clear reference on the continued care prescription to the original prescription; and
- (b) notify the prescriber who gave the original prescription, orally or in writing, as soon as possible, that a continued care prescription has been given to the person.
- 4.** No pharmacist shall Restrictions
- (a) give a continued care prescription to a person for an amount of a drug that exceeds the amount authorized per refill under the original prescription;
- (b) authorize refills of a continued care prescription; or
- (c) give consecutive continued care prescriptions to a person for the same drug.
- 5.** A dispenser who dispenses a continued care prescription shall record the name of the pharmacist who gave the continued care prescription in the place where the name of the prescriber is to be recorded in the patient record and on the drug container label or multiple drug package label. Dispensing a continued care prescription
- 6.** A contravention of these regulations by a pharmacist or dispenser constitutes improper professional conduct under section 17 of the Act. Misconduct
- 7.** These regulations come into force on September 19, 2009. Commencement

EXPLANATORY NOTES

SECTION 1 is the definition section.

SECTION 2 sets out the conditions under which a pharmacist may give a continued care prescription for a drug, other than a narcotic or a controlled substance. It also restricts continued care prescriptions for benzodiazepine drugs except in specified circumstances.

SECTION 3 requires a pharmacist to reference the original prescription on a continued care prescription and to notify the original prescriber that a continued care prescription has been given.

SECTION 4 prohibits a pharmacist from giving an amount of a drug that exceeds the original prescription, authorizing refills of a continued care prescription or giving consecutive continued care prescriptions for the same drug.

SECTION 5 requires a dispenser who dispenses a continued care prescription to record the name of the pharmacist where the name of the prescriber is to be recorded.

SECTION 6 provides that a contravention of these regulations by a pharmacist or a dispenser constitutes improper professional conduct.

SECTION 7 provides for the commencement of these regulations.

EC2009-486

PHARMACY ACT DRUG SCHEDULE REGULATIONS AMENDMENT

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Prince Edward Island Pharmaceutical Association pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

1. The preamble or wording immediately before section 1 of the *Pharmacy Act Drug Schedule Regulations (EC287/05)* is amended by the deletion of the words “Prince Edward Island Pharmaceutical Association” and the substitution of the words “Prince Edward Island Pharmacists Association”.

2. These regulations come into force on September 19, 2009.

EXPLANATORY NOTES

SECTION 1 changes the current reference to the “Prince Edward Island Pharmaceutical Association” to the “Prince Edward Island Pharmacists Association” in recognition of the recent name change of the Association.

SECTION 2 provides for the commencement of these regulations.

EC2009-487

PHARMACY ACT PHYSICIAN DISPENSARY REGULATIONS AMENDMENT

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Prince Edward Island Pharmaceutical Association pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

1. The preamble or wording immediately before section 1 of the *Pharmacy Act Physician Dispensary Regulations (EC617/87)* is amended by the deletion of the words “Prince Edward Island Pharmaceutical Association” and the substitution of the words “Prince Edward Island Pharmacists Association”.

2. These regulations come into force on September 19, 2009.

EXPLANATORY NOTES

SECTION 1 changes the current reference to the “Prince Edward Island Pharmaceutical Association” to the “Prince Edward Island Pharmacists Association” in recognition of the recent name change of the Association.

SECTION 2 provides for the commencement of these regulations.

EC2009-488

PHARMACY ACT STANDARDS REGULATIONS AMENDMENT

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Prince Edward Island Pharmaceutical Association pursuant to section 8 of the *Pharmacy Act R.S.P.E.I.* 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

1. The preamble or wording immediately before section 1 of the *Pharmacy Act Standards Regulations (EC618/87)* is amended by the deletion of the words “Prince Edward Island Pharmaceutical Association” and the substitution of the words “Prince Edward Island Pharmacists Association”.

2. Section 27 of the regulations is amended by the deletion of the words “as is produced by the Canadian Pharmaceutical Association and adopted by the Prince Edward Island Pharmaceutical Association” and the substitution of the words “as is established or adopted by the Board”.

3. These regulations come into force on September 19, 2009.

EXPLANATORY NOTES

SECTION 1 changes the current reference to the “Prince Edward Island Pharmaceutical Association” to the “Prince Edward Island Pharmacists Association” in recognition of the recent name change of the Association.

SECTION 2 provides that a pharmacist shall follow such code of ethics as is established or adopted by the Prince Edward Island Pharmacy Board.

SECTION 3 provides for the commencement of these regulations.

EC2009-489**PROVINCIAL DEBENTURE ISSUE
MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$100,000,000.00**

The Executive Council having under consideration the matter of Provincial Debentures

WHEREAS by virtue of the *Loan Act 2008*, Stats. P.E.I. 2008, c. 22, (the "*Loan Act*") and the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, as amended, the Lieutenant Governor in Council is authorized to raise from time to time by way of loan such sums of money as may be deemed expedient for any or all of the purposes mentioned in the said Acts, *inter alia*, for discharging the cost of carrying on public works authorized by the Legislature, for making advances to crown corporations or reporting entities and the payment of any indebtedness of the Province, provided that the principal amount of any securities issued and the amount of temporary loans raised under the authority of these Acts, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole the sum of one hundred and fifty million dollars (\$150,000,000.00); and

WHEREAS amounts aggregating seventeen million, one hundred and sixty-five thousand, five hundred dollars (\$17,165,500.00) authorized by Order-in-Council Numbers EC2008-354 [REISSUED] and EC2009-178 have been borrowed under the authority of the *Loan Act*, and it is now deemed expedient to borrow under the said authority, by the issue and sale of Debentures of the Province in the maximum aggregate principal amount of one hundred million dollars (\$100,000,000.00) when the Provincial Treasurer considers market conditions favourable; and

WHEREAS by virtue of subsection 49(3) of the *Financial Administration Act*, the Provincial Treasurer has the same powers, rights and authority as the Lieutenant Governor in Council has under the authority given to the Lieutenant Governor in Council to raise sums of money; and

WHEREAS by virtue of subsection 49(4) of the *Financial Administration Act*, the Provincial Treasurer, on such terms and conditions the Provincial Treasurer considers advisable, may raise sums of money by way of loan, in whole or in part, or through the issue or sale of securities, in whole or in part, that have a term of maturity of more than one year;

THE EXECUTIVE COUNCIL THEREFORE ADVISES THAT under the authority of and pursuant to the provisions of the said *Loan Act* and the *Financial Administration Act*, the Province may borrow by issue and sale of Debentures of the Province in the maximum aggregate principal amount of one hundred million dollars (\$100,000,000.00) when the Provincial Treasurer considers market conditions are favourable.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Provincial Treasurer shall as soon as practicable, but in no case later than thirty days after the money is received, provide the Lieutenant Governor in Council with a statement of the sums of money raised, the rate of interest or the yield to the investor and such terms as the Provincial Treasurer considers advisable, including any sinking fund.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the maximum aggregate principal amount of one hundred million dollars (\$100,000,000.00) of the Debentures, the issue and sale whereof is hereby provided for, is and is declared to be necessary to realize the sum required to be raised by way of loan pursuant to the *Loan Act* and the *Financial Administration Act*.

EC2009-490

REGISTERED NURSES ACT
NURSE PRACTITIONER REGULATIONS
NURSE PRACTITIONER
DIAGNOSTIC AND THERAPEUTICS COMMITTEE
APPOINTMENT

Pursuant to subsection 8(2) of the *Registered Nurses Act* Nurse Practitioner Regulations (EC91/06), Council recommends the following be appointed as a member of the Nurse Practitioner Diagnostic and Therapeutics Committee:

NAME	TERM OF APPOINTMENT
via clause (e)	
Wendy Cook Pharmacist and Manger Queen Elizabeth Hospital Pharmacy (vice Iain Smith)	1 September 2009 to 31 August 2011

EC2009-491

SECURITIES ACT
DECLARATION RE

Under authority of section 192 of the *Securities Act* Stats. P.E.I. 2007, c. 17, Council ordered that a Proclamation do issue proclaiming subsection 86(3) and sections 87 and 184 the said "Securities Act" to come into force effective 28 September 2009.

EC2009-492

AN ACT TO AMEND THE SMOKE-FREE PLACES ACT
DECLARATION RE

Under authority of section 14 of *An Act to Amend the Smoke-Free Places Act* Stats. P.E.I. 2009, c. 86, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Smoke-Free Places Act" to come into force effective 15 September 2009.

EC2009-493

SMOKE-FREE PLACES ACT
GENERAL REGULATIONS
AMENDMENT

Pursuant to section 20 of the *Smoke-free Places Act* R.S.P.E.I. 1988, Cap. S-4.2, Council made the following regulations:

1. (1) Subsection 1(1) of the *Smoke-free Places Act* General Regulations (EC279/03) is revoked and the following substituted:

1. (1) In these regulations door, defined
- (a) "Act" means the *Smoke-free Places Act* R.S.P.E.I. 1988, Cap. S-4.2; Act
- (b) "door" includes an air curtain, if the door gives access to a patio. door

(2) Subsection 1(2) of the regulations is revoked and the following substituted:

- (2) In the Act and these regulations,
- (a) “elementary, intermediate or secondary school” includes
- (i) any building or structure that is located on the grounds of such a school, and
 - (ii) the grounds of such a school, including any parking lot;
- (b) “hospital” means a hospital as defined in the *Hospitals Act*, R.S.P.E.I. 1988, Cap. H-10.1 and includes
- (i) any building or structure that is located on the grounds of the hospital, and
 - (ii) the grounds of the hospital, including any parking lot.

Definitions

elementary,
intermediate or
secondary school

hospital

(3) Subsection 1(3) of the regulations is amended

(a) by the deletion of the word “independent”; and

(b) by the deletion of the words “air exchanges” and the substitution of the words “air changes”.

2. (1) Subsection 2(1) of the regulations is revoked and the following substituted:

2. (1) Where, in the circumstances permitted under the Act and these regulations, an owner of a public place or workplace, or an employer at a workplace, wishes to designate

Designation of a
smoking area

- (a) an outdoor area of the place; or
- (b) a room of the place, if it is a long-term care facility,

as a designated smoking area, the owner or employer shall effect the designation by conspicuously posting, near each entrance to the outdoor area or room, as the case may be, a sign, as depicted in Schedule A, that identifies the area or room as a designated smoking area.

(2) Subsection 2(2) of the regulations is amended

(a) in the words preceding clause (a), by the deletion of the words “a smoking area under section 8 of the Act” and the substitution of the words “a designated smoking area under subsection 8(1) of the Act”; and

(b) in subclauses (b)(i) and (ii), by the deletion of the words “any outdoor intake of make-up air” and the substitution of the words “any outdoor air intake”.

(3) Subsection 2(4) is amended

(a) by the deletion of the words “designated as a smoking area” and the substitution of the words “designated as a designated smoking area”; and

(b) by the deletion of the words “an outdoor intake of make-up air” and the substitution of the words “an outdoor air intake”.

(4) Section 2 of the regulations is amended by the addition of the following after subsection (4):

(5) A patio may not be designated as a smoking area except between the hours of 10:00 p.m. through 3:00 a.m. the following day.

Patio, restricted
hours of designation

(6) Where the owner of an eating establishment or licensed premises wishes to designate a patio as a designated smoking area under subsection (1), the sign posted to effect the designation under subsection (1) shall include the hours during which the patio is designated as a designated smoking area.

Patio signage
requirements

3. Section 3 of the regulations is revoked.

4. (1) Subsection 6(1) of the regulations is revoked and the following substituted:

6. (1) A room in a long-term care facility may not be designated as a designated smoking area under section 9 of the Act unless the room is equipped with a ventilation system that

Independent
ventilation system

- (a) is a fan and a direct vent exhaust system that provides a ventilation rate of not less than 15 air changes per hour;
- (b) prevents the movement of smoke from the room into the non-smoking areas of the facility; and
- (c) complies with all relevant provincial and municipal laws.

(2) Subsection 6(2) of the regulations is amended by the deletion of the words “, the owner or employer who made the designation shall ensure that the independent” and the substitution of the words “in a long-term care facility, the owner of the long-term care facility shall ensure that the”.

(3) Subsection 6(3) of the regulations is amended by the deletion of the words “public place or workplace may not be designated as a smoking room under section 8” and the substitution of the words “long-term care facility may not be designated as a designated smoking area under section 9”.

5. Section 7 of the regulations is revoked.

6. Section 8 of the regulations is revoked and the following substituted:

8. An owner of a long-term care facility or an employer at a long-term care facility, may permit an employee to enter or work in a designated smoking room in the long-term care facility if

Employees working in or entering designated smoking room

- (a) the employee
 - (i) volunteers to enter or work in the room, and
 - (ii) spends no more than 20%, in total, of any workday or shift of the employee in the room;
- (b) the employee is entering the room to respond to an emergency that endangers a person’s life or health or property; or
- (c) the room is free from second-hand smoke.

7. These regulations come into force on September 15, 2009.

EXPLANATORY NOTES

SECTION 1 revokes unneeded definitions for “make-up air”, “patio”, “independent ventilation system” and “negative air pressure” and adds back in a definition for “door”, and revises existing definitions for “elementary, intermediate or secondary school” and “hospital”. The section also amends references to the type of ventilation system required for a designated smoking room.

SECTION 2 makes amendments respecting the designation of designated smoking areas in public places and workplaces to recognize that recent amendments to the Act restrict the designation of designated smoking areas to outdoor areas in public places and workplaces and to rooms in long-term care facilities. This section also restricts the hours during which a patio may be designated as a designated smoking area and requires that the hours of designation be included on signage.

SECTION 3 revokes a provision of the regulations respecting the designation of a room as a designated smoking area in a public place or workplace.

SECTION 4 revokes and amends provisions of the regulations respecting the ventilation and structural requirements for a room in a public place or workplace to be designated as a designated smoking area to instead refer to a room in a long-term care facility.

SECTION 5 revokes a section respecting the ventilation system requirements for a designated smoking room in a long-term care facility.

SECTION 6 revokes provisions of the regulations respecting an employee working in a designated smoking room in a public place or workplace and replaces those provisions with a provision respecting an

employee working in a designated smoking room in a long-term care facility.

SECTION 7 provides for the commencement of these regulations.

EC2009-494

**SUMMARY PROCEEDINGS ACT
TICKET REGULATIONS
AMENDMENT**

Pursuant to subsection 10(3) of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the *Summary Proceedings Act* Ticket Regulations (EC58/08) is amended by the addition of the following immediately after PART 40:

PART 40.1

***SMOKE-FREE PLACES ACT*
R.S.P.E.I. 1988, Cap. S-4.2**

Item Number	Column I Offence	Column II Section	Column III Penalty for out of court settlement
1	Smoking in a public place or workplace when not permitted by the Act or regulations	4(1)	\$100
2	Smoking in a motor vehicle while a person under the age of nineteen years is present.....	4(2)	100
3	Owner of a public place or workplace or employer at a workplace that has no designated smoking area failing to ensure that persons refrain from smoking in the public place or workplace.....	7(a)	100
4	Owner of a public place or workplace or employer at a workplace failing to ensure that persons smoke only in a designated smoking area of the public place or workplace.....	7(b)	100
5	Person smoking in outdoor designated smoking area of Hillsborough Hospital who is not a patient.....	8(4)	100
6	Person smoking in designated smoking room of a long-term care facility who is not a resident of that facility.....	9(2)	100
7	Owner of a long-term care facility or employer at a long-term care facility requiring an employee to enter or work in a designated smoking room.....	11(a)	100
8	Owner of a long-term care facility or employer at a long-term care facility permitting an employee to enter or work in a designated smoking room other than as permitted by the regulations	11(b)	100
9	Owner of a public place or workplace or employer at a workplace, failing to post or keep posted signs respecting smoking required by the regulations.....	12	100
10	Obstructing or attempting to obstruct, or failing to cooperate with, an inspector in the exercise of his or her functions under the Act or regulations	14(2)	100
11	Employer or union taking discriminatory action against an employee because the employee has acted in accordance with or sought the enforcement of the Act, the regulations or an order of an inspector	17(1)(a)	100
12	Employer or union threatening to take discriminatory action against an employee because the employee has acted in accordance with or sought the enforcement of the Act, the regulations or an order of an inspector	17(1)(b)	100
13	Employer or union imposing any penalty on an employee because the employee has acted in accordance with or sought the enforcement of the Act, the regulations or an order of an inspector	17(1)(c)	100
14	Employer or union intimidating or coercing an employee because the employee has acted in accordance with or sought the enforcement of the Act, the regulations or an order of an inspector.....	17(1)(d)	100
15	Driver failing to come to a safe stop when requested to do so by a police officer	19.1(2)	100

PART 40.2

SMOKE-FREE PLACES ACT
General Regulations
(EC279/03)

Item Number	Column I Offence	Column II Section	Column III Penalty for out of court settlement
1	Owner of a public place or workplace or employer at a workplace failing to ensure signs required to be posted under the Act or regulations are not obstructed	5(2)(a)	\$100
2	Owner of a public place or workplace or employer at a workplace failing to ensure signs required to be posted under the Act or regulations are replaced if defaced or damaged	5(2)(b)	100
3	Owner of a long-term care facility failing to ensure that the ventilation system for a designated smoking room is in operation during the hours the designated smoking room is open for use.....	6(2)	100

2. These regulations come into force on September 15, 2009.

EXPLANATORY NOTES

SECTION 1 sets out the offences for which tickets may be issued under the *Smoke-free Places Act* and the *Smoke-free Places Act General Regulations*.

SECTION 2 provides for the commencement of these regulations.