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## **ONTARIO REGULATION**

made under the

### **NARCOTICS SAFETY AND AWARENESS ACT, 2010**

#### **GENERAL**

#### **Interpretation**

**1.** In this Regulation,

“identifying number” means, with respect to a person,

- (a) the number on his or her health card issued under the *Health Insurance Act*, or
- (b) if the person does not have a health card issued under the *Health Insurance Act*, the distinguishing number on an alternative form of identification,
  - (i) that provides a level of certainty of identification comparable to that provided by a health card, and
  - (ii) that has been approved by the Minister and listed on the website of the Ministry of Health and Long-Term Care.

#### **Additional monitored drugs**

**2.** Any drug product that is an opioid that is not listed under the *Controlled Drugs and Substances Act* (Canada) is designated as a monitored drug for the purposes of the Act.

#### **Exemption**

**3.** (1) The Act does not apply with respect to the prescription by a prescriber, or the dispensing by a dispenser, of a monitored drug,

- (a) to an in-patient as part of his or her treatment in a hospital; or
- (b) to a prisoner or inmate.

(2) In this section,

“in-patient” means an in-patient within the meaning of the *Public Hospitals Act*;

“prisoner or inmate” means a person confined in a correctional institution, penitentiary, prison or youth custody facility.

### **Notice**

- 4.** (1) The notice referred to in section 6 of the Act shall contain,
- (a) a summary of the information that may be collected, used and disclosed and the legal authority for doing so;
  - (b) a summary of the purposes of the collection, use and disclosure of the information; and
  - (c) the contact information of a person to contact if a prescriber, dispenser or a member of the public has any questions about the notice.
- (2) The Minister shall give the notice by,
- (a) posting it on the website of the Ministry of Health and Long-Term Care;
  - (b) advertising it in a newspaper of general circulation throughout Ontario within three months after the coming into force of section 6 of the Act; and
  - (c) sending a letter in electronic or hard copy format to prescribers and dispensers, as applicable.

### **Additional information**

**5.** For the purposes of paragraph 7 of subsection 10 (1) of the Act and paragraph 8 of subsection 11 (1) of the Act, the prescriber or dispenser, as the case may be, shall keep a record of the identifying number that is provided by the person and of the type of identifying number it is.

### **Exceptions: medical condition; prescriber’s office use**

- 6.** (1) Section 5 does not apply where all of the following conditions are met:
- 1. A person is unable to present an identifying number to the prescriber of the prescription.
  - 2. The prescriber records on the prescription the reason why the person needs to receive the monitored drug before he or she can present an identifying number.
  - 3. The dispenser keeps a record of the reason why the person needs to receive the monitored drug before he or she can present an identifying number.

4. The dispenser provides the monitored drug directly to the person, either at the dispenser's place of business or through the dispenser's delivery service, without an agent being used to receive the drug on the person's behalf and without a third-party mail or courier service being used to deliver the monitored drug.

(2) Section 5 does not apply in respect of a prescription for a monitored drug that has been prepared for a prescriber in order for the prescriber to use the monitored drug for the prescriber's practice.

#### **Monitored drug received by agent**

7. If a person who has been prescribed a monitored drug and who has provided an identifying number uses an agent to receive the monitored drug from the dispenser, the dispenser shall keep a record of,

- (a) the name and address of the agent;
- (b) the form of identification provided by the agent that verifies the name and address of the agent; and
- (c) the distinguishing number on the form of identification.

#### **Amendment**

8. (1) **Clause 3 (1) (a) of this Regulation is revoked.**

(2) **The definition of "in-patient" in subsection 3 (2) of this Regulation is revoked.**

#### **Commencement**

9. (1) **Subject to subsection (2), this Regulation comes into force on July 1, 2011.**

(2) **Section 8 comes into force on July 1, 2016.**