

**Pharmacists (Professional) Conduct Regulations, 1989**

S.I. 232 of 1989

[amended by S.I. 's 266 of 1992 and 314 of 1994.]

**ARRANGEMENT OF SECTIONS**

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SCHEDULE: Repeals

IT is hereby notified that the Minister of Health has, in terms of section 85 of the Medical, Dental and Allied Professions Act [Chapter 27:08], approved the following regulations made by the Health Professions Council :—

[ **Editor's Note:** These regulations remain in force by virtue of section 154 of the Health Professions Act [Chapter 27:19] as if they had been made by the appropriate Council or authority under Chapter 224, now replaced by Act 6 of 2004.

In addition to the change of name to "pharmacist" throughout by virtue of S.I. 314 of 1994, and substituting ' medicine ' for ' drug ' by virtue of Act 1 of 1996, changes have been made to Section and Chapter numbers of repealed legislation where appropriate. ]

**1. Title**

These regulations may be cited as the Pharmacists (Professional Conduct) Regulations, 1989.

**2. Interpretation**

In these regulations—

**"advertisement"** includes any advertisement contained in a publication or any advertisement broadcast on radio or television or brought to the attention of the public by any other means;

**"approved"** means approved by the Council;

**"business advertisement"** shall comprise only details of the name of any business under which a pharmacist practises, the address of such business, the hours of attendance thereat and any relevant telephone numbers;

**"community pharmacy"** means a pharmacy which is engaged solely in retail trade;

**"pharmacist"** means a person registered on the register of pharmacists maintained by the Council in accordance with the Act;

**"publication"** includes any newspaper, book periodical, pamphlet, poster, calendar or other printed matter.

**3. Improper or disgraceful conduct**

Any contravention of these regulations by a pharmacist shall for the purpose of section 63 of the Act, constitute improper or disgraceful conduct.

**4. Advertising professional services**

(1) Subject to subsection (2), no pharmacist shall advertise his professional services.

(2) Notwithstanding subsection (1), a pharmacist may—

- (a) use, in connexion with his practice, printed letter heads, business circulars, envelopes and similar stationery bearing the normal title of the firm;
- (b) publish business advertisements in the telephone directory or other approved directories.

**5. Prescriptions**

No pharmacist shall—

- (a) distribute, or cause to be distributed, blank prescription forms having the name of a pharmacist or pharmacy printed therein;
- (b) dispense or in any way to be a party to the use of secret or cipher prescriptions;
- (c) execute orders or compound prescriptions directed to another pharmacist without the prior consent of such other pharmacist;
- (d) retain any prescription not required to be so retained by law, except at the request of the patient.

**6. Canvassing, touting or tendering for business**

No pharmacist shall directly or indirectly—

- (a) solicit orders for or sell drugs and medicines on a door to door basis; or
- (b) canvas or tout for the provision of any dispensing service; or
- (c) tender for the provision of any dispensing service.

**7. Discount**

No pharmacist shall offer or give any form of discount or inducement for the supply of any prescription or provision of any dispensing service to a person who is not registered in terms of the Act, the Natural Therapists Act [Chapter 27:09], the



Traditional Medical Practitioners Act[ *Chapter 27:14*], or the Veterinary Surgeons Act [ *Chapter 27:15* ], except—

- (a) in terms of a contract entered into by the Pharmaceutical Society of Zimbabwe on behalf of pharmacists; or
- (b) where the Pharmaceutical Society of Zimbabwe, on receipt of an application giving full details of the case, considers that a person requires long term therapy for a chronic disease or is in financial difficulties, or both grants permission to give a discount in accordance with the terms of that permission.

**8. Appeals to the public**

No pharmacist shall permit the publication of his name or the name of any business with which he is directly or indirectly concerned in connexion with any advertisement or appeal to the public on behalf of a sick benefit society or welfare organisation.

**9. The good name of colleagues and other registered persons**

(1) No pharmacist shall, without good cause, cast any reflection on the probity, professional reputation or skill of another pharmacist or any other registered person.

(2) No pharmacist shall discuss or criticise any prescription or proposed treatment so as to impair the confidence of the patient.

**10. Divulging confidential information**

No pharmacist shall divulge, either orally or in writing, any information regarding a prescription supplied to, or the treatment or ailment of any person which ought not be divulged, except—

- (a) where so required by law; or
- (b) with the consent of that person or, where that person—
  - (i) is a minor, the consent of the parent or guardian of that person; or
  - (ii) has died, the consent, in writing, of the executor or next of kin of that person.

**11. Substitution or omission of prescription ingredients**

No pharmacist shall substitute or omit any medicine or ingredient in a prescription without the approval of the prescriber:

Provided that it shall be permissible for a medicine to be substituted without such approval if—

- (a) the medicine substituted is —
  - (i) registered or listed with the Medicines Control Authority of Zimbabwe; and
  - (ii) contains the same amount of the same active ingredients in the same dosage form as the original prescribed;and
- (b) the pharmacist is satisfied that the medicine substituted is equivalent to the medicine prescribed; and
- (c) the medicinesubstituted is not more expensive than the medicine

prescribed;  
and

- (d) the patient is advised of and agrees to such substitution; and
- (e) the prescriber has not indicated that a substitution should not be made.

## 12. Consulting rooms and premises

No pharmacist shall —

- (a) permit a medical practitioner, dental practitioner or veterinary surgeon to have consulting rooms with an entrance through or with a name plate at the entrance to the pharmacy;
- (b) have or establish a community pharmacy within the same premises as those in which any other person who is not registered in terms of the Act is carrying on any business, profession or calling; or
- (c) permit any person who is not registered in terms of the Act to carry on any business, profession, or calling within the same premises as those in which he carries on the business of a community pharmacy.

## 13. Exploitation

No pharmacist shall permit himself to be exploited in a manner detrimental to the interests of the public or his profession.

## 14. Commission

No pharmacist shall pay by way of commission any moneys or articles, or offer any inducement of any nature to any person, company or organisation in return for actual or implied favour or inducement in connexion with his practice.

## 15. Trading restrictions

(1) No pharmacist shall sell or supply, offer to sell or supply or associate himself directly or indirectly with the sale or supply or provision of facilities for the sale or supply of mineral waters or beverages, whether aerated or not, for consumption in the pharmacy wherein he conducts business as a pharmacist.

(2) No pharmacist shall sell or supply, offer to sell or supply or associate himself directly or indirectly with the sale or supply or provision of facilities for the sale or supply of groceries other than baby or invalid foods in the pharmacy wherein he conducts business as a pharmacist.

(3) No pharmacist shall sell or supply, offer to sell or supply or associate himself directly or indirectly with the sale or supply or provision of facilities for the sale or supply of tobacco or tobacco products.

*[Subsection (3) inserted by S.I. 266 of 1992 with effect from 4th September, 1992.]*

## 16. Conduct of body corporate, company or partnership

A pharmacist shall, in his capacity as a—

- (a) director of a body corporate or private company; or
- (b) partner in a partnership;

which carries on the business of a pharmacist, exercise sufficient control over the activities of such body corporate, private company or partnership as will ensure that the body corporate, private company or partnership or any servant thereof does not



commit any breach of these regulations.

**17. Availability of regulations**

A copy of these regulations shall be readily available at any premises where a pharmacist is employed.

**18. Obstruction of Council**

No pharmacist shall—

- (a) prevent, hinder or obstruct the Council or any official acting on its behalf from carrying out its duties;
- (b) fail to comply with any notice, order or direction issued by the Council in terms of the Act.

**19. Repeals**

The regulations specified in the Schedule are repealed.

**SCHEDULE (Section 19)**

**REPEALS**

| <i>Title</i>  | <i>Rhodesia Government<br/>Notice</i> |
|---|---------------------------------------|
| Pharmaceutical Chemists (Professional Conduct)<br>Regulations, 1972                     | 994 of 1972                           |
| Pharmaceutical Chemists (Professional Conduct)<br>(Amendment) Regulations, 1972 (No. 1) | 734 of 1976                           |
|   | <i>Statutory Instrument</i>           |
| Pharmaceutical Chemists (Professional Conduct)<br>(Amendment) Regulations, 1979 (No. 2) | 569 of 1979                           |
| Pharmaceutical Chemists (Professional Conduct)<br>(Amendment) Regulations, 1981 (No. 3) | 888 of 1981                           |