

LIABILITY OF PHARMACISTS IN MALAYSIA

By

Intan Sharina bt Nasri (2004614697)

Azimah Nor bt Idris (2004614585)

Dg. Roslina bt Datu Mohamad (2004614619)

Submitted in Partial Fulfilment of the Requirements
For the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA
Faculty of Law

Oktober 2006-10-15

The student/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

ACKNOWLEDGEMENT

Thanks to God, after hard work through this semester, we are able to complete this project. This project gave us so much knowledge that we can gain and realise something that we always take for granted. Sometimes it is very small matter but it can give great impact to our life.

First of all, we would like to express our appreciation and gratitude to Allah the all-Mighty for his guidance and protection in allowing us to complete this project without any significant problems. Next, we would like to thank our parents and families for their support. Our thanks also go to *Pn. Sue Valquis* our supervisor for her tireless effort and dedication in guiding us through this project. Without her guidance, we will still in confusion and would have not known where to start.

Beside that, we also very appreciate the help given by the expert to give more information about this topic. They are *Prof. Dr Abu Bakar bin Abdul Majeed, Dean's of Faculty of Pharmacy* and *Mr. Azman Yahya, the enforcement officer of Ministry of Health-Pharmacy Division.*

This has been a rewarding experience and we are very thankful for all persons involved directly or indirectly in this paper. May this project give you further information and understanding of Liability of the Pharmacist According to the Law.

Thank you.

ABSTRACT

Study on the liability of pharmacists in Malaysia according to the statistic in 2004, there are 4613 registered pharmacists. Problem arise is that pharmacists are now selling medication without prescription and the offences are increasing from years to years.

This project paper will be looking at the various legislations to pharmacists such as Poison Act 1952, Registration of Pharmacists Act 1951, Dangerous Drugs Act 1952, Sale s of Drugs Act 1952, Control of Drugs and Cosmetics Regulation 1984 and etc. this act is used because to looks at the regulations relating to duties, liabilities and offences if they breach their duties.

However, all this Acts regulated since the year of 1951. Therefore, the amendment with regard to certain provisions needs to be made to fit it with the recent situation. The certain sections should be repeal such as to increase the amount of penalties, to conduct a training to improve and exposed them with the information, knowledge and skills needed. There are some provision must be add in relating to their Code of Conduct in the Act.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	viii

CHAPTER ONE: INTRODUCTION

1.0 Background	1
1.1 Problem Statement	5
1.2 Research Question	6
1.3 Research Objective	6
1.4 Methodology	7
1.5 Limitation of Research	8
1.6 Significance of Study	8
1.7 Outline Structure of the Paper	8
1.8 Conclusion	9

CHAPTER TWO: LITERATURE REVIEW

Literature Review	10
-------------------	----

CHAPTER THREE: LAWS RELATING TO PHARMACY IN MALAYSIA

3.0 Introduction	17
3.1 Pharmacist: A Profession in Malaysia	17
3.2 Pharmacy Board	18
3.3 Pharmaceutical Services Division	18
3.4 Registration of Pharmacists Act 1951 (Revised 1989)	20
3.4.1 Registration of Pharmacists	20
3.4.2 Registration of Retail Pharmacy	22
3.5 Poisons Act 1952 (Revised 1989)	22
3.5.1 Dispensing of Medicine	23
3.5.2 Types of Licence	23
3.5.3 Category of Poisons	24
3.6 Sales of Drugs Act 1952 (Revised 1989)	26
3.6.1 Inspection of Premises of Pharmacists	26
3.6.2 Inspection of Record of Sales	28
3.7 Conclusion	28

CHAPTER FOUR: LIABILITIES OF PHARMACISTS

4.0 Introduction	29
4.1 Civil Liability	30

