



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
20th City Council

PO20CC-108

17th Regular Session

ORDINANCE NO. SP- **2545**, S-2016

AN ORDINANCE AMENDING ORDINANCE NO. SP-1582, S-2005 (PO2005-177), OTHERWISE KNOWN AS "AN ORDINANCE DIRECTING ALL DRUGSTORES AND PHARMACIES INCLUDING ALL ITS OWNERS, MANAGERS AND EMPLOYEES INVOLVED IN DISPENSING THE ANTI-TB DRUGS (PEDIATRIC AND ADULT) TO STRICTLY ENFORCE THE 'NO PRESCRIPTION, NO DISPENSING OF ANTI-TB DRUGS POLICY' AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

Introduced by Councilor EUFEMIO C. LAGUMBAY.

Co-Introduced by Councilors Elizabeth A. Delarmente, Diorella Maria G. Sotto, Kate Abigail G. Coseteng, Irene R. Belmonte, Lena Marie P. Juico, Precious Hipolito Castelo, Estrella C. Valmocina, Raquel S. Malañgen, Ivy Xenia L. Lagman, Julianne Alyson Rae V. Medalla, Marivic Co-Pilar, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera, Ramon P. Medalla, Ranulfo Z. Ludovica, Roderick M. Paulate, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Jose Mario Don S. De Leon, Franz S. Pumaren, Marvin C. Rillo, Jose A. Visaya, Karl Edgar C. Castelo, Godofredo T. Liban II, Allan Butch T. Francisco, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato C. Matias, Eric Z. Medina and Ricardo B. Corpuz.

WHEREAS, in line with our government's National TB Control Program which intends to reduce the prevalence of Tuberculosis in our country, it is imperative to support and adopt the Directly Observed Treatment, Short Course or DOTS Strategy as advocated by the World Health Organization (WHO);

WHEREAS, Section 1 of Administrative Order No. 64 Series of 1989 prohibits the dispensing of identified Foods, Drugs, Devices and Cosmetics without prescription;

WHEREAS, Section 33 of Republic Act No. 10918, otherwise known as an Act Regulating And Modernizing the practice of pharmacy in the Philippines, repealing for the purpose Republic Act No. 5921, otherwise known as the Pharmacy Law, which clearly states that prescription medicines may be dispensed only by duly registered and licensed pharmacist and only with the valid prescription of physician, dentist or veterinarian; ✓

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WHEREAS, Anti-TB Drugs being classified as prescription drugs should never be dispensed over-the-counter by drugstores and pharmacies without prescription;

WHEREAS, the effects of indiscriminate use of an anti-TB drugs among our self-medicating TB patients have lead to the development of Multi-Drug Resistance (MDR) and the following: incomplete and harmful drug use, treatment failure and public health complications;

WHEREAS, considering that the pharmacies and drugstores provide the initial and/or direct point of contact on the treatment of TB patients, it is necessary, therefore, to equip pharmacy personnel with the necessary know how, skills and competence to aid in the awareness of correct and complete TB treatment and to regulate the indiscriminate use of Anti-TB drugs;

WHEREAS, in the interest of public health and safety and to comply with the aforesaid provision of law, it is necessary for all drugstores and pharmacies to strictly enforce the "No Prescription, No Dispensing of Anti-TB Drugs Policy."

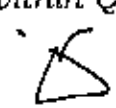
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE – This Ordinance is entitled "An Ordinance Amending Ordinance No. SP-1582, S-2005 (PO2005-177), otherwise known as 'An Ordinance Directing All Drugstores and Pharmacies including All its Owners, Managers and Employees involved in dispensing the Anti-TB Drugs (Pediatric and Adult) to Strictly Enforce the 'No Prescription, No Dispensing of Anti-TB Drugs Policy' and Providing Penalties for Violation Thereof.'

SECTION 2. OBJECTIVE – This Ordinance provides for the strict implementation of the 'No Prescription, No Dispensing of Anti-TB Drugs Policy.'

SECTION 3. COVERAGE – This Ordinance shall govern all drugstores and pharmacies and similar establishments, including all its owners, managers and employees, situated within Quezon City. *μ*



SECTION 4. DEFINITION OF TERMS – For purposes of this Ordinance, the following terms shall mean:

- a. **PHARMACY or DRUGSTORES or BOTICA**, including hospital pharmacy and institutional pharmacy refers to a place of establishment where drugs, chemical products, active principles of drugs, pharmaceuticals, proprietary medicines or pharmaceutical specialities, devices, and poisons are sold at retail and where medical, dental and veterinary prescriptions are compounded and dispensed;
- b. **RETAIL OUTLET FOR NON-PRESCRIPTION DRUGS** refers to drug establishments such as supermarkets, convenient stores and other similar retail establishments licensed to sell registered non-prescription or Over-the-Counter (OTC) drugs which are sold in their individual original and primary packaging and dispensed directly to the general public on a retail basis;
- c. **PHARMACY/DRUGSTORE OWNER** refers to an individual or group of people who owns and operates a business;
- d. **PHARMACIST** refers to a licensed and registered health care professional who prepares, compounds, stores and dispenses medications, performs medication counselling and health care services to clients to benefit individual health needs;
 - i. A community pharmacist prepares compounds, store, distribute, procure, sell and/or dispense any pharmaceutical product, and render pharmaceutical care in a retail pharmacy setting.
 - ii. A hospital pharmacist prepares compounds, store, distribute, procure, sell and/or dispense any pharmaceutical product, and render pharmaceutical care and clinical pharmacy service in a hospital pharmacy setting.
 - iii. An institutional/industrial pharmacist prepares compounds, store, distribute,

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- v. procure, sell and/or dispense any pharmaceutical product, and render pharmaceutical care to employees of industrial firms or big corporations.
- vi. A corporate pharmacist renders pharmacy services, such as, but not limited to regulatory services, pharmaceutical marketing, medication management for a drug establishment.
- e. PHARMACY ASSISTANT refers to a health care provider who performs pharmacy-related functions, generally working under the direct supervision of a licensed pharmacist;
- f. DRUG RESISTANT TB (DTRB) refers to Tuberculosis caused by Mycobacterium. Tuberculosis that is resistant in vitro to the effects of any anti-TB drug;
- g. MULTI-DRUG RESISTANT TB (MRTB) refers to resistance to at least Isoniazid and Rifampicin with or without resistance to other any anti-TB drugs;
- h. FIRST LINE ANTI TB DRUGS refer to the following:
- Isoniazid
 - Rifampicin
 - Pyrazinamide
 - Ethambutol
 - Streptomycin
- i. ANTI-TB DRUGS refer to the following:
- Kanamycin
 - Amikacin
 - Capreomycin
 - Viomycin
 - Ofloxacin
 - Levofloxacin
 - Moxifloxacin
 - Gatifloxacin
 - Ethionamide
 - Prothionamide
 - Cycloserine
 - Para-aminosalicylic acid (PAS)
 - Terizidone γ
- A S J B

- Thiocetazone
- Clofazimine
- Amoxicillin/ clavulanate
- Clarithromycin
- Linezolid

SECTION 5. RESPONSIBILITIES.

A. PHARMACY / DRUGSTORE OWNER

Every pharmacy or drugstore owner shall be responsible for serving all necessary requirements in the operation of such establishment. Whether owned by the government or a private person or firm, shall at all times, when open for business, be under the personal and immediate supervision of a licensed and registered pharmacist.

Every pharmacy who dispenses, sells or otherwise delivers any of the anti-TB drugs, to wit: ISONIAZID, RIFAMPICIN, PYRAZINAMIDE, ETHAM-BUTOL, KANAMYCIN, AMIKACIN, CAPREOMYCIN, VIOMYCIN, OFLOXACIN, LEVOFLOXACIN, MOXIFLOXACIN, GATIFLOXACIN, ETHIONAMIDE, PROTHIOI-NAMIDE, CYCLOSERING, PARA-AMINOSALYSILIC ACID (PAS), TERIZIDONE, THIOACETAZONE, CLOFA-ZIMINE, AMOXICILLIN / CLAVULANATE, CLARITHRO-MYCIN, LINEZOLID, shall do so only upon prescription of a duly licensed physician.

B. PHARMACIST

Every pharmacist who dispenses, sells or otherwise delivers any of the anti- TB drugs, to wit: ISONIAZID, RIFAMPICIN, PYRAZINAMIDE, ETHAM-BUTOL, KANAMYCIN, AMIKACIN, CAPREOMYCIN, VIOMYCIN, OFLOXACIN, LEVOFLOXACIN, MOXIFLO-XACIN, GATIFLOXACIN, ETHIONAMIDE, PROTHIOI-NAMIDE, CYCLOSERING, PARA-AMINOSALYSILIC ACID (PAS), TERIZIDONE, THIOACETAZONE, CLOFA-ZIMINE, AMOXICILLIN / CLAVULANATE, CLARITHRO-MYCIN, LINEZOLID, shall do so only upon prescription of a duly licensed physician.

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C. PHARMACY ASSISTANT

Every pharmacy assistant shall undergo relevant training to be conducted by the duly recognized organization such as but not limited to Quezon City Health Department, and Philippine Pharmacy Association.

Every pharmacy assistant shall, at all times, be under the direct supervision of a licensed registered pharmacist.

Every pharmacy assistant who dispenses, sells or otherwise delivers any of the anti-TB drugs, to wit: ISONIAZID, RIFAMPICIN, PYRAZINAMIDE, ETHAMBUTOL, KANAMYCIN, AMIKACIN, CAPREOMYCIN, VIOMYCIN, OFLOXACIN, LEVOFLOXACIN, MOXIFLOXACIN, GATIFLOXACIN, ETHIONAMIDE, PROTHIOINAMIDE, CYCLOSERING, PARA-AMINOSALICYLIC ACID (PAS), TERIZIDONE, THIOACETAZONE, CLOFAZIMINE, AMOXICILLIN /CLAVULANATE, CLARITHROMYCIN, LINEZOLID, shall do so only upon prescription of a duly licensed physician, and upon consultation with and verification by the supervising registered pharmacist.

SECTION 6. PENAL PROVISION.

1. *Any person who shall violate any of the provision of Section 5 (A) of this Ordinance shall be penalized as follows:*

First Offense: Fine of Two Thousand Pesos (P2,000.00).

Second Offense: Fine of Three Thousand Pesos (P3,000.00) and Cease and Desist Order from the Business Permits and Licensing Office (BPLO).

Third Offense: Fine of Five Thousand Pesos (P5,000.00) and Permanent Closure of the Pharmacy/ Establishment.

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1. Any person who shall violate Section 5 (B) of this Ordinance shall be penalized as follows:

First Offense: Fine of Two Thousand Pesos (P2,000.00).

Second Offense: Fine of Three Thousand Pesos (P3,000.00).

Third Offense: Fine of Five Thousand Pesos (P5,000.00) and shall be subjected to recommendation to the Board of Pharmacy for suspension or revocation of li-cense.

2. Any person who shall violate any of the provision of Section 5 (C) shall be penalized as follows:

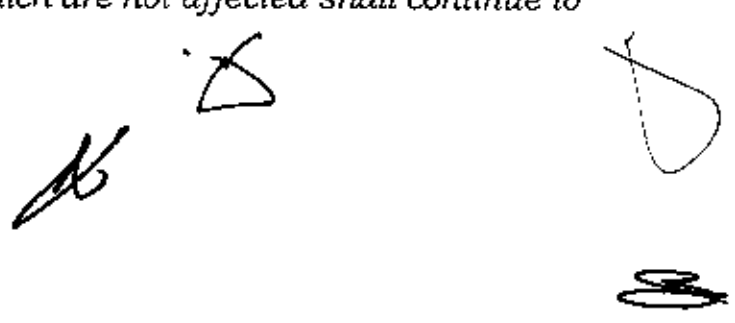
First Offense: Fine of Five Hundred Pesos (P500.00).

Second Offense: Fine of One Thousand Pesos (P1,000.00).

Third Offense: Fine of One Thousand, Five Hundred Pesos (P1,500.00).

SECTION 7. IMPLEMENTATION - The Quezon City Health Department (QCHD) is hereby mandated as lead agency tasked to implement and enforce this Ordinance. For this purpose, it may enlist the support of the Business Permits and Licensing Office (BPLO) and any other government agency, as it may deem necessary.


SECTION 8. SEPARABILITY CLAUSE - If for any reason any part or provision of this Ordinance shall be held invalid or unconstitutional, other parts or provision hereof which are not affected shall continue to be in full force and effect. A

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SECTION 9. REPEALING CLAUSE – All other laws or part of law, ordinances administrative circulars and executive orders, which are inconsistent with any of the provisions of this Ordinance are hereby amended or repealed accordingly.

SECTION 10. EFFECTIVITY CLAUSE – This Ordinance shall take effect upon its approval.


ENACTED: December 5, 2016.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 13 JAN 2017


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 5, 2016 and was CONFIRMED on December 13, 2016.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III