

**COLLEGE OF PHARMACISTS OF MANITOBA**  
**BY-LAWS TO *THE PHARMACEUTICAL ACT***

1.00 DEFINITIONS

1.01 In these by-laws,

- (a) “Act” means *The Pharmaceutical Act*, S.M. 2006, c. 37, as amended from time to time;
- (b) “Act, Old” means *The Pharmaceutical Act*, SM 1991-92, c. 28, as amended from time to time;
- (c) “Chair of Council” means the President of the College;
- (d) “Committees, External” mean the dispensing practitioners’ committee and the extended practice advisory committee;
- (e) “Committees, Internal” mean the following committees of the College:
  - (i) the executive committee;
  - (ii) the ballot committee;
  - (iii) the board of examiners;
  - (iv) the complaints committee;
  - (v) the appeals panel; and
  - (vi) the discipline committee.
- (f) “Committees, Other” mean any committee of the College other than an Internal Committee or an External Committee;”
- (g) “CST” means Central Standard Time;
- (h) “Districts, Electoral” mean the electoral districts set out in section 5.02 hereof;
- (i) “Election, Contested” means an contested election of Voting Members to Council that occurs if the conditions set out in section 5.09 hereof are met;
- (j) “Email Address” means an email address utilized solely by a Voting Member;
- (k) “Regulations” mean the regulations passed pursuant to the Act;
- (l) “Resolution, Ordinary” means a resolution passed by a majority of the members of Council;
- (m) “Resolution, Special” means a resolution passed by two-thirds of the members of Council; and
- (n) “Member, Voting” means a pharmacist holding a current pharmacist license, of any category, issued under section 15 of the Act.

1.02 Unless the context otherwise requires, all terms, which are defined in the Act and contained in these by-laws, will have the meanings ascribed to them in the Act.

2.00 SCHEDULES

2.01 The following schedules are appended to and form part of these bylaws:

- (a) Schedule A: Forms of applications for pharmacist and pharmacy licences and applications for registration as students and interns;
- (b) Schedule B: Forms of pharmacist and pharmacy licenses;
- (c) Schedule C: Fees; and
- (d) Schedule D: *Per diem* income replacement allowances for members of Council and Internal, External, and applicable Other Committees.

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2.02 In accordance with s. 75(2) of the Act, Council may amend all Schedules set out in section 2.01 hereof by Ordinary Resolution from time to time.

3.00 MEETINGS OF THE COLLEGE

3.01 The annual general meeting of the College will be held at such time and place as Council may determine from time to time.

3.02 Subject to the notice provisions of section 3.03 hereof, Council may determine the time and place for any special general meetings of the College; however, if Council receives a written request from the Voting Members pursuant to subsection 5(5) of the Act, it must hold a special general meeting within 120 days of receiving such request.

3.03 The Registrar must send at least 21 days notice of any general meeting to all Voting Members which must outline in general terms the business to be conducted at the meeting. However, the notice of any special general meeting held pursuant to a written request of the Voting Members in accordance with subsection 5(5) of the Act must also include a copy of the resolution to be debated and voted on.

3.04 Thirty (30) Voting Members constitute the *quorum* for transaction of business at any general meeting of the College.

(a) Subject to this section, Council made a by-law in accordance with section 75(1) of *The Pharmaceutical Act* that the business as set out in the agenda of the 2017 Annual General Meeting held on May 12, 2018 be completed by electronic ballot in which all Voting Members vote on each motion made at the 2017 AGM.

3.05 ***Conduct of Annual or Special General Meetings:***

(a) At all general meetings of the College, the order of business will be in such form as Council approves from time to time.

(b) At all general meetings of the College, the rules contained in the current edition of *Robert's Rules of Order Newly Revised* will govern in all cases to which they are applicable and in which they are not inconsistent with the other provisions of these bylaws, especially subsection 3.05(e) hereof, and any special rules of order or procedural policies that Council may prescribe from time to time.

(c) At each annual general meeting of the College, Council must provide a summary of the financial statements of the College for the preceding financial year and must make available a copy of the complete audited financial statements for the preceding financial year to a Voting Member upon his or her request.

(d) A Voting Member present at a general meeting has one vote.

(e) Unless otherwise required by the Act, all matters or questions at a general meeting are to be determined by a simple majority of the votes cast on the matter or question by the Voting Members present at the meeting.

(f) Subject to subsection 3.05(g) hereof, each question or matter to be determined at a general meeting must be decided by a show of hands.

(g) At a general meeting, a Voting Member may make a motion that a question or matter be decided by secret ballot. If a majority of Voting Members, who are present at the

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general meeting, approve such a motion by a show of hands, the question or matter to be determined will be decided by secret ballot.

**3.06 *Disposition of resolutions and motions:***

- (a) The chair of the general meeting may permit discussion and acceptance of motions and resolutions that:
  - (i) are for information and do not require consideration by the College; or
  - (ii) make recommendations to Council with respect to any policy and business matter of the College.
- (b) All motions accepted pursuant to subsection 3.06(a)(ii) hereof must be forwarded to Council for consideration.

**4.00 VOTING PROCEDURES**

4.01 Council may conduct votes, for the purpose of conducting a Contested Election or on any other matter relating to the College, by mail-in ballot or any other means or any combination of means that maintains the security of the voting process and the anonymity of the votes cast by the Voting Members including, without limitation, electronic ballot, in accordance with the procedures set out in section 4.04.

4.02 On any vote conducted in accordance with section 04.01 hereof, a Voting Member may only vote once.

4.03 Five percent of the Voting Members constitute the quorum for any vote held in accordance with section 4.01 herein, with the exception of a general meeting in which case 30 Voting Members constitute the quorum for any vote held at a general meeting.

4.04 In any vote held in accordance with subsection 4.01:

- (a) the Registrar must send
  - (i) the mail-in ballot, or in the case of an electronic vote, the electronic ballot, prepared in accordance with section 5.09 hereof, or other proposition to be voted on;
  - (ii) instructions with respect to the vote in a form approved by Council; and
  - (iii) in the case of a mail-in ballot, an envelope marked “Ballot;”(hereinafter called the “Voting Materials”),  
by way of any of the notice methods set out in section 16.05 and within the time frames set out in section 4.05.
- (b) the Voting Members must vote by marking the ballot to clearly show their intent; and
- (c) After voting in accordance with subsection 4.04(b), the Voting Members must:
  - (i) in the case of a mail-in ballot, place the ballot, electoral ballot or propositional ballot in the envelope marked “Ballot,” seal the envelope, and make no other markings thereon. Subsequently, the Voting Members must place the envelope marked “Ballot” into another envelope, which is addressed to the Ballot Committee and states their respective names, licence number, and return address, and seal said envelope ;or

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- (ii) in the case of an electronic ballot, submit the ballot, electoral ballot or propositional ballot as required by the electronic voting platform as set out in the instruction provided within the Voting Materials

- 4.05 The Registrar must send the Voting Materials to the Voting Members:
- (a) in the case of a Contested Election, at least forty-seven (47) days in advance of the annual general meeting; or
  - (b) in any other case, at least twenty-one (21) days before the day of the vote.
- 4.06 The Voting Members must make and submit their votes, in accordance with these bylaws and the applicable instructions sent to them pursuant to subsection 4.04:
- (a) in the case of a Contested Election, no later than 4:00 pm CST thirty two (32) days in advance of the annual general meeting; or
  - (b) in any other case, by 4:00 pm CST on the day of the vote.
- 4.07 In any vote held in accordance with subsection 4.01:
- (a) in the case of mail-in ballot, the envelopes marked Ballot Committee, received by the Registrar, must remain unopened until they have been delivered to the members of the Ballot Committee by the Registrar.
  - (b) in the case of an electronic ballot, the results of the electronic voting will not be reported by the Ballot Committee to the Registrar for delivery to the President until the closing of the election as indicated in the Voting Materials.
- 4.08 Any votes cast by Voting Members contrary to the provisions of these by-laws will be void.

5.00 COUNCIL OF THE COLLEGE

- 5.01 The Council of the College must consist of:
- (a) Subject to the provisions of section 5.14 hereof, eight elected Voting Members, elected in accordance with the provisions of the Act and of these bylaws;
  - (b) Subject to the provisions of section 5.15 hereof,
    - (i) the immediate past President of the College; and
    - (ii) either the dean of the College of Pharmacy of the University of Manitoba or the dean's designate,  
who will be *ex officio* members of Council; and
  - (c) Subject to the provisions of section 5.15 hereof, five public representatives appointed by Council from the appointments made under section 7(4) of the Act.
- 5.02 For the purpose of electing Voting Members to Council, the province of Manitoba is hereby divided into the two following electoral districts:
- (a) Electoral District No. 1: The City of Winnipeg; and
  - (b) Electoral District No. 2: All areas of the Province of Manitoba outside the City of Winnipeg.
- 5.03 Four Voting Members must be biennially elected to Council from each Electoral District.

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- 5.04 Council must announce a forthcoming election at least seventy-five (75) days prior to the date of the annual general meeting of the College at which the term of the Voting Members elected to Council expires.
- 5.05 To be eligible for election to Council, a Voting Member:
- (a) must not have been found guilty of unskilled practice or professional misconduct by the discipline committee under the Old Act or must not have been the subject of an adverse finding pursuant to section 54 of the Act at any time within three years prior to the date of nomination;
  - (b) must be practicing the profession of pharmacy in the Electoral District in which he or she seeks election and, should the candidate be eligible for election in more than one district described in section 5.02, the candidate must declare the one district in which they will seek election;
  - (c) must not be an employee of the College or be engaged in a contract or assignment providing goods or services to the College; and
  - (d) must be nominated by any two Voting Members of the College (regardless of where they reside or practice pharmacy).
- 5.06 A nomination of a Voting Member, pursuant to subsection 5.05(d) hereof, is only valid if it:
- (a) is in writing;
  - (b) is signed by the two nominating members;
  - (c) includes the written consent of the nominee;
  - (d) includes a statement by the nominee in the form prescribed by Council indicating that the nominee is eligible for election to Council; and
  - (e) is received by the Registrar through personal delivery, regular mail, or electronic mail by 4:00 pm CST not less than fifty-nine (59) days before the date of the annual general meeting.
- 5.07 If four nominations are received for any election in an electoral district, the nominees will be deemed to be elected.
- 5.08 If less than four nominations are received for any election in an electoral district, the nominees will be deemed to be elected and the elected and *ex officio* members of Council may appoint another Voting Member, who meets the qualifications set out in section 5.05 hereof, to fill any shortfall in nominees.
- 5.09 If more than four nominations are received for any election in an Electoral District, the Registrar must prepare, or cause to be prepared, a voting ballot containing the names of the candidates for election in that Electoral District.
- 5.10 At every Contested Election, each Voting Member may (regardless of where the member resides or practices) vote for not more than four candidates for each electoral district in accordance with the applicable instructions delivered pursuant to subsection 4.04.

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- 5.11 In the case of a Contested Election, the Voting Members elected to Council will be the four receiving the most votes in each Electoral District.
- 5.12 If there is a tie between two or more candidates in a Contested Election and it is not possible to determine the four Voting Members elected from each Electoral District in accordance with section 5.11 hereof:
- (a) If it is possible to determine the one, two, or three candidates who have received the most votes in each Electoral District, their elections will be acclaimed; and
  - (b) There will be a run-off election between the tied candidates in accordance with the following procedures:
    - (i) Notwithstanding subsection 4.05, the Registrar will re-send the Voting Materials to the Voting Members in accordance with the provisions of subsection 4.04 hereof, within five days after the Ballot Committee has finished counting the ballots; and
    - (ii) The Voting Members must make and submit their votes, in accordance with the applicable instructions sent to them pursuant to subsection 4.04 no later than 4:00 pm CST on the twenty-first day after the Voting Materials were sent to them by the Registrar.
- 5.13 Subject to the provisions of section 5.14 hereof, the term of Voting Members elected to Council will begin at the conclusion of the annual general meeting and end at the conclusion of business on the date of the second annual general meeting thereafter. Subject to the provisions of section 5.15 hereof, the term of the appointed members of Council will begin when they are appointed in accordance with subsection 5.01(c) and end at the conclusion of business on the date of the second annual general meeting thereafter.
- 5.14 An elected member of the Council ceases to hold office if he or she:
- (a) ceases to be a licensed pharmacist;
  - (b) resigns from office by letter addressed to the President or the Registrar of the College;
  - (c) is removed by a Special Resolution of Council, if notice of the motion to remove the member of Council has been included with the notice of the meeting;
  - (d) is absent from three or more meetings of Council in a calendar year for reasons which the other members of Council find unacceptable;
  - (e) fails to disclose a conflict of interest in accordance with section 6.10 hereof; or
  - (f) becomes the subject of an adverse finding pursuant to section 54 of the Act.
- 5.15 An appointed or *ex officio* member of the Council ceases to hold office if he or she:
- (a) resigns from office by letter addressed to the President or the Registrar of the College;
  - (b) is removed by a Special Resolution of Council, if notice of the motion to remove the appointed or *ex officio* member of Council has been included with the notice of the meeting;
  - (c) is absent from three or more meetings of Council in a calendar year for reasons which the other members of Council find unacceptable; or
  - (d) is convicted of an offence contrary to the Act or other legislation relevant to the practice of pharmacy in the province.

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- 5.16 Notwithstanding section 5.13 hereof, members of Council will continue in office until their successors are named.
- 5.17 Subject to the provisions of the Act, the remaining members of Council may appoint some other qualified person to fill the vacancy, upon the death, resignation, disqualification, removal, or departure from the province of Manitoba of an elected or appointed member of Council, and the person so appointed will hold office for the remainder of the term of the person whom he or she replaces.
- 5.18 In the event of the death, resignation, disqualification, removal, or departure from the province of Manitoba of the immediate past president of the College, the remaining members of Council may appoint another past president to fill the vacancy and the past president so appointed will hold office for the remainder of the term of the person whom he or she replaces.
- 5.19 In the event of the resignation, disqualification, or removal of the dean of the College of Pharmacy of the University of Manitoba or the dean's designate, the remaining members of Council may appoint another member of the College of Pharmacy of the University of Manitoba to fill the vacancy and the person so appointed will hold office until such time as the remaining members of Council deem appropriate.

6.00 MEETINGS OF THE COUNCIL

- 6.01 Regular meetings of the Council are to be held at least once in each quarter of the year and just prior to the annual general meeting. Other meetings of the Council may be convened at any time by the President or Vice President or upon delivery to the Registrar of a letter therefor signed by any five members of the Council.
- 6.02 Notice of all meetings of the Council must be sent, not less than twenty four hours before the fixed date and time of the meeting, by electronic mail, facsimile, or telephone to each member of Council at the email address, fax number, or telephone number that appears on the records of the College.
- 6.03 Notwithstanding section 6.02 hereof, a meeting of Council may be held at any time without formal notice if all the members of the Council are present or if those absent have waived notice.
- 6.04 Council may meet and conduct business using video-conferencing or tele-conferencing connections or by other electronic means when some or all of the members are unable to meet in person.
- 6.05 At all meetings of the Council, the order of business will be in such form as the Council of the College approves from time to time.
- 6.06 At all meetings of the Council, the rules contained in the current edition of *Robert's Rules of Order Newly Revised* will govern in all cases to which they are applicable and in which they are not inconsistent with the other provisions of these bylaws, especially section 6.10 hereof,

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and any special rules of order or procedural policies that Council may prescribe from time to time.

- 6.07 Meetings of the Council must be open to the Voting Members except when the Council goes “in camera” to discuss confidential matters.
- 6.08 Council may appoint such other individuals as liaisons to Council as it deems necessary or desirable who may participate in discussions but cannot vote or make motions.
- 6.09 Council may invite such other individuals to meetings of Council as it deems necessary or desirable for a discussion on a matter before it; such individuals may participate in discussion but cannot vote or make motions.
- 6.10 A majority of members of the Council, excluding any members in a conflict of interest, constitutes a *quorum* for the transaction of business. Except where these bylaws require a Special Resolution of Council, matters arising at any meeting of Council will be decided by a majority of votes. However, notwithstanding any other provision of these bylaws, the Chair may only vote either to break or to cause a tie or, in a case where a Special Resolution of Council is required, the chair may only vote either to cause or to block the attainment of the necessary two thirds.
- 6.11 In the event that individual members of Council find themselves in a conflict of interest or a perceived conflict of interest regarding a matter before Council, they must disclose the conflict and the remaining members of Council may limit or prohibit the participation of the conflicted member, in a decision on such matter, in accordance with such conflict of interest policy as Council may adopt from time to time.
- 6.12 A resolution circulated to all members of Council and approved by a *quorum* thereof in an electronic vote is valid and binding and of the same effect as if such resolution had been duly passed by a meeting of Council; however, such a resolution must be ratified at the next meeting of Council.

7.00 OFFICERS

- 7.01 The Council must biennially, at its first meeting following the annual meeting of the College at which the results of an election to Council are announced, elect the following officers from the Voting Members elected to it:
- (a) A President;
  - (b) A Vice-President; and
  - (c) An Executive Treasurer;
- each of whom must serve in his or her respective office for a term of two years or until his or her successors are elected.
- 7.02 **President**: the President of the College has the following powers and duties:



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- (a) The President must exercise a general supervision over the affairs of the College and must give direction to the Registrar on any urgent business that may arise in the interval between meetings of Council or those of the Executive Committee;
- (b) The President must chair all general meetings of the College and meetings of the Council;
- (c) The President will have such other powers and must perform such other duties as the Council may assign to him or her from time to time.

7.03 **Vice-President**: if the President is absent, disabled, or refuses to act or if the President so requests, the Vice-President will be vested with all the powers, and must perform all the duties, of the President. The Vice-President will have such other powers and must perform such other duties as Council may assign to him or her from time to time.

7.04 **Executive Treasurer**: The Executive Treasurer must oversee the financial affairs of the College.

7.05 **Registrar**: the Registrar of the College must:

- (a) superintend the affairs of the College under the direction of the Council, the President, and the executive committee;
- (b) perform the duties imposed upon his or her office by the Act, keep the registers and other records therein referred to, and, subject to the direction of the Council, issue the certificates and licenses therein authorized;
- (c) issue notices of all meetings of the College and all meetings of the Council;
- (d) attend, or, may delegate this responsibility from time to time to the Deputy Registrar or an Assistant Registrar, all general meetings of the College, all meetings of the Council, and all meetings of the Executive Committee, and cause the minutes thereof to be recorded;
- (e) assist the Elections Committee and the Ballot Committee as necessary from time to time;
- (f) keep the books, accounts, records, and minute books of the College;
- (g) conduct correspondence and issue summons and notices on behalf of the College;
- (h) have care and custody of all funds and securities of the College, and deposit them in the name of the College in such bank, banks, depository, or depositories as accord with the Investment Policy approved by the Executive Committee;
- (i) subject to the provisions of section 15.03 hereof, cause all accounts incurred in the ordinary course of business of the College to be paid without previous approval, and submit particulars of such accounts and payments to the Executive-Treasurer, and if requested by the executive committee or the Executive-Treasurer, submit said particulars to the next meeting of the Executive Committee;
- (j) cause true accounts to be kept of the assets and liabilities of the College and of all sums of money received and expended by the College;
- (k) produce the books of account, minute books, records, cheques, and vouchers of the College upon request of Council, any member of Council, or the auditor of the College; and
- (l) have such other powers and perform such other duties as the Council may assign to him or her from time to time.

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- 7.06 **Deputy or Assistant Registrar:** the College may employ a Deputy Registrar and one or more Assistant Registrars. The Registrar must determine the duties of the Deputy Registrar and Assistant Registrar(s) upon their employment and may amend such duties from time to time.
- 7.07 **Acting Registrar:** the Council may appoint an Acting Registrar from time to time. The Acting Registrar will have all the powers and must perform all the duties of the Registrar. The Acting Registrar will have such other powers and must perform such other duties as the Council may assign to him or her from time to time.
- 7.08 The Council may appoint such other officers and agents as it may deem necessary and assign such powers and duties to them as it deems fit from time to time.
- 7.09 Notwithstanding any other provision of these by-laws, all officers of the College, whether elected, appointed, or otherwise selected, may be removed from their respective offices or positions by a Special Resolution of Council as follows:
- (a) If there is an agreement between the officer and the College governing the election, appointment, or otherwise selection of the officer, then, in accordance with the terms thereof; or
  - (b) If there is no such agreement, at any time with cause.
- 8.00 **INTERNAL COMMITTEES**
- 8.01 **Internal Committees – General:**
- (a) In the event that individual members of an Internal Committee find themselves in a conflict of interest or a perceived conflict of interest regarding a matter before the Internal Committee, they must disclose the conflict to the Chair of the Internal Committee who may limit or prohibit the participation of the conflicted member, in a decision on such matter, in accordance with such conflict of interest policy as Council may adopt from time to time. In the event that the Chair of an Internal Committee finds himself or herself in a conflict of interest or a perceived conflict of interest regarding a matter before the Internal Committee, he or she must disclose the conflict to the vice-chair of the Internal Committee, if appointed, or to the President, if no vice-chair has been appointed to the Internal Committee, either of whom may limit or prohibit the participation of the conflicted Chair, in a decision on such matter, in accordance with such conflict of interest policy as Council may adopt from time to time.
  - (b) Subject to the Act, the Regulations, and these bylaws, the Internal Committees must act in accordance with the terms of reference and procedural policies established for them by Council; however, subject to the Act, the Regulations, these bylaws, and the approval of Council, the Internal Committees may adopt their own ancillary practices and procedures.
  - (c) Matters arising at any meeting or hearing of an Internal Committee will be decided by a majority of votes. However, notwithstanding any other provision of these bylaws, the chair of an Internal Committee may only vote to break or to cause a tied vote.

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- (d) Subject to the provisions of the Act, the Regulations, and these by-laws, an Internal Committee may meet and conduct business using video-conferencing or tele-conferencing connections or by other electronic means when some or all of the members are unable to meet in person.
- (e) If the chair of an Internal Committee is absent, disabled, or refuses to act or if the chair is prohibited from acting pursuant to section 8.01(a) hereof, the vice-chair of the Internal Committee, if appointed, will be vested with all the powers, and must perform all the duties, of the applicable chair. If no vice-chair has been appointed to an Internal Committee, the remaining members of the Internal Committee may, subject to the Act and the Regulations, appoint an acting-chair thereof from amongst themselves.
- (f) Subject to the provisions of the Act, any member of an Internal Committee may be removed or replaced by an Ordinary Resolution of Council at any time; however, the composition of all Internal Committees must always conform to the Act. If and whenever a vacancy exists on an Internal Committee, the remaining members of the Internal Committee may exercise all powers thereof so long as the requirements of the Act and any *quorum* requirements set out in these by-laws are met.
- (g) Subject to the provisions of the Act and these by-laws, notice of all meetings of an Internal Committee must be sent, not less than twenty four hours before the fixed date and time of the meeting, by electronic mail, facsimile, or telephone to each member of the Internal Committee at the email address, fax number, or telephone number that appears on the records of the College.
- (h) Notwithstanding subsection 8.01(g) hereof, but subject to the provisions of the Act, a meeting of an Internal Committee may be held at any time without formal notice if all the members of the Internal Committee are present or if those absent have waived notice.

8.02 **The Executive Committee:**

- (a) In accordance with subsection 7(9) of the Act, Council must establish an Executive Committee consisting of:
  - (i) The President;
  - (ii) The Vice-President;
  - (iii) The Executive Treasurer; and
  - (iv) Subject to the provisions of section 5.18 hereof, the immediate Past President.
- (b) The President acts as the chair of the Executive Committee and determines the time and place of all of its meetings.
- (c) The Executive Committee must conduct an annual review of the Registrar's performance.
- (d) Between meetings of the Council, the Executive Committee:
  - (i) must consider and decide upon matters in accordance with the policies prescribed by Council from time to time and, subsequently, report any such decisions to Council; and
  - (ii) may make recommendations to the Council or the Registrar.
- (e) A majority of the members of the Executive Committee will constitute a *quorum* thereof.

8.03 **Ballot Committee:**

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- (a) Prior to a vote for the purpose of conducting a Contested Election or any other matter relating to the College, the President must appoint a Ballot Committee of three Voting Members.
- (b) A majority of the members of the Ballot Committee will constitute a *quorum* thereof. The duties of the Ballot Committee may be performed by a *quorum* thereof.
- (c) The Ballot Committee will perform their duties with the assistance of the Registrar.
- (d) In the case of a mail-in ballot:
  - (i) the Ballot Committee must scrutinize the envelopes marked “Ballot Committee” and ascertain that the persons voting are Voting Members;
  - (ii) Subsequently, the Ballot Committee must open the envelopes marked Ballot Committee, remove the envelopes marked “Ballot” therefrom, and place all envelopes marked “Ballot” in the same box; and
  - (iii) Finally, the Ballot Committee must open the envelopes marked “Ballot” and count the valid votes.
- (e) In the case of an electronic ballot, the Ballot Committee must prepare and sign a report which must be delivered to the Registrar, confirming that it has reviewed and approved the ballot results received directly from the electronic voting service provider. The Registrar must deliver such report to the President who must cause the results of the election to be reported to the Voting Members, as well as announce them at the annual general meeting.
- (f) In the case of a contested election conducted by mail-in ballot, the Ballot Committee must prepare and sign a report setting forth the names of the persons elected to the Council on a Contested Election, and must deliver the report to the Registrar. The Registrar must deliver such report, together with the report of the names of any persons elected to the Council without contest, to the President who must cause the results of the election to be reported to the Voting Members, as well as announce them at the annual general meeting.
- (g) For a vote held on any other matter relating to the College, the Ballot Committee must prepare and sign a report setting forth the outcome of the vote. The Registrar must report the outcome of any votes reported by the Ballot Committee to the President who must cause the results of vote to be reported to the Voting Members of the College.

8.04 **Board of Examiners:**

- (a) In accordance with section 10 of the Act, the Council must establish a Board of Examiners consisting of at least the following four persons:
  - (i) The President;
  - (ii) Subject to provisions of section 5.15 hereof, the Dean of the College of Pharmacy, University of Manitoba, or his or her designate, or, in the alternative, any substitute appointed for the Dean or his or her designate in accordance with the provisions of section 5.19 hereof;
  - (iii) A public representative who must also be a member of Council; and
  - (iv) One or more Voting Member(s).
- (b) The Voting Members appointed to the Board of Examiners must serve for a term of two years and will be eligible for re-appointment for a maximum of four further consecutive terms.
- (c) Council must name a member of the Board of Examiners to act as the chair thereof.

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(d) A majority of the members of the Board of Examiners will constitute a *quorum* thereof.

**8.05 Complaints Committee:**

- (a) In accordance with section 30 of the act, Council must appoint a complaints committee consisting of five members, three of whom must be Voting Members and two of whom must be public representatives.
- (b) A member of the complaints committee must serve for a term of two years and will be eligible for re-appointment for a maximum of four further consecutive terms.
- (c) Council must appoint a chair of the complaints committee, in accordance with subsection 30(1) of the Act, as well as vice-chair thereof.
- (d) A majority of the members of the complaints committee, including at least one public representative, will constitute a *quorum* thereof.
- (e) The time at which and the place where meetings of the complaints committee will be held must be determined by the chair of the complaints committee.

**8.06 Appeals Panel:**

- (a) Within thirty (30) days of the receipt of an appeal by the complainant, the Chair of Council must name an appeals panel in accordance with section 39 of the Act.
- (b) The Chair of Council must appoint a chair of the appeals panel, in accordance with subsection 39(3) of the Act, as well as a vice-chair thereof.
- (c) The time at which and the place where meetings of the appeals panel will be held must be determined by the chair of the appeals panel and must be held within sixty (60) days of the appointment of the appeals panel.
- (d) A majority of the members of the appeals panel, including at least one public representative, will constitute a *quorum* thereof.

**8.07 Discipline Committee:**

- (a) In accordance with section 44 of the Act, Council must appoint a discipline committee consisting of:
  - (i) Six Voting Members;
  - (ii) Two Former Members of College; and
  - (iii) Four public representatives.
- (b) A member of the discipline committee must serve for a term of two years and will be eligible for re-appointment for a maximum of four further consecutive terms.
- (c) Council must appoint a chair and a vice-chair of the discipline committee in accordance with section 44 of the Act.
- (d) A majority of members of the discipline committee, including at least one public representative, will constitute a *quorum* thereof. A decision of the *quorum* of the discipline committee is a decision of the discipline committee.
- (e) The chair or vice-chair of the discipline committee must select a panel thereof in accordance with section 45 of the Act. Such a panel must consist of at least five members, two of whom must be public representatives.

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- (f) Three members of the discipline committee, including at least one public representative, will constitute a *quorum* of a panel of the discipline committee. A decision of the *quorum* of such panel is a decision of the panel.
- (g) The time at which and the place where meetings of the discipline committee, other than hearings of a panel thereof, will be held must be determined by the chair or vice-chair of the discipline committee. The time at which and the place where hearings of a panel of the discipline committee will be held must be determined by the chair or vice-chair of the discipline committee in accordance with subsection 46(2) of the Act.
- (h) The discipline committee must keep a record of its proceedings:
  - (i) wherein it must record its findings of fact and conclusions, resolutions and decisions; and
  - (ii) which must be reported to Council following the expiration of the applicable appeal period.
- (i) The procedure of a panel of the discipline committee will not be governed by the rules of evidence that apply to judicial proceedings. It will be the purpose of such panel to get at the truth or falsity of the complaint and be governed by fairness, justice, and equity in all cases.
- (j) The counsel of the College may attend discipline hearings and advise a panel of the discipline committee on points of law but he or she must not take part in the decisions thereof.
- (k) No member of a panel of the discipline committee not present at the commencement of the hearing will be entitled to participate further therein.

9.00 EXTERNAL COMMITTEES

9.01 In accordance with subsection 88(1)(a) of the Regulations, Council must appoint two Voting Members to the Dispensing Practitioners' Committee, one of whom Council must appoint as the chair thereof.

9.02 In accordance with subsection 99(1) of the Regulations, Council must appoint two Voting Members to the Extended Practice Advisory Committee, one of whom Council must appoint as the chair thereof.

9.03 In the event that individual members of an External Committee find themselves in a conflict of interest or a perceived conflict of interest regarding a matter before the External Committee, they must disclose the conflict to the other members of the External Committee.

9.04 Subject to the Regulations, the Voting Members appointed to an External Committee may be replaced by an Ordinary Resolution of Council at any time.

10.00 OTHER COMMITTEES

10.01 In accordance with section 7(9) of the Act, Council may establish such Other Committees, which such membership and chair(s), as it deems necessary from time to time.

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- 10.02 In the event that individual members of an Other Committee find themselves in a conflict of interest or a perceived conflict of interest regarding a matter before the Other Committee, they must disclose the conflict to the Chair of the Other Committee who may limit or prohibit the participation of the conflicted member, in a decision on such matter, in accordance with such conflict of interest policy as Council may adopt from time to time. In the event that the Chair of an Other Committee finds himself or herself in a conflict of interest or a perceived conflict of interest regarding a matter before the Other Committee, he or she must disclose the conflict to the President who may limit or prohibit the participation of the conflicted Chair, in a decision on such matter, in accordance with such conflict of interest policy as Council may adopt from time to time.
- 10.03 Subject to these bylaws, the Other Committees must act in accordance with the terms of reference and procedural policies established for them by Council; however, subject to the these bylaws and the approval of Council, the Other Committees may adopt their own ancillary practices and procedures.
- 10.04 The President will be an *ex officio* member of all Other Committees.
- 10.05 Matters arising at any meeting or hearing of an Other Committee will be decided by a majority of votes. However, notwithstanding any other provision of these bylaws, the chair of an Other Committee may only vote to break or to cause a tied vote.
- 10.06 An Other Committee may meet and conduct business using video-conferencing or tele-conferencing connections or by other electronic means when some or all of the members are unable to meet in person.
- 10.07 If the chair of an Other Committee is absent, disabled, or refuses to act or if the chair is prohibited from acting pursuant to section 10.02 hereof, the other members of the Other Committee may appoint an acting chair thereof from amongst themselves and such acting-chair will be vested with all the powers, and must perform all the duties, of the applicable chair.
- 10.08 Any member of an Other Committee may be removed or replaced by an Ordinary Resolution of Council at any time.
- 10.09 Notice of all meetings of an Other Committee must be sent, not less than twenty four hours before the fixed date and time of the meeting, by electronic mail, facsimile, or telephone to each member of the Other Committee at the email address, fax number, or telephone number that appears on the records of the College.
- 10.10 Notwithstanding section 10.09 hereof, a meeting of an Other Committee may be held at any time without formal notice if all the members of the Other Committee are present or if those absent have waived notice.

11.00 FORMS

- 11.01 Forms for the following applications are set out in Schedule “A” to these by-laws:

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- (a) Applications for pharmacist licences, of all categories, prescribed for the purposes of subsection 15(1)(a) of the Act;
- (b) Application for registration as a student prescribed for the purposes of section 19 of the Act;
- (c) Application for registration as an intern prescribed for the purposes of section 20 of the Act; and
- (d) Applications for pharmacy licences, of all categories, prescribed for the purposes of subsection 64(1) of the Act.

11.02 Forms for the following licences are set out in Schedule “B” to these by-laws:

- (a) Pharmacist licences, of all categories, prescribed for the purposes of subsection 15(2) of the Act; and
- (b) Pharmacy licences, of all categories, prescribed for the purposes of subsection 65(1) of the Act.

11.03 Council must authorize and may, from time to time, amend a form for issuing a prescription for a drug listed on Manitoba Prescribing Practices Program (M3P) schedule.

11.04 Council may prescribe or amend such other applications or forms as it deems necessary or desirable from time to time.

12.00 FEES

12.01 The fees payable for registration, licensing, renewal of a registration or license, and any other service provided by the College are set out in Schedule “C” to these by-laws.

12.02 Subject to the Act and the Regulations, the term of a pharmacist licence and a pharmacy licence, each of any category, and any qualification or certification provided by the College:

- (a) Commences on January 1 or on any later date that it may be issued; and
- (b) Terminates on the December 31 that follows.

12.03 Applications for renewal of:

- (a) pharmacist licenses and pharmacy licenses, each of any category;
- (b) non-practicing pharmacist membership;
- (c) the qualification of pharmacy technicians;
- (d) certification in the advanced method; and
- (e) any other qualifications or certifications provided by the College,

must be received by the College office no later than the 30<sup>th</sup> day of November in the year prior to the year for which the license, certification, or designation is being renewed.

12.04 If a Voting Member, non-practicing pharmacist member, pharmacy, pharmacy technician, or another legal or natural person defaults in the submission of an application for renewal in accordance with section 12.03 hereof, the defaulter, may be subject to a late filing penalty set out in Schedule “C” hereto.



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- 12.05 Any payment made after a deadline imposed by Council or these bylaws is subject to a late payment fee being an additional 50% of the fee as set in the bylaws or schedule thereto.
- 12.06 Unless otherwise indicated in Schedule “C” to these bylaws, annual fees with respect to:
- (a) pharmacist licenses and pharmacy licenses, each of any category;
  - (b) the registration of non-practicing pharmacist member;
  - (c) the registration of interns, students, and pharmacy residents;
  - (d) the designation of dispensing practitioners;
  - (e) the qualification of pharmacy technicians;
  - (f) certification in the advanced method; and
  - (g) any other licences, registrations, qualifications, or certifications provided by the College,
- must be paid to the College office no later than the 30<sup>th</sup> day of November in the year prior to the year for which the fee is being paid.
- 12.07 If a Voting Member, non-practicing pharmacist member, intern, student, pharmacy, pharmacy resident, dispensing practitioner, pharmacy technician, or another legal or natural person defaults in the payment of annual fees in accordance with section 6 hereof, the defaulter, on the occurrence of such default, will be deemed to have been suspended by Council and will only be entitled to re-admission to the privileges of the College upon payment of all fees in default and of the applicable penalty set out in Schedule “C” hereto.
- 12.08 No pharmacy licence, of any category, will be issued until the fees of the pharmacist manager of such pharmacy have been paid.

13.00 REMUNERATION

- 13.01 Each member of Council, each member of an Internal Committee, and each person appointed by Council to an External Committee must be offered an income replacement, in the applicable amount set out in Schedule “D” hereto, for attendance at a meeting of Council or the applicable committee.
- 13.02 Council, in its sole discretion, will determine whether members of Other Committees will act on a volunteer basis or be offered an income replacement, in the applicable amount set out in Schedule “D” hereto, for attendance at a meeting of the applicable committee.
- 13.03 Any member of Council, any member of an Internal Committee, any person appointed by Council to an External Committee, or any member of an Other Committee who resides outside of The City of Winnipeg when the meeting is held therein, and any member of Council or the applicable committee who resides in the City of Winnipeg when the meeting is not held therein, must be offered a reimbursement for reasonable traveling, meal, and hotel expenses that he or she incurs in attending each such meeting.

14.00 ADDITIONAL CLASSES OF MEMBERS

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14.01 In accordance with section 75(1)(f) of the Act, the College will have the following classes of members whose qualifications, rights, privileges, and obligations will be solely as hereinafter set out:

(a) ***Non-Practicing Pharmacist Member:***

(i) An applicant for registration as a non-practicing pharmacist member must be:

(A) a pharmacist who has voluntarily retired from the practice of pharmacy in Manitoba; or

(B) a person who practices pharmacy in any jurisdiction outside the province of Manitoba in accordance with the laws of such jurisdiction.

(ii) A person who meets the qualifications set out in subsection 14.01(a) hereof may on an application, supported by such evidence as Council may require, be designated a non-practicing pharmacist member subject to the payment of the applicable annual fee set out in Schedule "C" hereto.

(iii) Persons designated as non-practicing pharmacist members will be entitled to receive notice of and to attend meetings of the College but will not be entitled:

(i) to vote at any meeting of Voting Members;

(ii) to nominate any candidate for election as a member of Council; and

(iii) to carry on the business of a licensed pharmacist or to become a licenced pharmacist,

other than in accordance with the Act

(b) ***Honorary Member (non-pharmacist):*** Council may confer an honorary membership on any person, who is not a pharmacist, for valuable and notable service rendered to the profession of pharmacy. Such conferment will not constitute such person a Voting Member of the College.

(c) ***Honorary Pharmacist Life Member:*** Council may confer on a pharmacist, in recognition of meritorious service rendered on behalf of the profession of pharmacy, an honorary pharmacist life membership in the College subject to such conditions as Council may require from time to time. Such membership provides the benefits of a non-practicing pharmacist membership for the life of the pharmacist without the payment of any fee. If an honorary pharmacist life member qualifies and applies for a pharmacist licence, the fee payable therefor will be discounted by an amount equivalent to the fee payable by non-practicing pharmacist members.

15.00 PAYMENTS AND EXECUTION OF DOCUMENTS

15.01 Unless otherwise indicated in the Act or these by-laws:

(a) Subject to subsections 15.01(c) and 15.01(d), all contracts requiring the pre-approval of Council, in accordance with its policies as amended from time to time, must be executed by the President or Vice-President and the Registrar or Deputy Registrar.

(b) All other contracts in the name of the College not included in subsection 15.01(a) must be executed by any two of the Registrar, the Deputy Registrar, or an Assistant Registrar.

(c) Any contract in the name of the College which provides for a personal benefit to the Registrar, irrespective of the value or consideration stated therein, must not be executed

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on behalf of the College by the Registrar, but must instead be executed by the President or Vice-President and the Deputy Registrar.

(d) Any contract in the name of the College which provides for a personal benefit to the Deputy Registrar, irrespective of the value or consideration stated therein, must not be executed on behalf of the College by the Deputy Registrar, but must instead be executed by the President or Vice-President and the Registrar.

15.02 Notwithstanding section 15.01, Council, by an Ordinary Resolution, may designate any person or persons to execute contracts or conveyances on behalf of the College.

15.03 All payments out of the funds of the College over five thousand dollars must be authorized by a member of the Executive Committee and any one of the Registrar, the Deputy Registrar, or an Assistant Registrar; however, payments of \$5,000.00 or under may be authorized by any one of the Registrar, the Deputy Registrar, or an Assistant Registrar.

16.00 GENERAL

16.01 ***Fiscal year:*** The fiscal year of the College will terminate on the 31<sup>st</sup> day of December in each year.

16.02 ***Banking:*** A bank account or bank accounts must be kept in the name of the College in such bank or banks as the Executive Committee may select, and the same may be changed by the Executive Committee from time to time.

16.03 ***Copies of Certificates:*** Any Voting Member requiring a duplicate copy of his or her certificate of registration may obtain the same from the Registrar on payment of such fee as is set out in Schedule “C” hereto.

16.04 ***Seal:*** The seal, an impression of which appears in the margin hereof, will be the corporate seal of the College.

16.05 ***Notices:*** Except where otherwise provided by the Act, the Regulations, or these bylaws, the Registrar may send any notice or other document required to be sent to the Voting Members by regular letter mail, electronic mail, or facsimile at the home address, work address, email address, or the fax number that appears on the records of the College.

17.00 TRANSITIONAL

17.01 These bylaws come into force on the day that the Act comes into force.

17.02 Notwithstanding any inconsistency between the provisions of these bylaws and the composition of Council or any Internal, External, or Other Committee at the time that these bylaws come into force, the persons elected or appointed to Council or to an Internal, External, or Other Committee, as applicable, will continue in their positions until such time as their successors are elected or appointed in accordance with these bylaws.

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17.03 Notwithstanding any inconsistency between the provisions of these bylaws and the election, appointment, or otherwise selection of an officer at the time that these bylaws come into force, the persons elected, appointed, or otherwise selected as officers will continue in their positions until such time as their successors are elected or appointed in accordance with these bylaws.

18.00 AMENDING THE BY-LAWS

18.01 Council may amend any by-law at a meeting of Council, provided that the proposed amendment is sent to all members of Council in advance of the meeting. Notice of the proposed amendment can be sent to the members of Council by regular post, email or fax.

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Originally approved by Council December 9, 2013.

Revised on February 10, 2014.

Revised on November 26, 2014

Revised on April 17, 2015 (section 8.05(a))

Revised on June 22, 2015 (section 5.02(c))

Revised on June 20, 2016 (section 6.08 re: liaison appointments)

Revised on December 12, 2016 (section 8.04(b), 8.05(b), 8.07(b) re: terms of committee appointment)

Revised on November 27, 2017 re: 2018 applications, licenses and fees, electronic voting, schedule for voting, appeals panel timeline, and College of Pharmacy name (see Winter 2017 newsletter for extensive report)

Revised on June 1, 2018 (section 3.04(a))

Revised on February 26, 2019 (section 3.04)

Revised on May 3, 2019 (Section 4.03)