Ontario

Français

Animal Health Act, 2009

ONTARIO REGULATION 584/20

LICENCES TO SELL LIVESTOCK MEDICINES

Consolidation Period: From January 1, 2021 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Definitions

1. (1) For the purposes of the Act and this Regulation,

"livestock" means,

(a) cattle, goats, horses, poultry, sheep and swine,

(b) bees of the species *Apis mellifera*,

(c) any animals not listed in clauses (a) and (b) that are maintained in captivity for the production of food, fur or other agricultural products, and

(d) any animals that are used as breeding stock for animals referred to in clause (c).

(2) In this Regulation,

"drug" means a drug as defined in section 1 of the *Drug and Pharmacies Regulation Act*; ("médicament")

"licence" means a licence for the sale of livestock medicines issued under subparagraph 1 ii of subsection 12 (1) of the Act; ("permis")

"licensee" means a person who holds a licence; ("titulaire de permis")

"livestock medicine" means a drug or class of drugs prescribed by the Minister as livestock medicine in Ontario Regulation 583/20; ("médicament pour le bétail")

"sell", when used in relation to livestock medicines, includes to offer for sale, to have in possession for sale or to distribute, and "sale" has a corresponding meaning. ("vendre")

Licence required

2. The sale of a livestock medicine to the owner of livestock, or to another person acting on the owner's behalf, for the treatment of the owner's livestock is an activity for which a licence is required for the purposes of subsection 48 (9) of the Act, if the sale is made by any person other than,

(a) a person authorized to sell the livestock medicine under the *Drug and Pharmacies Regulation Act*;

(b) a veterinarian licenced to practice veterinary medicine under the *Veterinarians Act*; or

(c) a person selling feeding stuffs registered under the *Feeds Act* (Canada) and sold in accordance with that Act.

Application for licences

3. (1) A person who wishes to apply for a licence to sell livestock medicines to owners of livestock, or to other persons on behalf of the owner, for treatment of the owner's livestock shall apply for the licence to a director appointed under section 6 of the Act.

(2) An application for a licence to sell livestock medicines shall include the following information:

1. The name and contact information for the individual responsible for the sale of livestock medicines under the licence.
2. The business name of the operation, if different from the name of the person applying for the licence.
3. The address of,
    i. the place at which the applicant sells or intends to sell livestock medicines on a permanent basis, or
    ii. if the applicant intends to sell livestock medicines only online or at temporary locations, the place at which livestock medicines are stored for purposes of the sales.

(3) If an applicant for a licence to sell livestock medicines intends to sell livestock medicines from more than one place on a permanent basis, the applicant shall apply for a licence for each place separately.

Issuance of licences

4. (1) A director shall issue to an applicant a licence to sell livestock medicines to owners of livestock, or to other persons on behalf of the owner, for treatment of the owner's livestock if the applicant has provided the information required under subsection 3 (2) and, in the director's opinion,

(a) the applicant is competent to carry on the business;

(b) the past conduct of the applicant affords reasonable grounds to believe that the business will be carried on in accordance with the law;

(c) the applicant possesses or will have available all premises, facilities and equipment necessary to carry on the business in accordance with the Act, this regulation and any orders issued under the Act; and

(d) the applicant is in a position to comply with the requirements under the Act and any conditions of the licence.

(2) If the applicant is a corporation, the director shall not issue a licence under subsection (1) unless he or she is satisfied that the requirements described in clauses (1) (a) and (b) are met by the officers and directors of the corporation.

No expiry

5. (1) Subject to subsection (2), a licence is issued for the lifetime of the licensee.

(2) A licensee may surrender his or her licence to a director at any time.

Suspension and revocation

6. A director may suspend or revoke a licence if he or she is of the opinion that,

(a) the licensee no longer meets the requirements for the issuance of a licence;

(b) the premises, facilities or equipment used in the business do not comply with this Regulation or the conditions of the licence;

(c) the licensee has contravened, or has permitted any person under the licensee's control or direction in connection with the business to contravene,
    (i) any provision of the Act, this Regulation or any other regulation under the Act,
    (ii) an order issued under the Act,
    (iii) a condition of the licence,
    (iv) a provision of any other Act or regulation, or
    (v) any law applying to the carrying on of the business;

(d) the licensee has unlawfully sold a drug, other than a livestock medicine;

(e) the licensee has not sold livestock medicines within the last year or is no longer in the business of selling livestock medicines; or

(f) it is necessary to do so for the immediate protection of the safety or health of persons or livestock.

Not transferable

7. A licence is not transferable.

Conditions

8. A licence is subject to the following conditions:

1. The licensee must have a place in Ontario for the storage of livestock medicines sold under the licence.
2. The licensee shall display a copy of the licence at,
    i. the place at which the licensee's livestock medicines are stored, and
    ii. any place at which livestock medicines are sold in person by or on behalf of the licensee.
3. If the licensee sells livestock medicines online, the licensee must ensure that the licence number is prominently displayed on the website.
4. In the case of a sale of any livestock medicine bearing a warning or caution on the label, the licensee must draw the purchaser's attention to the warning or caution.
5. The licensee must not sell a livestock medicine,
    i. to any person other than the owner of livestock or a person acting on behalf of the owner, or
    ii. for any purpose other than the treatment of livestock.
6. The licensee must provide notice to the director of any changes to the information required in an application for a licence to sell livestock medicines under subsection 3 (2).

Storage of livestock medicines

9. A licensee shall not store livestock medicines in a manner or for a period of time that is likely to result in the spoiling or denaturing of the medicines so as to become ineffective for their purposes or likely to harm the animals to which they are administered.

Limits on sale

10. A licensee shall not sell, distribute, use or store any livestock medicine if,

(a) it has been stored in a manner or for a period of time that is contrary to section 9;

(b) it has been adulterated; or

(c) the manufacturer's original packaging or labelling has been changed, altered or otherwise tampered with.

Records

11. (1) Every licensee shall keep accurate records of the livestock medicines purchased by the licensee, and the record of each purchase shall include,

(a) the date of the purchase;

(b) the name and address of the vendor; and

(c) the type and quantity of livestock medicines purchased.

(2) Every record of a purchase shall be kept for the remainder of the calendar year in which the purchase occurred and for two years thereafter.

Information required by the director

12. (1) If a licensee is notified by the director in writing that the director requires specified information about a livestock medicine for the purpose of assessing or determining if the livestock medicine is contributing to a risk to public health or to animal health, the licensee shall collect the following information respecting sales of the livestock medicine on and after the day the licensee receives the notification:

1. The product name and lot number of the livestock medicine sold by the licensee.
2. The name and address of persons to whom the licensee sold the livestock medicine.
3. The quantity of the livestock medicine sold to each purchaser.
4. The date on which the livestock medicine was sold to each purchaser.
5. The species of animal to which the purchaser intended to provide the livestock medicine.
6. Any other information the director specifies as being necessary for the purpose of assessing or determining if the livestock medicine is contributing to a risk to public health or to animal health.

(2) The licensee shall provide the information collected under subsection (1) to the director at the frequency, within the times and in the manner the director specifies in the notice.

Transition

13. Any person who, on December 31, 2020, holds a licence to sell livestock medicines issued under the *Livestock Medicines Act* is deemed, on and after January 1, 2021, to hold a licence to sell livestock medicines issued under subsection 12 (1) of the *Animal Health Act, 2009*.

14. Omitted (provides for coming into force of provisions of this Regulation).

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