



ISSN 1710-9477

Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

Official Report of Debates (Hansard)

Tuesday 6 June 2006

Journal des débats (Hansard)

Mardi 6 juin 2006

**Standing committee on
social policy**

Transparent Drug System
for Patients Act, 2006

**Comité permanent de
la politique sociale**

Loi de 2006 sur un régime
de médicaments transparent
pour les patients

Chair: Shafiq Qadri
Clerk: Trevor Day

Président : Shafiq Qadri
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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 6 June 2006

Mardi 6 juin 2006

*The committee met at 1551 in committee room 1.*TRANSPARENT DRUG SYSTEM
FOR PATIENTS ACT, 2006
LOI DE 2006 SUR UN RÉGIME
DE MÉDICAMENTS TRANSPARENT
POUR LES PATIENTS

Consideration of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act / Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario.

The Chair (Mr. Shafiq Qadri): Ladies and gentlemen, fellow members of the committee and all observers, I welcome you. As you know, we're here for clause-by-clause consideration of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act.

For the information of all those who are listening, I would like to just remind all of us collectively of an order of the House that was passed on the evening of Tuesday, May 9, 2006, that says, approximately, that at 5 p.m. those amendments which have not been moved shall be deemed to have been moved and the Chair of the committee shall interrupt the proceedings and, without further debate or amendment, put every question necessary to dispose of all remaining sections.

Practically speaking, what that means is we'll have approximately till 5 o'clock to propose individual amendments and to have questions and comments on those particular amendments. At 5 p.m., the amendments will not be read into the record, but we'll proceed immediately to a vote.

I'll also advise members of the committee that any request for a recorded vote that occurs after 5 o'clock will be deferred to the end of all consideration. For example, if we ask on, say, motions 141, 142, 143 for recorded votes, they will be looped to the very end.

I will also remind members of the committee respectfully that if we have not completed our voting deliberations after 5 o'clock up until 12:01 a.m. of the next day, this bill will nevertheless still have been deemed to have been dealt with and will be reported back to the House. If there's any clarification required, we have the powers that be here to advise us.

I will now invite our first motion, NDP motion—yes, Mr. Jackson.

Mr. Cameron Jackson (Burlington): On a point of order, Mr. Chair: I feel compelled to raise for the record the difficulty and the inappropriateness of how the committee finds itself. Exactly one hour ago, I received 177 amendments. In fact, they were hot to hold onto. They'd just come off the photocopier machine. In my 22 years here, I've never seen a committee operate in this fashion.

You are the Chair of the committee and you are guided by the House rules, but to have these many amendments thrown at us—I was barely able to read most of them in the one hour that I had as a member of this committee. For the record, this is a most inappropriate way for us to be conducting the important business on a \$3.5-billion portfolio where deputants have said their future livelihood is at risk.

I will leave my comments at that, but I cannot underscore just how bad this is for the way we are to conduct the business of government for the citizens of Ontario.

The Chair: Thank you, Mr. Jackson. I thank you for your comments. I do point out, as I'm advised, that it is not a valid point of order, but we accept your comments nevertheless.

I will now, unless there's any further business—

Ms. Shelley Martel (Nickel Belt): Yes, there is.

The Chair: I invite Ms. Martel of the third party for NDP motion 1.

Ms. Martel: On the same point: I understand you think it's not in order; however, I must also agree with Mr. Jackson. I am dismayed by this process. I don't think it does any of us any good to be trying to operate like this. This is how serious mistakes get made, and I really regret that the government—and I'm not blaming the members who are here—that the powers that be decided to do a rush job on a bill like this, and that we are stuck in this position today.

The Chair: Thank you, Ms. Martel, for your comments. I offer you the floor for NDP motion 1.

Ms. Martel: I move that, in the definitions in section 1 of the Drug Interchangeability and Dispensing Fee Act being made by section 1 of the bill,

(a) the definition of "executive officer" be struck out; and

(b) in all other cases where "executive officer" appears, it be struck out and "director of the drug program branch" be substituted.

The Chair: Thank you. The floor is open for questions and comments, if any.

Ms. Martel: I am moving this amendment because during my debate on second reading and during the course of these public hearings, I have made it clear that New Democrats are opposed to having an executive director who is appointed by order in council to assume many of the new conditions, new mandates etc. that are outlined in section 8. The government has, during the course of the debate, tried to say that this is a model that was adopted from OHIP, and I have to say that that is not correct. The folks who work at OHIP, as far as I understand, are all there as bureaucrats. I don't think there is a general director or manager or anybody else who works at OHIP who is appointed by the government through an order in council and carries out their business under an appointment process. That's the first thing.

The second thing is that there isn't anyone at OHIP, any bureaucrat, who has the kind of powers that are being exercised by the executive officer in this particular bill. I note that no one at OHIP has the sole authority to decide what will be in the OHIP schedule of benefits or what will be taken out of the OHIP schedule of benefits, yet in this bill we will have an executive director who is not elected and is appointed by the government making fundamental decisions about what is delisted, what is listed, what's on the formulary, and the broad scope and broad range of other functions and powers that will be assigned to whoever this person is.

Within the Ministry of Health now there is already a drug program branch; there is already a director of the drug program branch. That individual is a bureaucrat, that individual is accountable back to the ministry, and that is the way it should be.

So I remain extremely concerned and extremely opposed to the creation of a new position of someone who will not be accountable in any way, shape or form and who will have broad powers and a broad mandate that goes much further than anything that is currently going on at OHIP. It is not even a valid comparison.

Throughout the course of our amendments, you will see that our decision is that the director of the drug program branch should be the one who undertakes some of these functions. Not only should that individual be the one to undertake some of these functions, but there should continue to be checks and balances with respect to regulations that have to be passed by cabinet so that another set of eyes—government eyes, people who are accountable, people who can be elected or unelected—will be the final decision-makers with respect to some of the important decisions that will be made here. This type of accountability is not apparent in the bill as it currently stands, and the amendments that we move do both things: (1) bring it back to a bureaucrat, a position that is already in the ministry that should be utilized in a better fashion; but, just as importantly, (2) bring it back so that there are checks and balances so that major decisions that have to be made with respect to listing of drugs, delisting of drugs etc. will still be done by regulation so that cabinet

will still have to have the final say and be accountable in that way to the public of Ontario.

The Chair: Is there any further debate or questions and comments?

Before proceeding to the vote, I'd just advise all members of the committee that should any questions arise, we do have a number of staff members available from the Ministry of Health and Long-Term Care.

We'll proceed immediately to the vote.

Ms. Martel: A recorded vote, please, Chair.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 1 to have been lost. I offer the floor now to Ms. Martel for NDP motion 2.

Ms. Martel: I move that section 1 of the bill be amended by adding the following subsection:

“(3) Section 1 of the act is amended by adding the following subsection:

“Public interest

“(1.1) In this act, the public interest includes interest in,

“(a) timely access to local health care;

“(b) continuity of health care;

“(c) quality care and treatment of individuals;

“(d) quality management and administration by health service providers;

“(e) efficient and effective management and delivery of health services; and

“(f) maximized patient ability to make choices about his or her own health care.”

1600

The Chair: Thank you, Ms. Martel. The floor is yours if you'd like to make any further comments.

Ms. Martel: There is no definition of “public interest” in the bill, but in at least four sections, perhaps five, the executive officer is authorized to make decisions in the public interest. This includes: (1) requirements for interchangeability of products; (2) the ceasing of those products to be interchangeable; (3) decisions about listing of drug products; and (4) decisions about delisting of drug products. In all of those cases, the executive officer, in the bill as it stands now, is authorized to do that in the public interest. There is no definition of public interest in the bill, as I understand it. I would think that when an individual is being given that kind of responsibility, there should be some criteria around which those kinds of decisions are made. I have put forward a definition of public interest so that there would be some context and criteria within which the executive director should make some of those decisions.

The Chair: Any further debate? Questions and comments? If not, we'll proceed to the vote.

Ms. Martel: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 2 to have been defeated.

The floor is now the government side's, Mr. Fonseca.

Mr. Peter Fonseca (Mississauga East): I move that section 1 of the bill be amended by adding the following subsection:

“(3) Section 1 of the act is amended by adding the following subsection:

“No therapeutic substitution

“(2) Nothing in this act shall be construed to permit therapeutic substitution.”

The Chair: Are there any further comments from the government side on that particular motion? Seeing none, Mr. Jackson.

Mr. Jackson: I'm at a loss to understand why we would put this in here, because it simply says that while you're reading this act and while you're interpreting this act, nothing in this act deals with the issue of therapeutic substitution. What it doesn't address is the issue that the government promised to address, that there would be no therapeutic substitution, so we're left to believe that it might surface in the regs. But my legal training tells me that you can't construe anything in here to say that it will permit it. That doesn't mean it won't permit it; it just means you can't read the legislation to say it can be construed that way. This is the most unusual wording I have ever seen for this kind of legislation. I'll put it into a question now that I've made the statement: Why is the government unable to make a clear and unequivocal statement that there shall be no therapeutic substitutions?

The Chair: Is there any reply from any quarter?

Mr. Khalil Ramal (London–Fanshawe): Mr. Jackson, you have been in the committee. We have listened to the presenters who came, a variety of stakeholders. They voiced their concern about this specific issue. That's why this came, to clarify it. It's not being permitted.

Mr. Jackson: No, it doesn't say that. It says, “Nothing in this act shall be construed to permit therapeutic substitution,” which means it's not permitted, or it is permitted, but nothing in the act will construe you to interpret it one way or the other. It's the concept of construing something to understand it. It doesn't compel the government not to bring it in; that's not what this says. I'm not going to argue legal semantics with you, but if you think this one has pulled the wool over anybody's eyes, it hasn't.

I don't wish to make it a debate. I've put my concern on the record. I've been given a response.

The Chair: If there's any other reply, question or comment from the—

Mr. Tim Peterson (Mississauga South): Can we refer this question to the staff, please?

The Chair: Ministry staff, as you know, please identify yourselves for the purposes of recording.

Mr. Liam Scott: Liam Scott, legal counsel with the Ministry of Health and Long-Term Care. The purpose of this provision is to make it clear that none of the provisions in the Drug Interchangeability and Dispensing Fee Act permit therapeutic substitution. That is the purpose of the clause. It's intended as a clarification. None of the other provisions in that legislation permit therapeutic substitution.

Mr. Jackson: Liam, I am correct, though, that that doesn't prevent it from surfacing in any regulations that might flow at some future time.

Mr. Scott: Wherever a regulation conflicts with a statute, it's a generally known legal principle that the regulation cannot prevail over the statute. So I would say, no, a regulation could not provide for something that would permit therapeutic substitution where the statute expressly stated this.

The Chair: Thank you, Mr. Jackson. If there are no further questions, comments—Mrs. Witmer?

Mrs. Elizabeth Witmer (Kitchener–Waterloo): I'd just like to ask Mr. Scott then, are you saying that nowhere in this bill will there be any opportunity to open the door to therapeutic substitution? There will be no therapeutic substitution allowed. Can you say that?

Mr. Scott: I think what I can state clearly is that none of the other provisions in the Drug Interchangeability and Dispensing Fee Act can be construed to allow for therapeutic substitution—can be interpreted to allow for therapeutic substitution, if this motion is adopted.

Mr. Jackson: So it can be done under the Ontario drug benefit plan, for example.

Mr. Scott: No. There is another motion upcoming, a government motion, that addresses the Ontario Drug Benefit Act as well.

Mr. Jackson: And this similar clause is in it?

Mr. Scott: Correct.

The Chair: If there are no further questions and comments, we'll proceed to the vote. All those in favour of government motion number 3? All those opposed? I declare government motion 3 to have carried.

We'll now proceed to PC motion 4. I offer the floor to Mrs. Witmer.

Mrs. Witmer: I move that section 1 of the bill be amended by adding the following subsection:

“(3) The act is amended by adding the following subsections:

“Similar

“(2) For the purposes of this act, active ingredients are only similar if they are similar in terms of pharmacological or pharmacokinetic activity.

“No therapeutic substitution

“(3) Nothing in this act requires a physician to accept the substitution of a drug on the grounds of it being a therapeutic equivalent.”

Again, I guess this is to confirm that therapeutic substitution will not be allowed, and it gives some definition to the word “similar” and clarifies the intent that there is to be no therapeutic substitution.

The Chair: Any further debate, questions, comments on this? Seeing none, we’ll—Mr. Jackson?

Mr. Jackson: It raises the question—again, when you only have these for one hour, I’ll ask some questions that appear dumb on the face of them, but I haven’t been able to read all this. Is there a definition in this act of “therapeutic substitution”?

There is not. So how can you give assurances in the act, as we just did when we passed your section, that it shall not be “construed to permit therapeutic substitution,” if we don’t have a definition of therapeutic substitution in this act? That’s what my colleague Mrs. Witmer and I are tabling, to introduce the concepts which are in the act of therapeutic equivalent and so on.

Ms. Halyna Perun: First of all, I think the intent is to—

The Chair: Please identify yourself.

Ms. Perun: Halyna Perun from the legal branch. The intent is to put forward regulations that would, in fact, define therapeutic substitution.

Mr. Jackson: So then my fears are valid that you are now controlling what you define as therapeutic substitution, and we’re attempting to define that in the bill. You can call therapeutic substitution anything you really want to in regulation. You’re just saying that nothing in this bill construes that it must be permitted, then you go out and define it. If you define it as one aspect of therapeutic substitution, then all other forms of therapeutic substitution can be called “therapeutic interchangeability” and you can throw that into the regs.

The Chair: Ms. Martel, the floor is yours while ministry staff are deliberating.

Ms. Martel: I agree with Mr. Jackson, so I’m wondering if it’s not worth our while to see if we can get a definition that can be put into the legislation.

Ms. Helen Stevenson: Helen Stevenson. The intent is to put the definition in the regulations of therapeutic substitution.

The Chair: Are there any further questions, comments or debate issues on this particular issue?

1610

Mrs. Witmer: I guess the problem we have—I mean, I can’t believe it. I’ve been here for 16 years. I thought this was a democratic institution. I can’t believe that one hour ago, we got over 100 amendments—in fact, 177 amendments—and we’re somehow supposed to understand and read them in that time period. It is totally impossible. This government doesn’t want good legislation. And then, when we ask the staff for clarification, we’re unable to totally get the responses that are necessary. The government is ramming this through. They don’t seem to care what they do to patients or any of the

people who are providing the services. It’s unbelievable; it’s draconian.

Mr. Jackson: I would really like to hear from legal counsel about the statement that I raised about the flexibility that the government maintains to interpret therapeutic substitution or therapeutic interchangeability, and why counsel was told not to include a definition in legislation, where you are specifically asserting that nothing in this legislation will be construed to achieve that effect. And then you don’t explain what the effect is or what its purpose is or what action it is. I’ve not seen legislation—I’ve been here 22 years. You’re going to refer to a concept: therapeutic substitution. Where’s the definition? Otherwise, this is meaningless, as I purported. But I’d like legal counsel to be on record for that question, with all due respect.

The Chair: As you’re considering, Mr. Peterson.

Mr. Peterson: When we did the consultations with industry, they asked for no therapeutic substitution and no reference-based pricing. We have proceeded on that process. It is our process, obviously, to put some things in regulations and some things in legislation. You are disagreeing with that; we hear you. But we have gone on the record as saying, “No therapeutic substitution.” We will be measured on whether we do what you say and change the definition to allow therapeutic substitution, which is what you’re inferring we’re about to do, which is not what we’re about to do. We are saying clearly here, “There is no therapeutic substitution.” It’s frankly a detail that—putting it in regulation is our way of doing that. We are on the record as having said that.

Mr. Jackson: With all due respect, we’re dealing with the legal language of a bill. People take this piece of legislation when their rights are abrogated, they go to court and they say, “This law clearly says this is what we can rely upon.” Definitions are a defining feature of any legislation to guide people in its interpretation. This is bill writing 101, Mr. Peterson, and that’s why counsel is having a hard time responding. They know that it’s quite unusual to refer to something that is going to be included or a right conveyed about a concept which has no other reference in the legislation.

Mr. Peterson: We understand you would prefer this in legislation. We’re putting it in regulation. Thank you very much. I call the vote.

The Chair: Mr. Peterson, with respect, there’s no calling for the vote until debate has exhausted itself at 5 p.m. I will now, as Mr. Jackson has raised, route the floor to ministry staff, if they care to reply.

Mr. Scott: Simply to state that right now there is nothing in the legislation, in Bill 102, that speaks to therapeutic substitution one way or another. That has already been addressed by the committee in an earlier motion. This clause would state that nothing in the act, in the DIDFA, shall be construed to permit therapeutic substitution. There is no further definition of that term in the legislation.

There is an ability under the bill to define any term further, by regulation. Therefore, the term “therapeutic

substitution” or other terms which are not defined in the legislation may be further defined by regulation. However, it’s important to note that there was nothing in the bill prior that was addressing therapeutic substitution one way or another, so legally it is significant in the sense that we are adding in a provision in the legislation that speaks to no therapeutic substitution.

Mr. Jackson: That is what I understood to be the process for writing bills.

Have you had an opportunity to look at each of the opposition amendments, Liam?

Mr. Scott: We have collectively looked at all of them. I have not personally looked at all of them myself.

The Chair: Thank you, Mr. Jackson. Thank you to ministry staff.

Mrs. Witmer: I’d just like to ask ministry staff, in subsequent amendments that we’re going to be dealing with, is there any obligation on your part, the part of the government, to consult on the definition of therapeutic substitution, or do you not have to do that?

Ms. Perun: With respect to the further government motions, there is a motion being proposed to consult on draft regulations, so that there would be a consultation on the definition of therapeutic substitution as well.

Mrs. Witmer: So you are obligated and will be consulting on the definition of therapeutic substitution.

Ms. Perun: By way of a government motion to follow, yes. There’s a government motion in this package that provides for public consultation on draft regulations.

Ms. Martel: Mr. Chair, I’ll be brief. I heard the explanation from counsel with respect to therapeutic substitution. My point would be that if it was important enough because of the concerns that were raised to put in an amendment that specifically says that nothing in this act shall be construed to permit therapeutic substitution, I would have thought it would have been equally as important to actually define what that was. So I regret that we are obviously at an impasse, because I do agree it’s important. We heard many concerns, but it seems that the second part has not followed logically: (1) We are saying it can’t happen, but (2) we haven’t defined in the legislation what it is that can’t happen. I think that’s the wrong way to go, but I recognize that it’s not going to change here today.

The Chair: Are there any further questions, comments or debate on this?

Mr. Peterson: If I may—Ms. Stevenson.

Ms. Stevenson: I just wanted to provide some further clarification. We spent approximately 10 hours with Rx&D and several of the big pharmaceutical companies to discuss not permitting therapeutic substitution and to further define it. We worked with them very intensely. We also shared some of that work with patient groups. At the end of that consultation with them, Rx&D signed off that we would put this clause in the legislation and that we would further define it through the regulations.

1620

Ms. Martel: All right. I was going to stop. But my concern is—it’s fine that that was done in some other

forum that we were not party to; none of the opposition nor the government members—to be perfectly blunt about it, I don’t accept that as an acceptable way to do business. It’s great that Ms. Stevenson had some consultations with other people and certain agreements were made. We were not privy to that.

We heard a lot of concerns about this here during the public hearings. I’ll say it again: If the government thought it was fine to put in an amendment to say this couldn’t happen, the second logical step would have been to put the definition in as well. That would have been the appropriate thing to do for the public record.

The Chair: Are there any further questions or comments? Seeing none, we’ll now proceed to the vote.

Mr. Jackson: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 4 to have been defeated.

I will now ask for a vote on the section. Shall section 1, as amended, carry? All those in favour? All those opposed? I declare section 1 to have carried, as amended.

I will now offer the floor to the opposition side for PC motion 5.

Mrs. Witmer: I move that clause 1.1(3)(a) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by striking out “or similar.”

The Chair: Are there any comments, further debate or questions with regard to PC motion 5? Seeing none, we’ll proceed to the vote. All those in favour of PC motion 5? All those opposed? I declare PC motion 5 to have been defeated.

I would also, with respect, ask committee members to vote in a recognizable manner so that the committee Chair and clerk can actually determine which way you’re voting.

Ms. Kathleen O. Wynne (Don Valley West): Is that with an arm?

The Chair: Whatever appendage is available, Ms. Wynne.

I would now offer the floor to—government motion 6.

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): I move that section 1.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Similar active ingredients

“(3.1) In clause (3)(a),

“‘similar active ingredients’ means different salts, esters, complexes or solvates of the same therapeutic moiety.”

The Chair: Are there any further questions, comments or debate on this particular government motion 6? Any further comments?

Ms. Martel: Can I ask where this comes from as a definition?

Mr. Brent Fraser: Brent Fraser, Drug System Secretariat.

The definition itself was confirmed with a number of experts within both Ontario and a number of other provincial jurisdictions, who advised the government around what they would characterize a similar active ingredient as. This was based on their recommendations for putting some parameters around “similar active ingredients.”

The Chair: Are there any further questions or comments on government motion 6? Seeing none, we’ll proceed to the vote. All those in favour of government motion 6? All those opposed? I declare government motion 6 to have carried.

The floor is now open to the opposition, the PC Party, for PC motion 7.

Mrs. Witmer: I move that section 1.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“No substitutions

“(3.1) Despite anything in this act, an interchangeable product shall not be supplied in place of a drug referred to in a prescription where a physician has indicated ‘no substitution’ on the prescription.”

Of course, again, this deals with the concern around therapeutic substitution. Hopefully, this amendment would protect the doctor-patient relationship and recognize that the physician, and nobody else, should have the final say over what drugs are given to what patients at any time.

The Chair: Questions or comments?

Mr. Jackson: I just want to say that a promise was made by the government that this would be upheld, so I’m looking forward to their support.

Mr. Peterson: We will not be voting for this amendment because “no substitution” is defined elsewhere.

Mr. Jackson: No; it’s talking about “dispense as written.” That’s an entirely different concept, Mr. Peterson. If you need a little time to understand it, you should take it, but this is that what the doctor puts on his script shall be filled. It’s called “dispense as written.”

Mr. Peterson: We agree that that should be the process. We’re not defining it here under this—we’re not doing it your way, that’s all.

Mr. Jackson: So, in your amendments that we only had an hour to look at, where is your amendment that covers that?

Mr. Peterson: Brent Fraser?

Mr. Fraser: There already are provisions within the Drug Interchangeability and Dispensing Fee Act that clearly state that when a physician writes “no substitution” on the prescription, the pharmacist must dispense the prescription as written.

Mr. Jackson: Where is that in the legislation?

Mr. Fraser: That’s included in subsection 4(6) of the Drug Interchangeability and Dispensing Fee Act, within the existing act itself.

The Chair: Are there any further questions or comments on PC motion 7? Seeing none, we’ll proceed to the vote. All those in favour of PC motion 7? All those opposed? I declare PC motion 7 to have been defeated.

PC motion 8: The floor is Ms. Witmer’s.

Mrs. Witmer: I move that section 1.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Same active moiety

“(3.1) Despite any other provision of this act, the executive officer shall not designate a product as being interchangeable with another product of the same active moiety unless the designation has first been reviewed by the committee known as the Committee to Evaluate Drugs.”

The Chair: Any further comments or questions from any side? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 8? Those opposed? I declare PC motion 8 to have been defeated.

I offer the floor to the government for government motion 9.

Mr. Peterson: I move that section 1.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Non-application of SPPA

“(5.1) The Statutory Powers Procedure Act does not apply to anything done by the executive officer under this act.”

The Chair: Further debate?

Ms. Martel: Very briefly, this is one of three—and there may be more, since I haven’t got through the whole government package—where the government has said that the Statutory Powers Procedure Act does not apply to decisions of the executive officer. I disagree fundamentally with that. I believe a decision or action of the executive officer, or the director of the drug program branch, as we would rather it be, should be able to be appealed to the Superior Court of Justice. So we’re voting against those sections where that is taken out.

Mr. Jackson: The same comment: We are literally separating the public from its health protection by putting this individual in place with that much power. It just flies in the face of everything that all of us came to Queen’s Park to fight for. To expose pharmacy to liability and to indemnify completely an unelected individual for making decisions that, quite frankly—this is not meant to be dramatic, but these are life-and-death decisions about which drugs are available, how they’re dispensed, how much we pay for them and what people can afford to pay in this province. To remove this simple right of a citizen in our province is just beyond me, and morally I can’t. This has to be a recorded vote.

1630

Mrs. Witmer: In order to be brief, since we only have 30 more minutes that we're allowed to even speak on any of these amendments, I would just ditto what's been said by the other two speakers.

The Chair: Are there any further comments, questions or debate on this government motion 9? Seeing none, we'll proceed to the vote.

Ms. Martel: Recorded vote.

Ayes

Fonseca, Kular, Peterson, Ramal, Wynne.

Nays

Jackson, Martel, Witmer.

The Chair: I declare government motion 9 to have carried.

The floor is now Ms. Martel's for NDP motion 10.

Ms. Martel: I move that section 1.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Regulations necessary

"(6) Despite anything else in this act, nothing set out in the formulary is effective unless it has been confirmed by a regulation made by the Lieutenant Governor in Council, and the Lieutenant Governor in Council has the authority to make any such regulation, and also to make any regulations that the Lieutenant Governor in Council considers advisable to control the exercise of the powers of the director of the drug program branch."

I said in my earlier remarks that New Democrats disagree with the excessive powers that are being given to someone who is not elected. We say that that person should be a bureaucrat and, secondly, that important decisions currently made by regulation, so that cabinet has to agree to them, should continue to be so made, especially when we're setting out what's going to be in the formulary.

The Chair: Any further questions or comments? Seeing none, we'll proceed to the vote.

Ms. Martel: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 10 to have been defeated.

The floor is yours again, Ms. Martel, for NDP motion 11.

Ms. Martel: Given the information that was provided to us by legislative counsel—that there is a provision in the current DIDFA that says no substitutions are allowed if it's written by a physician—I withdraw this amendment.

The Chair: Thank you, Ms. Martel.

We'll proceed now to the vote for this section. Shall section 2, as amended, carry? All those in favour? All those opposed? I declare section 2, as amended, to have carried.

We'll now proceed to the consideration of a new section 2.1 for NDP motion 12.

Ms. Martel: I move that the bill be amended by adding the following section:

"2.1 The act is amended by adding the following section:

"Regulations necessary

"1.2 Despite anything else in this act, nothing set out in the formulary is effective unless it has been confirmed by a regulation made by the Lieutenant Governor in Council, and the Lieutenant Governor in Council has the authority to make any such regulation."

My comments are the same as previously in terms of trying to have a check and balance on the power of this new executive director.

The Chair: Further debate? Questions or comments? Seeing none, we'll proceed to consideration of NDP motion 12.

Ms. Martel: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 12 to have been defeated.

We'll now proceed to consideration of section 3: PC motion 13. The floor is Mrs. Witmer's.

Mrs. Witmer: I move that section 3 of the bill be struck out and the following substituted:

"3. Subsection 4(5) of the act is repealed."

As you know, there were arguments from OCDA, CACDS, the Coalition of Ontario Pharmacy and the Canadian Pharmacists Association about this section, and tremendous concern that this could well create US HMO-style drug programs and that the inclusion of the word "similar" opens the door to therapeutic substitution along the lines of the US Department of Veterans Affairs model. There was also a lot of concern that there was no provision for how pharmacists were going to be compensated for the professional functions involved in making such interchanges in accordance with protocols. So we recommend this.

The Chair: Are there any further comments, questions or issues?

Ms. Martel: I agree with Mrs. Witmer. We were going to vote against the whole section as a result.

The Chair: Any further questions or comments? Seeing none, we'll proceed to the vote.

Mrs. Witmer: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 13 to have been defeated.

Shall section 3 carry? All those in favour?

Ms. Martel: Recorded vote.

Nays

Fonseca, Jackson, Kular, Martel, Peterson, Ramal, Witmer, Wynne.

The Chair: I declare that section to have been lost.

We'll now move to the consideration of section 4. I offer the floor to the government for government motion 14.

Mr. Ramal: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsection:

"Extended definition of 'manufacturer'

"(1.1) For the purposes of this section and in section 12.2 unless the context requires otherwise,

"'manufacturer' includes a supplier, distributor, broker or agent of a manufacturer, except in,

"(a) clause (1)(b) of this section,

"(b) paragraph 2 of subsection (7) of this section,

"(c) subsection (9) of this section, and

"(d) clauses (b) and (c) of the definition of 'drug benefit price' in subsection (10) of this section."

The Chair: Any further comments, issues of concern, debate? Seeing none, we'll proceed to the vote. All those in favour of government motion 14? All those opposed? I declare government motion 14 to have carried.

The floor is once again the government's, for government motion 15. Ms. Wynne.

Ms. Wynne: I move that subsection 12.1(2) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

"May not accept rebate

"(2) No wholesaler, operator, company, director, officer, employee or agent mentioned in subsection (1) shall accept a rebate that is mentioned in subsection (1), either directly or indirectly."

This makes it clear who may not accept a rebate.

The Chair: Are there any further questions or comments? Seeing none, we'll proceed to the vote. All those in favour of government motion 15? All those opposed? I declare government motion 15 to have carried.

We'll now move to the next motion, PC motion 16. I offer the floor to Ms. Witmer.

Mrs. Witmer: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsection:

"Code of conduct

"(2.1) The minister shall, in consultation with the pharmacy and drug industries, develop a code of conduct respecting acceptable marketing practices, and may make regulations setting out that code of conduct and requiring that it be adhered to by manufacturers and health professionals."

This would, of course, govern the provision of rebates and promotional allowances and would ensure that some of the more unsavoury practices that the minister spoke to and that are rumoured to be occurring would no longer be able to take place.

The Chair: Any issues of concern, further comments, debate, questions? Seeing none, we'll proceed with the vote. All those in favour of—

Mrs. Witmer: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 16 to have been defeated.

The floor is now Ms. Martel's for NDP motion 17.

Ms. Martel: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsections:

"Professional allowance

"(2.1) Subject to subsection (2.2), a manufacturer may provide a professional allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies.

"Disclosure of professional allowance

"(2.2) A manufacturer that provides a professional allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies shall inform the director of the drug program branch of the details of the professional allowance."

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The wording of this comes from a submission that was made by the Ontario Chain Drug Store Association. The second provision, in particular, was new in that it made the recommendation that somebody had to be informed of the details of the professional allowance that was

being provided. I think that provides for increased transparency of professional allowances, what they are for and who is getting them. I would urge support.

Ms. Wynne: I just want to make a comment that on a number of these we are bringing motions later that will address many of these issues, and I'd like a recorded vote on this.

The Chair: Are there any further questions or comments? Seeing none, we'll proceed to the vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 17 to have been defeated. I offer the floor now to Ms. Witmer for presentation of PC motion 18.

Mrs. Witmer: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsections:

“Professional allowance

“(2.1) Subject to subsection (2.2), a manufacturer may provide a professional allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies.

“Disclosure of professional allowance

“(2.2) A manufacturer that provides a professional allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies shall inform the executive officer of the details of the professional allowance.”

Of course, one of the overriding themes of the introduction of this bill dealt with the threat to the financial viability of pharmacies throughout the province of Ontario and the impact this was going to have, particularly in rural and northern Ontario, where often there are no doctors and it is the pharmacist who is the deliverer of the primary care.

Another concern was for the small and independent pharmacies that have little or no front shop to subsidize their back shop. There was concern expressed about the elimination of rebates that were going to remove an estimated \$150,000 to \$200,000 in revenue from pharmacies. As a result, we want to introduce this motion.

Ms. Martel: I agree with the motion that's been brought, and for the record I'd say this: If the government is bringing forward amendments that are essentially going to be similar, I really do wonder why they can't accept amendments from the opposition that are the same and deal with the same point. I guess that's the way it's going to be here today, but I find it most regrettable that the government would choose only to support its own amendments, especially if they're similar.

The Chair: Are there any further areas of concern, questions, comments?

Mr. Jackson: Recorded vote.

The Chair: Seeing none, it will be a recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 18 to have been defeated.

I offer the floor to Ms. Witmer for the presentation of PC motion 19.

Mrs. Witmer: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsections:

“Educational allowance

“(2.1) Subject to subsection (2.2), a manufacturer may provide an educational allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies.

“Disclosure of educational allowance

“(2.2) A manufacturer that provides an educational allowance to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies shall report to the executive officer the details of the educational allowance.”

Again, the argument is much the same.

The Chair: Are there any further issues of concern?

Mr. Jackson: Recorded vote.

The Chair: Seeing none, we'll proceed to the recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 19 to have been defeated.

The floor is now Mrs. Witmer's for PC motion 20.

Mrs. Witmer: I move that paragraph 2 of subsection 12.1(7) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

“2. Not make further designations of any of the manufacturer's products as interchangeable under this act until such time as the executive officer is of the opinion that the manufacturer is no longer offering the rebate.”

This particular proposed amendment simply narrows the scope of the penalty in cases where a rebate is found to have been provided in connection with an interchangeable product so that the penalty only applies to the interchangeable product and applications for designation as an interchangeable product.

The Chair: Are there any further questions or comments? Seeing none, we'll proceed to the vote. All those in favour of PC motion 20? All those opposed? I declare PC motion 20 to have been defeated.

The floor is now to the government side for presentation of government motion 21.

Mr. Fonseca: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsections:

"Executive officer order where rebate accepted

"(9.1) Where the executive officer believes, on reasonable grounds, that a person has accepted a rebate contrary to subsection (2), the executive officer may make an order requiring the person to pay to the Minister of Finance the amount calculated under subsection (4).

"Reconsideration

"(9.2) Subsections (5) and (6), subsection (7), other than paragraphs 1 and 2, and subsection (8) apply with any necessary modifications where an order has been made under subsection (9.1)."

The Chair: Further debate, questions, comments, issues of concern? Seeing none, we'll proceed to the vote. Those in favour of government motion 21? Those opposed? I declare government motion 21 to have been carried.

The floor is now to the government side.

Mr. Kular: I move that section 12.1 of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following subsection:

"Lesser amount

"(9.3) Despite any other provision of this section, the executive officer may, in an order under subsection (3) or (9.1), require the manufacturer or other person to pay an amount less than the amount calculated under subsection (4) and, where the executive officer does so, the following apply:

"1. The executive officer shall set out in the order both the lesser amount and how it was calculated.

"2. Any right of reconsideration that applies with respect to a calculation under subsection (4) applies with respect to the calculation under paragraph 1."

The Chair: Are there any further questions or comments on these issues? Seeing none, we'll proceed to the vote. Those in favour of government motion 22? All those opposed? I declare government motion 22 to have been carried.

The floor is now Mrs. Witmer's for presentation of PC motion 23.

Mrs. Witmer: I move that the definition of "rebate" in subsection 12.1(10) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

"rebate includes a discount, refund, trip, free goods or other prescribed benefit, but does not include a professional allowance or a discount for prompt payment offered in the ordinary course of business. ('rabais')"

Of course, what this is attempting to do is clarify the definition of "rebate" in order that professional allowances would be allowed.

The Chair: Are there any further questions, comments, issues of concern on PC motion 23? Seeing none, we'll proceed to the vote. All those in favour of PC motion 23? All those opposed? I declare PC motion 23 to have been defeated.

We move now to the government side for government motion 24.

Mr. Peterson: I move that the definition of "rebate" in subsection 12.1(10) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

"'rebate,' subject to the regulations, includes, without being limited to, currency, a discount, refund, trip, free goods or any other prescribed benefit, but does not include,

"(a) a discount for prompt payment offered in the ordinary course of business, or

"(b) a professional allowance ('rabais')."

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The Chair: Are there any further questions or comments on government motion 24? Seeing none, we'll proceed to the vote. All those in favour of government motion 24? All those opposed? I declare government motion 24 to have been carried.

The floor is now Mrs. Witmer's for PC motion 25.

Mrs. Witmer: I move that the definition of "rebate" in subsection 12.1(10) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following definitions substituted:

"'educational allowance' means a benefit in the form of money that is provided in the ordinary course of business to wholesalers, operators of pharmacies, or companies that own, operate or franchise pharmacies;

"'rebate' means a discount, refund, trip, free goods or any other prescribed benefit, but does not include an educational allowance, a discount for prompt payment or a distribution charge paid to a wholesaler offered in the ordinary course of business ('rabais')."

Again, we are looking for the definition of educational allowance, and we have attempted here to define a rebate and have expanded it to allow for wholesalers to receive distribution charges.

The Chair: Any further comments, debate, issues of concern? Seeing none, we'll proceed to the vote. All those in favour of PC motion 25?

Mrs. Witmer: Recorded, please.

Ayes

Martel, Witmer.

Nays

Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 25 to have been defeated.

The floor is now Ms. Martel's for presentation of NDP motion 26.

Ms. Martel: I move that subsections 12.1(10) and (11) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

“Definitions

“(10) In this section,

“‘drug benefit price’ means, with respect to a product, its drug benefit price under the Ontario Drug Benefit Act; (‘prix au titre du régime de médicaments’)

“‘professional allowance’ means a benefit in the form of money, services or educational or promotional aids that are provided by a manufacturer in the ordinary course of business to operators of pharmacies or companies that own, operate or franchise pharmacies for the purposes of enhancing patient care; (‘allocation professionnelle’)

“‘rebate’ includes a trip, free goods, gifts and other items that are intended for personal or family benefit or pecuniary advantage but does not include a professional allowance or discount for prompt payment offered in the ordinary course of business. (‘rabais’)

“Regulations

“(11) The Lieutenant Governor in Council may make regulations clarifying how the calculations are to be made in this section.

“Code of conduct

“(12) The ministry, in accordance with the pharmacy and generic drug industries, shall maintain a code of conduct by which those industries will abide, that governs acceptable practices and that includes provisions for enforcement and remedies, and that allows those industries to negotiate the level of investment made in professional allowances.”

This was an amendment that was put to the committee by the Ontario Pharmacists' Association. It has good definitions with respect to professional allowance and rebates, and that the ministry will also enforce a code of conduct and that there will be negotiations around that with the OPA with respect to what happens in that regard.

The Chair: Any further comments?

Mr. Peterson: In philosophy, we agree with many of the aspects of this—it may be even addressed in other parts of the bill—except the issue of the Lieutenant Governor in Council. We wish to make the process more open and transparent; hence we've appointed an executive officer whose opinions and deliberations will be made public.

Ms. Martel: Can I ask this question? Is it the executive director who's going to determine the calculations? I'm trying to flip back to a previous government amendment with respect to calculations.

The Chair: If ministry staff would care to reply, please?

Ms. Perun: Compensation with respect to rebates, they are to be calculated by the executive officer under the provisions of the amended legislation.

Ms. Martel: So they will be calculated, but that's the end of the accountability because they don't have to be done by regulation afterwards?

Ms. Perun: But there are some government motions to follow that do address professional allowances and the code of conduct as well.

Ms. Martel: But who is going to be responsible for the development of those in the amendments that are coming? Is that going to be the government in conjunction with the OPA?

Mr. Fraser: The intent of the code of conduct is to be developed in consultation with the pharmacists and the manufacturers.

Ms. Martel: Okay. But the difference, as I understand it in terms of why the government's not accepting this particular amendment, is because they would prefer the executive director to have the sole discretion to determine the calculations where my amendment says the Lieutenant Governor in Council would do that, so cabinet would have to approve those calculations. Is that essentially the difference that we're dealing with?

Ms. Perun: I just wanted to clarify what I said earlier. With respect to the calculations of rebates generally in terms of what's owing, the executive officer has that authority, but with respect to the calculation of the permissible limits on professional allowances, for example, that will also be set out in regulation as proposed by a government motion. Therefore, in the same way as in the NDP motion that the Lieutenant Governor in Council may make regulations with respect to calculations, the government motion does so with respect to the professional allowance piece.

Ms. Martel: So what's the reason for not voting for this amendment again? It's not a trick question.

Mr. Perun: Simply that the government motion to follow crafts the definition of “rebates” and what's exempted from the definition of “rebates” in a somewhat similar but different fashion.

Ms. Martel: Ah, you guys. I'll just say it again: The process is bad already, but if we're not even going to look at opposition amendments because there might be a small change in definition, then the process has really gone from bad to worse here this afternoon. Okay, go ahead. I'd like a recorded vote.

The Chair: If there are no further questions or comments, we will proceed to the recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 26 to have been defeated.

I offer the floor to Mrs. Witmer for PC motion 27.

Mrs. Witmer: I move that subsection 12.1(10) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be amended by adding the following definition:

“‘professional allowance’ means a benefit in the form of money that is provided by a manufacturer in the ordinary course of business to wholesalers, operators of pharmacies or companies that own, operate or franchise pharmacies. (‘allocations professionnelles’)”

Again, this is an amendment which attempts to define professional allowance as cash only, so that some of the nefarious practices hinted at by the minister, such as the provision of trips and goods and services, are outlawed. We also believe this would ensure transparency and accountability. Also, it would enable the financial viability of a pharmacy to continue to thrive.

The Chair: Any further comments? Seeing none, we’ll proceed to the vote.

All those in favour of PC motion 27?

Mrs. Witmer: Recorded.

Ayes

Jackson, Martel, Witmer.

Nays

Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 27 to have been defeated.

Mrs. Witmer for PC motion 28.

Mrs. Witmer: I move that subsections 12.1(10) and (11) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4 of the bill, be struck out and the following substituted:

“Definitions

“(10) In this section,

“‘drug benefit price’ means, with respect to a product, its drug benefit price under the Ontario Drug Benefit Act; (‘prix au titre du régime de médicaments’)

“‘professional allowance’ means a benefit in the form of money, services or educational or promotional aids that are provided by a manufacturer in the ordinary course of business to operators of pharmacies or companies that own, operate or franchise pharmacies for the purposes of enhancing patient care; (‘allocation professionnelle’)

“‘rebate’, includes a trip, free goods, gifts and other items that are intended for personal or family benefit or pecuniary advantage but does not include a professional allowance or discount for prompt payment offered in the ordinary course of business. (‘rabais’)

“Regulations

“(11) The Lieutenant Governor in Council may make regulations clarifying how the calculations are to be made in this section.

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“Code of conduct

“(12) The Ministry, in accordance with the pharmacy and the generic industry, shall maintain a code of conduct by which the pharmacy and the generic industry will abide, that governs acceptable practices and that includes provisions for enforcement and remedies

“Negotiation

“(13) The code of conduct shall allow the pharmacy and the generic industry to negotiate the level of investment made in professional allowances.”

Again, it really finds the drug benefit price rebate creates a definition of professional allowance and, as you can see, the promotional allowance definition allows for education and promotional aids as well as services. It is broader than the OCDA definition, which was limited to cash. It sets up a code of conduct specific to the pharmacy and generic industry, with respect to rebates and promotional allowances, to ensure that the more unsavoury practices that have been rumoured no longer occur, and it calls for a negotiation on the level of professional allowances.

The Chair: Are there any further questions, comments or issues of concern for PC motion 28? Seeing none, we’ll proceed to the vote.

Mr. Jackson: Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 28 to have been defeated.

To government motion 29.

Mr. Ramal: I move that subsection 12.1 (11) of the Drug Interchangeability and Dispensing Fee Act, as set out in section 4. of the Bill, be struck out and the following substituted:

“Regulations

“(11) The Lieutenant Governor in Council may make regulations clarifying the definition of ‘rebate’ in this section, including providing that certain benefits are not rebates, prescribing benefits for the purpose of that definition, clarifying how the calculations are to be made in this section and defining ‘professional allowance’ for the purposes of that definition, including governing how professional allowances are to be calculated, setting limits on professional allowances and incorporating the content of the code of conduct referred to in subsection 11.5(10.4) of the Ontario Drug Benefit Act as amended from time to time.”

The Chair: Thank you, Dr. Ramal.

I would advise the committee once again with respect that, according to the order of the House passed on Tuesday, May 9, in the evening, we will now proceed without further questions, comments or debate immediately to the vote, and I'll have some further comments of that.

All those in favour of government motion 29? All those opposed? I declare government motion 29 to have carried.

I also inform members of the committee that now that it is past 5 p.m., in accordance with that order of the House, all motions are now deemed to have been moved from the government side, Mr. Peterson, from the opposition side, Mrs. Witmer, and from the third party NDP side, Ms. Martel.

We will now proceed to the immediate consideration of government motion 30. All those in favour of government motion—

Interjection.

The Chair: I'm sorry. You're quite correct. All those in favour of PC motion 30? All those opposed? I declare PC motion 30 to have been defeated.

All those in favour of government motion 31? All those opposed? I declare government motion 31 to have carried.

Proceed to the next motion.

Mrs. Witmer: On a point of order, Mr. Chair: We got these motions an hour before. I do not have time to even read the motion. That motion is a page in length when you call the question. How can I make any intelligent decision as to whether I can support this or not?

The Chair: Thank you, Mrs. Witmer. For the moment, I will confer.

Ms. Wynne.

Ms. Wynne: This process is one that was confirmed by the House leaders. This is a process that I'm sure the members of the official opposition are very familiar with in terms of time allocation. It's not something that happens frequently under this government. It's something that the House leaders agreed upon and that's why we're doing it. There are three House leaders, one from each party.

Mrs. Witmer: No, they did not.

Ms. Martel: Absolutely not; there was no agreement by the House leaders with respect to this process. I was sitting in the House on a Monday night several weeks ago when the motion for time allocation, which this mess right now is part of, was delivered to Mr. Kormos, who was sitting beside me. That is the first time he saw the motion. Let me repeat: There was no agreement, there was no discussion and there was no negotiation. There was nothing with respect to how this process was going to unfold—not with respect to how much longer second reading would go; not with respect to the public hearings, not even the days we were going to sit; not with respect to the clause-by-clause, the mess we're going through now; nor with respect to when this was going to be voted back or when third reading was going to take place.

I resent the government saying, on the record, that somehow there was some negotiation and we agreed to

this. This was dropped on us. It was forced through by a time allocation motion because the government stood up and voted for it, but there was no agreement, not between New Democrats and the Conservatives, about this whole process and what's happening now—absolutely not.

Mr. Jackson: I don't want to engage in this debate. My anger about this is very clear. What I will state from what I stated earlier is that I have a few more pages to go where I've read every amendment, but there will come a point in this process where I haven't read any of these pages, where it was an impossibility. The motion says that we were to have access to those amendments by 12 o'clock; we did not. I got them close to 3 o'clock. They were put on my desk in the legislative chamber, where we were preoccupied with House business. To be fair, all I think my colleague has raised, and what I'm raising at this point—because I don't want this to be a debate. This whole sordid thing is wrong. However, we have to complete this bill. I would just like sufficient time in order to read it. That's all I want. If I can read it, then I'll know what I'm voting for and what I'm voting against. I think that is a reasonable request to make to the Chair. It will add some time but we will be done today, before 12:01 tomorrow.

The Chair: The Chair has the power to actually slow the process down in order to allow all committee members to read the particular amendment, but as I say, I am bound by the order of the House.

Having said that, I will now move to the reading consideration of government motion 32.

Mr. Jackson: I've read it.

The Chair: Thank you, Mr. Jackson. If the committee is ready to proceed to the vote, then we shall do so. All those in favour of government motion 32? All those opposed? I declare government motion 32 to have carried.

We'll now proceed to consideration of NDP motion 33. There is no comment. If there is a request for a recorded vote, this will be pooled to the end of the consideration and deliberations for today.

Ms. Martel: Recorded vote.

The Chair: So we will now—

Interjection.

The Chair: Yes, Mr. Jackson.

Mr. Jackson: If I understand your ruling, all those that we request to be recorded should be stacked to the end?

The Chair: I understand that is the procedure.

Mr. Jackson: Then we will request recorded votes on everything and that will allow us to go sequentially. This is way too confusing. First of all we haven't read it; secondly, we're having a hard time comprehending it; and now we're going to change the order. So we will stay within the rules, I'll call it on a technicality, and let's just proceed, if I can give that as friendly advice to the Chair.

1710

The Chair: As the clerk informs me, members are entitled to one 20-minute recess and then we are going to the recorded votes.

Mr. Jackson: I'm still confused, Mr. Chairman, about your ruling. Are we stacking the votes, yes or no?

The Chair: Yes.

Mr. Jackson: Okay. Then if we're stacking them, we have to go through them individually. Mr. Chair, could you not accept, as a friendly suggestion, that we just proceed in sequential order?

The Clerk of the Committee (Mr. Trevor Day): That's what we're doing. Normally we'd take only those recorded to the end. In this case, we've put all the recorded on the end, so we're back in the same place, each one recorded from here on in.

Mr. Jackson: That's only going to add unnecessary time. Can we have unanimous agreement to just proceed with the votes we want to have recorded as they come up and we can move through this quickly? I'm asking the Chair, not the clerk.

The Clerk of the Committee: Wasn't there just a request to have all the rest recorded?

Mr. Jackson: Yes, I know. I was saying, technically, that's how I can get around it. I don't want to do that. I want to move through this sequentially. I don't want to jump around. That's all I'm asking. This is confusing enough.

The Clerk of the Committee: Any request for a division has to be put to the end. It's currently in the order of the House. We have no control over that.

Mr. Jackson: I get all that. The Chair has a certain latitude to get this done before midnight.

The Clerk of the Committee: Not in this regard.

The Chair: Mrs. Witmer, please.

Mrs. Witmer: So we have to go through all of these one more time?

The Clerk of the Committee: No. If in essence you're saying every one recorded, then from here on in each one will be recorded, but we go in the order that they are in right now. So we just record every vote between here and the end.

Mrs. Witmer: Okay.

The Clerk of the Committee: Otherwise, we have to go through them and then come back for any recorded request.

Mrs. Witmer: I guess that's what I don't want to do: come back and go through them all again. That makes no sense.

The Chair: Just for consideration of the committee, and particularly Mr. Jackson, I don't think that any kind of requesting of recorded votes or not will add any time to the deliberation per motion, as far as I can determine.

Mr. Jackson: We're at 33. We've got to go to 177. If my request for a recorded motion on everything is in order, we're going to be here for a couple of hours, okay? Plus, I get my 20 minutes—once, per member per opposition.

The Clerk of the Committee: With the recorded vote request, you get one for the entire stacking. So if you requested that everything be stacked, everything be recorded, you're allotted one 20-minute recess.

Mr. Jackson: Who is "you"? Everybody?

The Clerk of the Committee: The committee. There is one. It's in the motion.

Mr. Jackson: There's one. Yes. I didn't come here tonight looking for a recess; I came here to get the bill done.

The Clerk of the Committee: Do we still have the request for all of them to be recorded?

The Chair: Mrs. Witmer.

Mrs. Witmer: Do you know what? I don't believe it's necessary that we record all the votes.

The Chair: All right. Mr. Jackson.

Mr. Jackson: Mr. Chair, I would request that all opposition motions be recorded and we'll leave it at that. That should be more helpful.

The Chair: Thank you, Mr. Jackson.

Taking that as the will of the committee, all opposition motions henceforward for tonight will be recorded.

Mr. Jackson: Which means, Mr. Chairman, that we can't approve sections until the very end.

The Chair: Yes, Mr. Jackson.

So NDP motion 33, as an opposition motion, is deferred towards the end, as is PC motion 34.

We will now proceed to the vote on government motion 35. I will allow committee members to peruse government motion 35, and having determined when they've read it, we'll then proceed to the vote.

All those in favour of government motion 35? All those opposed? I declare government motion 35 to have been carried.

We will not be considering section 4, as amended, because of deferred votes for opposition motions.

We'll now go to section 5: PC motion 36, deferred; PC motions 37 and 38 also deferred.

We'll now proceed to the consideration of government motion 38.

Ms. Martel: I'm trying to follow in the bill. I'm sorry; I'm not trying to prolong this, but—

The Chair: Sure.

Interjection.

Ms. Martel: No, it's not the amendment. I'm trying to follow in the bill at the same time so I can understand the effect of the change. If I could just get some help from somebody about where we are in the bill itself? It's 5(2). So we're starting on page 6?

Mr. Jackson: Bottom of 5.

Ms. Martel: Bottom of 5. Okay, I've got it—5(2).

Thanks, Mr. Chair. Sorry about that.

The Chair: Are we ready to proceed to the vote consideration of government motion 38? Taking that as the will of the committee, all those in favour of government motion 38? All those opposed? I declare government motion 38 to have carried.

We'll now proceed to the reading of government motion 39.

May I take it that the motion has been perused? All right. We'll proceed to the vote. All those in favour of government motion 39? All those opposed? I declare government motion 39 to have carried.

We will not be considering section 5, as there were some deferred opposition amendments.

Section 5.1: Opposition amendment 40 is also now deferred, as is motion 41.

We'll move to the consideration of section 6. PC motion 42 is deferred.

We'll now move to the perusal of government motion 43.

We'll proceed now to the vote on government motion 43. All those in favour? All those opposed? I declare government motion 43 to have carried.

We defer the next three motions: opposition motions 44, 45 and 46—and 47, actually.

1720

We'll now move to the reading of government motion 48.

Now we'll move to consideration of government motion 48. All those in favour? All those opposed? I declare government motion 48 to have carried.

The next three motions are deferred: 49, 50 and 51. Section 6 shall not be considered at this time because of the deferral.

We'll move now to consideration of section 7. The next several motions are deferred: 52, 53, 54, 55, 56, 57, 58 and 59.

We'll now move to the reading of government motion 60.

We'll move now to the consideration of government motion 60. All those in favour? All those opposed? I declare government motion 60 to have carried.

We will not be considering section 7 at this time because of the deferred motions.

We'll move now to the consideration of section 8. Again, several motions are deferred. They are motions 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

We'll now move to the reading of government motion 71.

With the committee's permission, we'll consider the vote for government motion 71. All those in favour? All those opposed? I declare government motion 71 to have carried.

We'll now move to the reading of government motion 72.

Now we'll move to voting consideration of government motion 72. All those in favour? All those opposed? I declare government motion 72 to have carried.

We'll move to the reading of government motion 73.

We'll proceed to the vote on government motion 73. All those in favour of government motion 73? All those opposed? I declare government motion 73 to have carried.

We move now to the reading of government motion 74.

We'll move now to the vote on government motion 74. All those in favour? All those opposed? I declare government motion 74 to have been defeated.

We'll move now to the reading of government motion 75.

Mr. Jackson: Mr. Chairman, that was declared defeated?

The Chair: I did say that government motion 74 had been declared defeated, yes, Mr. Jackson.

We'll now move to the vote on government motion—

Ms. Wynne: Can I just ask a procedural question? Can we withdraw a motion in this process?

Mr. Jackson: Not now, because everything's been moved.

Ms. Wynne: Okay, fine. So defeating them—

Mr. Jackson: The motion said everything has to be moved.

Ms. Wynne: Our only option then, if we can't withdraw, is to defeat. So that's why. Okay. Thank you.

The Chair: Mr. Jackson is correct. Because of the order of the House, all motions have been deemed to have been moved by the member so specified.

We'll move now to the consideration of government motion 75. All those in favour? All those opposed? I declare government motion 75 to have been defeated.

We'll move now to the reading of government motion 76.

We'll move now to the vote.

Mr. Jackson: Recorded vote.

The Chair: This recorded vote will also therefore be deferred for consideration later, as are the next opposition motions: 77, 78, 79, 80, 81 and 82. Therefore, section 8 will not be considered en bloc at this time.

Section 8.1, NDP motion 83 is also deferred, as is PC motion 84, and as well the next three, 85, 86 and 87. None of those sections will be considered at this time.

For section 9, we have so far no proposals or amendments or motions coming forward, so we'll proceed to the vote in consideration of section 9.

Mr. Jackson: Can legislative counsel advise us that no other sections impact on section 9?

Mr. Ralph Armstrong: Ralph Armstrong, legislative counsel. I'm not aware of any such provision having impact. What's done in section 9, the striking out of "designated" and substituting "prescribed," is part of the overall approach in the act, where previously all designations were prescribed by—so now we're specifically providing that—I'm sorry, sir. This does not change what is currently in the legislation; it simply makes a designation by the word "prescription" instead of the word "designation." It still requires a regulation. There you go, sir.

The Chair: Is that to your satisfaction, Mr. Jackson?

Mr. Jackson: Yes, thank you very much.

The Chair: Thank you to legislative counsel.

We'll therefore move to the vote consideration. Shall section 9 carry? All those in favour? All those opposed? I declare section 9 to have carried.

We'll now move to consideration of section 10. All three motions are deferred, motions 88, 89 and 90. Therefore, we'll not consider that section at this time.

Section 11: Both motions deferred, 91 and 92. We'll not consider section 11 at this time.

Section 12: Motions 93 to 99 inclusive, all deferred, not considering at this time, as we are doing with section 12.

Section 12.1: NDP motion 100, as the next two, 101 and 102, deferred.

We have no motions or proposals for section 13. If it's the will of the committee, we will then proceed to the vote on section 13. Are there any clarifications sought with regard to that? Seeing none, we'll consider for vote section 13. All those in favour? All those opposed? I declare section 13 to have carried.

We'll move now to section 14. First motion presented, NDP motion 103, deferred.

1730

I now invite the committee to read government motion 104.

We'll now move to the consideration of vote on government motion 104. All those in favour? All those opposed? I declare government motion 104 to have carried.

We'll proceed now to section 15. I invite the committee to read government motion 105.

Mr. Fonseca: No, it's NDP.

The Chair: I'm sorry. NDP motion 105 is therefore deferred.

We'll move now to NDP motion 106 for the next section, 16, also deferred, as is NDP motion 107 for section 17, as is section 18, motion 108.

Section 19: Motions 109 to 112 inclusive, deferred.

I invite the committee to read government motion 113.

We'll proceed now to the vote on government motion 113. All those in favour? All those opposed? I declare government motion 113 to have carried.

I invite the committee to read government motion 114.

We'll proceed now to the vote on government motion 114. All those in favour? All those opposed? I declare government motion 114 to have carried.

I declare the next several opposition motions, 115 to 120 inclusive, to have been deferred.

We'll move now to the reading of government motion 121.

If members have had time to make their way through government motion 121, we'll proceed now to the vote. All those in favour of government motion 121? All those opposed? I declare government motion 121 to have carried.

I invite the committee to read through government motion 122.

The committee has read government motion 122. We'll now move to the vote. All those in favour of government motion 122? All those opposed? I declare government motion 122 to have carried.

I move now to the reading of government motion 123. Mr. Jackson?

Mr. Jackson: I just lament that we refer to pharmacy as an industry and not a profession.

The Chair: If the committee has had time to read through government motion 123, we'll move now to the vote. All those in favour of government motion 123? All

those opposed? I declare government motion 123 to have carried.

The next two opposition motions, 124 and 125, are deferred.

I invite the committee to read through government motion 126.

If there are no objections, we'll proceed now to the vote on government motion 126. All those in favour? All those opposed? I declare government motion 126 to have carried.

The next two opposition motions, 127 and 128, are deferred.

I invite the committee to read through government motion 129.

We'll proceed now to the vote on government motion 129. All those in favour? All those opposed? I declare government motion 129 to have carried.

We'll now go through the reading of government motion 130.

We'll move now to the vote on government motion 130. All those in favour? All those opposed? I declare government motion 130 to have carried.

We'll defer opposition motions 131 and 132.

I invite the committee to read through government motion 133.

We'll proceed now to the vote on government motion 133. All those in favour? All those opposed? I declare government motion 133 to have carried.

We will not be considering en bloc section 19 because of the deferred votes.

We move now to section 20. Both opposition motions, 134 and 135, are deferred.

We move now to the consideration of section 21: Opposition motion 136 deferred.

We move now to the consideration of section 22: NDP motion 137 deferred.

I invite the committee to read through government motion 138.

We'll move now to the consideration of government motion 138. All those in favour? All those opposed? I declare government motion 138 to have carried.

We'll defer opposition motions 139 and 140.

Section 22 will not be considered en bloc.

We'll move now to the consideration of section 23: Opposition motions 141, 142 and 143 deferred, as is consideration of section 23.

Section 23.1: Opposition motion 144 deferred, as is consideration for that section.

Section 24: NDP motion 145, as is section consideration, deferred.

We'll move now to consideration of section 25: NDP and Opposition motions 146, 147, and 148 deferred.

Opposition motion 149 for section 25.1 deferred.

Section 26: NDP motion 150 deferred, as is consideration for that section.

We'll now move to consideration of section 27: opposition motions 151 to 156, inclusive, deferred.

I invite the committee to read through government motion 157.

We'll proceed to the vote on government motion 157. All those in favour? All those opposed? I declare government motion 157 to have carried.

1740

Opposition motions 158, 159 and 160 deferred.

I invite the committee to read through government motion 161.

We'll now move to the vote on government motion 161. All those in favour? All those opposed? I declare government motion 161 to have carried.

Opposition motions 162 and 163 deferred.

Section 28: Opposition motions 164, 165 and 166 deferred.

I invite the committee to read through government motion 167.

Moving now to the consideration vote on government motion 167, all those in favour? All those opposed? I declare government motion 167 to have carried.

Opposition motions 168 and 169 deferred.

Opposition motions 170 and 171 deferred.

Consideration of section 29: Opposition motions 172, 173 and 174 deferred.

I invite the committee to read through government motion 175.

We'll move now to the consideration vote on government motion 175. All those in favour? All those opposed? I declare government motion 175 to have carried.

Opposition motions 176 and 177 deferred.

There are no proposed amendments, motions to date for section 30. If there are no further clarifications sought, we'll move directly to the vote on section 30. Seeing none, all those in favour of section 30? All those opposed? I declare section 30 to have carried.

I advise my fellow members of the committee that since government motions have now been dealt with, we are now at the juncture where we will consider opposition motions, all of which, as you've heard, are recorded votes. I ask the will of the committee: Shall we adjourn for dinner or shall we move immediately to consideration of the recorded votes, opposition motions?

Mr. Peterson: I suggest we work until 6 o'clock, and 7.

The Chair: We'll move directly to consideration of opposition motions.

NDP motion 33. If there are no clarifications sought, we'll move to the vote on NDP motion 33.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 33 to have been defeated.

We'll move now to the vote on PC motion 34. All these votes are recorded.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 34 to have been defeated.

We'll now consider section 4 en bloc, as amended. Shall section 4, as amended, carry? All those in favour? All those opposed? I declare section 4, as amended, to have carried.

Consideration of PC motion 36.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 36 to have been defeated.

PC motion 37.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 37 to have been defeated.

Shall section 5, as amended, carry? All those in favour? All those opposed? I declare section 5, as amended, to have carried.

We now move to the consideration of NDP motion 40.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare section 5.1, NDP motion 40, to have been defeated.

PC motion 41: Shall section 5.1, PC motion 41, carry?

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare section 5.1, PC motion 41, to have been defeated.
PC motion 42.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

1750

The Chair: I declare PC motion 42 to have been defeated.
NDP motion 44.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 44 to have been defeated.
PC motion 45.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 45 to have been defeated.
PC motion 46.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 46 to have been defeated.

Mr. Peterson: On a point of order, Mr. Chair: Can we consider these votes en bloc by section?

Mr. Jackson: He's already ruled on that. I tried to do that.

The Chair: We'll now move to consideration of—

Mr. Peterson: Even with a unanimous vote we can't do it? If we have a unanimous vote, he will consider it.

Mr. Jackson: I tried that an hour ago.

Mr. Peterson: We didn't understand that's what you were trying to do.

Mr. Jackson: Let's continue the way it is. The Chair has ruled that he didn't want to do unanimous consent, so we're not doing unanimous consent.

The Chair: These votes are going to be recorded individually.

We'll move now to consideration of NDP motion 47.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Ramal, Wynne.

The Chair: I declare NDP motion 47 to have been defeated.

We now move to consideration of PC motion 49.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Ramal, Wynne.

The Chair: I declare PC motion 49 to have been defeated.

We now move to consideration of NDP motion 50.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Ramal, Wynne.

The Chair: I declare NDP motion 50 to have been defeated.

PC motion 51.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Ramal, Wynne.

The Chair: I declare PC motion 51 to have been defeated.

Shall section 6, as amended, carry? All in favour? All opposed? I declare section 6, as amended, to have carried.

We move now to consideration of motion 52.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Ramal, Wynne.

The Chair: I declare PC motion 52 to have been defeated.

PC motion 53.

Mr. Jackson: I'd like everybody to read this one. I think it'd be totally unfair for the government not to have read this amendment before they reject it.

The Chair: Thank you, Mr. Jackson.

Interjection.

Mr. Jackson: They've read it.

The Chair: We'll move now to the vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 53 to have been defeated.

PC motion 54.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 54 to have been defeated.

PC motion 55.

Mr. Jackson: Can we recess so you can check on this one? I'm not even sure the minister's read this one.

The Chair: Mr. Jackson, do I take that as a formal request for a recess?

Mr. Jackson: No, I don't want one.

The Chair: Well proceed now to the vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 55 defeated. NDP motion 56.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 56 to have been defeated.

PC motion 57.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 57 to have been defeated.

PC motion 58.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 58 to have been defeated.

PC motion 59.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 59 to have been defeated.

Shall section 7, as amended, carry? All those in favour? All those opposed? I declare section 7, as amended, to have carried.

Section 8: NDP motion 61.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne

The Chair: NDP motion 61 defeated.
PC motion 62.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

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The Chair: PC motion 62 defeated.
PC motion 63.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 63 defeated.
PC motion 64.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 64 defeated.
NDP motion 65.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 65 defeated.
PC motion 66.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 66 defeated.
NDP motion 67.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 67 defeated.
PC motion 68.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 68 defeated.
PC motion 69.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare PC motion 69 to have been defeated.
PC motion 70.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 70 defeated.
We'll go to government motion 76. Those in favour of government motion 76?

Ms. Martel: Recorded vote.

The Chair: These are all recorded votes.

Ayes

Fonseca, Kular, Peterson, Ramal, Wynne.

Nays

Jackson, Martel, Witmer.

The Chair: Government motion 76 carried.
PC motion 77.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 77 defeated.
PC motion 78.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 78 defeated.
NDP motion 79.
Mrs. Witmer: Let's sit until we get a motion passed.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 79 defeated.
PC motion 80.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 80 defeated.
NDP motion 81.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 81 defeated.
PC motion 82.

Mrs. Witmer: I'd like to just move it.

The Chair: All motions from your side, Ms. Witmer, have now been deemed to have been moved by you.

Mrs. Witmer: But I think it's particularly good.

The Chair: The committee notes your enthusiasm and welcomes it.

Ayes

Fonseca, Jackson, Kular, Martel, Peterson, Ramal, Witmer, Wynne.

The Chair: None opposed? I declare PC motion 82 to have carried.

Mr. Peterson: Point of order, Mr. Chair: Ms. Witmer said we could adjourn for dinner once we all agreed on a motion.

The Chair: Would the members like to recess to eat?

Mrs. Witmer: Sure.

Mr. Jackson: What else did you have in mind for us to do?

The Chair: Mr. Jackson, seeing as we're located in downtown Toronto, there is much.

Mr. Jackson: I could get caught up in my office; it would be a start.

Ms. Wynne: I'm concerned about other things that people may have to do, and I'm just thinking, it's not going to take us that long to get through these. Is it necessary that we—

Mr. Jackson: I could quote you the labour act. We have staff here. We could do any number of things.

Ms. Wynne: Okay.

The Chair: It's entirely the will of the committee. There is dinner available for committee members as we speak. We're available to be here to deliberate the rest of these motions. It's the will of the committee. I take it as—

Ms. Wynne: Well, for how long? How long are we talking about?

Mr. Jackson: Do you want me make it simple and call a 20-minute recess?

Ms. Wynne: Good idea.

The Chair: All right. This committee—

Interjections.

The Chair: We'll make it 30 minutes.

This committee stands recessed for 30 minutes. To be clear, we're expected back at 6:35 or so.

The committee recessed from 1806 to 1841.

The Chair: I call the committee back from recess. Before moving to consideration of the next motion, I'm informed by the clerk that there is a provision for same vote, which means that we will still have to go through each motion individually—for example, 82, 83 and 84—but instead of holding up the committee's time to record

each vote individually, we can assume that it is the same vote, if agreeable to the committee. Can I take some direction?

Mr. Fonseca: Yes.

Mr. Jackson: Usually it rests with the person who requested it.

The Chair: All right. May I take that as the will of the committee then?

Mr. Jackson: Let's move along. We were holding out for cake, anyway.

The Chair: So let's officially begin the vote. This is a vote as previously. Shall section 8, as amended, carry? All those in favour? All those opposed? I declare section 8, as amended, to have carried.

Now we can introduce, if it's the will of the committee, and I take it it is—

Interjection.

The Chair: All right. We're going to record this vote and then assume this will be the vote repeated for the rest of the votes.

Ms. Wynne: Unless we say no.

Mr. Jackson: If you call the vote and then, with an NDP motion, Shelley has the option to say, "Same vote," and when a Tory one is up, I'll say, "Same vote," and we'll keep it simple—

Ms. Wynne: And we'll say no.

Mr. Jackson: —as opposed to you dancing around with this as per our previous agreement.

The Chair: Thank you, Mr. Jackson. Agreed.

So we'll move now to consideration of section 8.1, NDP motion 83. All those in favour? We need one vote right now to establish the numbers.

Mr. Jackson: But Elizabeth isn't here yet.

The Clerk of the Committee: We can change it later.

Mr. Jackson: Fair enough.

Ayes

Jackson, Martel.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 83 to have been defeated. So now we've got our numbers for the same vote, which can be adjusted.

PC motion 84.

Mr. Jackson: Same vote.

The Chair: Is that agreed? Same vote.

NDP motion 85.

Interjection.

The Chair: We have an objection to the same vote. We'll proceed to the actual recorded vote. NDP motion 85.

Ayes

Fonseca, Jackson, Kular, Martel, Ramal, Wynne.

The Chair: I declare NDP motion 85 to have been carried.

NDP motion 86, section 8.3.

Ms. Martel: Okay, same vote.

Mr. Jackson: You'll have to call the vote until we establish it.

The Chair: All those in favour of NDP motion 86?

Ayes

Jackson, Martel.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 86 to have been defeated.

We'll now move to NDP motion 87.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 87 to have been defeated.

We'll move now to section 10, PC motion 88.

Mr. Jackson: Same vote.

The Chair: The committee is agreeable to same vote? Same vote.

Mr. Jackson: You have to declare it's defeated, Mr. Chairman.

The Chair: PC motion 88 defeated.

NDP motion 89.

Ms. Martel: Same vote.

The Chair: Same vote. I declare NDP motion 89 to have been defeated.

PC motion 90.

Mr. Jackson: Same vote.

The Chair: I declare PC motion 90 to have been defeated.

Shall section 10 carry? This is just a hand vote. All those in favour? All those opposed? Section 10 carried.

Section 11: NDP motion 91.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

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The Chair: I declare NDP motion 91 to have been defeated.

PC motion 92.

Mr. Jackson: Same vote.

The Chair: PC motion 92 defeated.

Shall section 11 carry? Hand vote. All those in favour? All those opposed? I declare section 11 to have carried.

Section 12: NDP motion 93. Any proposal for same vote?

Ms. Martel: No.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: I declare NDP motion 93 to have been defeated.

NDP motion 94.

Ms. Martel: Same vote.

The Chair: NDP motion 94 defeated.

NDP motion 95.

Ms. Martel: Same vote.

The Chair: Defeated.

PC motion 96.

Mrs. Witmer: Same vote

The Chair: Defeated.

PC motion 97.

Mrs. Witmer: Same vote

The Chair: PC motion 97 defeated.

PC motion 98.

Interjections.

The Chair: PC motion 98, same vote, defeated.

NDP motion 99.

Ms. Martel: Same vote.

The Chair: NDP motion 99 defeated.

Shall section 12 carry? Hand vote. Those in favour? Those opposed? Section 12 carried.

This will be a recorded vote on NDP motion 100.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 100 defeated.

PC motion 101.

Mrs. Witmer: Same vote.

The Chair: PC motion 101 defeated.

PC motion 102.

Mrs. Witmer: Same vote.

The Chair: PC motion 102 defeated.

NDP motion 103.

Ms. Martel: Same vote.

The Chair: NDP motion 103 defeated.

Shall section 14, as amended, carry? Hand vote. Those in favour? Those opposed? Section 14, as amended, carries.

Section 15: NDP motion 105.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 105 defeated.

Shall section 15 carry? Hand vote. All those in favour? All those opposed? Section 15 carries.

Section 16: NDP motion 106.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 106 defeated.

Shall section 16 carry? Hand vote. All those in favour? All those opposed? Section 16 carries.

Section 17: NDP motion 107.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 107 defeated.

Shall section 17 carry? Hand vote. All those in favour? All those opposed? Section 17 carries.

Section 18: NDP motion 108.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 108 defeated.

Shall section 18 carry? Hand vote. Those in favour? Those opposed? Section 18 carries.

Section 19: PC motion 109.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 109 defeated.

PC motion 110.

Mrs. Witmer: Same vote.

The Chair: Same vote. PC motion 110 defeated.

PC motion 111.

Mrs. Witmer: Same vote.

The Chair: Defeated.

NDP motion 112.

Ms. Martel: Same vote.

The Chair: NDP motion 112 defeated.

NDP motion 115.

Ms. Martel: Same vote.

The Chair: Motion 115 defeated.

PC motion 116.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 117.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 118.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 119.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 120.

Mrs. Witmer: Same vote.

The Chair: NDP motion 124.

Ms. Martel: Same vote.

The Chair: NDP motion 124 defeated.

PC motion 125.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 127.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 128.

Mrs. Witmer: Same vote.

The Chair: Defeated.

NDP motion 131.

Ms. Martel: Same vote.

The Chair: Defeated.

PC motion 132.

Mrs. Witmer: Same vote.

The Chair: Shall section 19, as amended, carry? Hand vote. Those in favour? Those opposed?

Section 19, as amended, carries.

Section 20: NDP motion 134.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 134 defeated.

PC motion 135.

Mrs. Witmer: Same vote.

The Chair: Same vote. Motion 135 defeated.

Shall section 20 carry? Hand vote. Those in favour?

Those opposed? Section 20 carries.

Section 21: NDP motion 136.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 136 defeated.

Shall section 21 carry? All those in favour? Those opposed? Section 21 carries.

Section 22: NDP motion 137.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 137 defeated.

PC motion 139.

Mrs. Witmer: Same vote.

The Chair: Same vote. PC motion 139 defeated.

PC motion 140.

Mrs. Witmer: Same vote.

The Chair: Same vote. Defeated.

Shall section 22, as amended, carry? Hand vote. Those in favour? Those opposed? Section 22, as amended, carries.

Section 23: PC motion 141.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 141 defeated.

NDP motion 142.

Ms. Martel: Same vote.

The Chair: Motion 142 defeated.

NDP motion 143.

Ms. Martel: Same vote.

The Chair: NDP motion 143 defeated.

Shall section 23 carry? Hand vote. Those in favour?
Those opposed? Section 23 carries.

Section 23.1: PC motion 144. Recorded vote.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 144 defeated.

Section 24: NDP motion 145.

Mr. Jackson: Same vote.

The Chair: Do I take it, the same vote on this? No.
Recorded vote.

The Clerk of the Committee: Same vote. No, the one
before was. The one before was a motion—section 23.1.
It was motion 144.

The Chair: NDP motion 145.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 145 defeated.

Shall section 24 carry? Those in favour? Those
opposed? Section 24 carries.

Section 25: NDP motion 146.

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: NDP motion 146 defeated.

PC motion 147. Same vote?

Mrs. Witmer: Yes.

The Chair: Same vote. PC motion 147 defeated.

PC motion 148.

Mrs. Witmer: Same vote.

The Chair: PC motion 148 defeated.

Shall section 25 carry? Hand vote. Those in favour?
Those opposed? Section 25 carries.

Shall section 25.1, PC motion 149, carry?

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: Motion defeated.

Section 26, NDP motion 150.

Ms. Martel: Same vote.

The Chair: Motion 150 defeated.

Shall section 26 carry? Hand vote. Those in favour?
Those opposed? Section 26 carries.

Section 27: PC motion 151

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: Motion 151 defeated.

NDP motion 152.

Ms. Martel: Same vote.

The Chair: Same vote. Motion 152 defeated.

PC motion 153.

Mrs. Witmer: Same vote.

The Chair: Motion 153 defeated.

PC motion 154.

Mrs. Witmer: Same vote.

The Chair: Motion 154 defeated.

NDP motion 155. Same vote?

Ms. Martel: Yes.

The Chair: Motion 155 defeated.

NDP motion 156.

Ms. Martel: Same vote.

The Chair: Motion 156 defeated.

PC motion 158.

Mrs. Witmer: Same vote.

The Chair: Motion 158 defeated.

PC motion 159.

Mrs. Witmer: Same vote.

The Chair: Defeated.

NDP motion 160.

Ms. Martel: Same vote.

The Chair: Defeated.

Shall section 27, as amended, carry? Hand vote. All
those in favour? Those opposed? Section 27 carries.

Shall section 27.1, PC motion 162, carry?

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: Motion 162 defeated.
NDP motion 163.

Ms. Martel: Same vote.

The Chair: Motion 163 defeated.
Section 28, PC motion 164.

Mrs. Witmer: Same vote.

The Chair: Motion 164 defeated.
NDP motion 165.

Ms. Martel: Same vote.

The Chair: Defeated.

PC motion 166.

Mrs. Witmer: Same vote.

The Chair: Defeated.

NDP motion 168.

Ms. Martel: Same vote.

The Chair: Defeated.

PC motion 169.

Mrs. Witmer: Same vote.

The Chair: Defeated.

Shall section 28, as amended, carry? Hand vote. Those
in favour? Those opposed? Section 28 carries.

Shall section 28.1, PC motion 170, carry?

Ayes

Jackson, Martel, Witmer.

Nays

Fonseca, Kular, Peterson, Ramal, Wynne.

The Chair: PC motion 170 defeated.

Section 28.2: PC motion 171.

Mrs. Witmer: Same vote.

The Chair: Defeated.

Section 29: PC motion 172.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 173.

Mrs. Witmer: Same vote.

The Chair: Defeated.

NDP motion 174.

Ms. Martel: Same vote.

The Chair: Defeated.

PC motion 176.

Mrs. Witmer: Same vote.

The Chair: Defeated.

PC motion 177.

Mrs. Witmer: Same vote.

The Chair: Defeated.

Shall section 29, as amended, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 102, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? All
in favour? All opposed? Carried.

As the last item of business, seeing none before the
committee, we wish Mr. Peterson a happy birthday and
many happy returns.

This committee stands blessedly adjourned.

The committee adjourned at 1901.

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Ms. Halyna Perun, counsel, legal services branch, Ministry of Health and Long-Term Care

Ms. Helen Stevenson, executive lead, Drug System Secretariat, Ministry of Health and Long-Term Care

Mr. Brent Fraser, acting director, Drug System Secretariat, Ministry of Health and Long-Term Care

Clerk / Greffier

Mr. Trevor Day

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