Background

In accordance with the *Pill Press and Related Equipment Control Act* (the Act), the Security Programs Division (SPD) of the Ministry of Public Safety and Solicitor General has established the Pill Press Online Registry to maintain an inventory of Controlled Equipment. Under this Act, there are three categories of owners, including Authorized Owner, Waiver Holder, and Registered Seller[1], that will be permitted to own, possess, use, or sell Controlled Equipment.

Controlled Equipment under the Act includes the following:

- Pill Press (includes Tablet Press): A machine, whether semi-automatic, automated or capable of being automated, that may be used to compact or mould powdered, granular or semi-solid material to produce cohesive solid tablets
- Encapsulator (includes Gel Press): A machine, whether semi-automatic, automated or capable of being automated, that can be used to fill capsules with powdered, granular, semi-solid or liquid material
- Dies, moulds or punches ordinarily used with a Pill Press, or Encapsulator machine
- Pharmaceutical mixer or blender, except if the pharmaceutical mixer or blender is used to make tablets or capsules in the course of compounding a drug by a person authorized to do so under the Health Professions Act or the Pharmacy Operations and Drug Scheduling Act, or by an individual for personal use

Section 22 identifies offences under the Act.

How to Use these Policies

It is recommended that these policies be read in conjunction with the provisions of the Act, Regulation, and the information contained on the public website located at https://www.gov.bc.ca/pill-press for a comprehensive understanding of the program. If there is a conflict between the policies and the legislation, the Act and Regulation prevail.

[1] "Authorized Seller" is the term used under the Act, however "Registered Seller" has been chosen for ease of reference and operational purposes.

Purpose

This policy provides process guidelines for members of the public and others who wish to complain about an offence-related matter relating to the Act. The policy clarifies how complaints will be handled by the Registrar and provides estimated timelines.

Guiding principles

The complaints process is guided by the following principles:

- **Accessibility**: Information about the complaints process will be readily accessible to members of the public and easy to understand and use. The Registrar will facilitate the awareness of the complaints process through various means of communication.
- **Timeliness**: Complaints will be dealt within reasonable timeframes.
- **Transparency**: The Registrar's decisions relating to the complaint will be communicated to the complainant.

Role of the Registrar

A Registrar to administer the Act is appointed by the Minister under section 13 of the Act. The Act imposes a number of powers and responsibilities on the Registrar, including the power to:

- The power to grant Authorized Owner confirmations, and Waiver Holder or Registered Seller certificates;
- The power to set the form and manner of applications;
- The power to impose limits and conditions on confirmations and certificates;
- The power to refuse to grant, cancel or suspend confirmations or certificates;
- The responsibility for dealing with complaints; and
- The power to take enforcement action against an Authorized Owner, Waiver Holder, or Registered Seller.

Informing the public and others about the complaints process

The Registrar will facilitate the submission of complaints by:

- Providing information regarding the complaints process to members of the public, industry, and stakeholder organizations who contact the SPD with a complaint.
- Posting and maintaining a complaint form and information about the complaints process on the government Pill Press website at https://www.gov.bc.ca/pill-press

Submitting complaints

- A person may make a complaint to the Registrar on any offence-related matter that relates to the Act. This includes complaints against businesses or individuals that may own, use, possess, or sell Controlled Equipment.
- Whenever possible, a complaint should be in writing and submitted on the SPD's complaint form via email to PillPressComplaints@gov.bc.ca .
- A complaint must:
  - Identify the complainant; and
  - Provide the contact information of the complainant
- Anonymous complaints will not be accepted.

Investigating a complaint

- Upon receiving a complaint, the Registrar will review the matter to determine whether to investigate the complaint.
- If the Registrar decides to investigate the complaint, the Registrar will assign the complaint to an SPD employee for investigation.
- During the investigation, the SPD employee may contact the complainant to discuss the matter in more detail.

Responding to a complaint

- Within 30 days of receiving the complaint, the Registrar will send a letter to the complainant acknowledging receipt of the complaint and indicating whether the complaint has been accepted for investigation.
- The Registrar may determine not to investigate a complaint, or to discontinue the investigation of a complaint, if any of the following apply:

  - More than one year has elapsed between the date the complainant knew of the facts on which the complaint is based and the date the Registrar receives the complaint
  - There is a remedy available in law that is adequate for the complainant and there is no reasonable justification for the complainant's failure to take advantage of the remedy
  - The complaint is frivolous, vexatious or not made in good faith
  - Further investigation is not necessary in order to consider the complaint, or
  - Investigation would not benefit the complainant.
- If the complaint has not been accepted for investigation, the Registrar will outline the reason for this decision in the letter and indicate any other resources that may be available to the complainant.

Requesting a review of a decision not to investigate

- Within 30 days after the receipt of a letter from the Registrar informing the complainant that a complaint has not been accepted for investigation, the complainant may request that the Registrar review the decision not to investigate.
- A request to the Registrar to review a decision not to investigate a complaint must be in writing and must state the reason why the complainant would like the Registrar to review the decision.
- Within 30 days of receiving the request, the Registrar will send a letter to the complainant acknowledging receipt of the request and indicating whether the complaint has been accepted for investigation.
- Among the reasons the Registrar may decide to investigate a complaint that was previously not accepted for investigation, are:
  - When the nature of the complaint was misunderstood, or
  - When information, not available at the time the complaint was first considered, becomes available.

Determining whether to proceed with a sanction

- Following an investigation, the Registrar will determine:
  - Whether the conduct that formed the basis of the complaint was a contravention of the Pill Press and Related Equipment Control Act, the regulations or a limit or condition of a certificate or registration, and

    - In the event of a contravention, whether to proceed with a sanction.
- A sanction may include any of the following:
    - Verbal warning
    - Written warning
    - Issuance of a violation (fine) ticket
    - Imposition of limits or conditions on a certificate or registration
    - Suspension/ cancellation of a certificate or registration
    - Prosecution for an offence
    - Seizure of Controlled Equipment

Informing the complainant of the results of the investigation

The Registrar will send the complainant a letter at the conclusion of the investigation to inform the complainant of the outcome of the investigation.

Record-keeping

The Registrar will establish and maintain a record of complaints received under the Act, including the results of complaints, and will compile statistical information respecting all complaints.