

Medicines (Medical Advertisements) Regulations

Table of Contents

- 1 Citation
- 2 Definitions
- 3 Permit for advertising
- 4 Application for permit
- 5 Period of validity of permit
- 6 Permit subject to terms and conditions
- 7 Refusal, etc., of permit
- 8 Duty of printer or publisher
- 9 (Deleted)
- 10 Exception for trade, business or profession
- 11 Exception for trade, advertisement and public authority
- 12 Permit number
- 13 Alteration, etc., of advertisement
- 13A Transfer of permit
- 14 Fees
- 15 Penalty

THE SCHEDULE Fees

Legislative History

MEDICINES ACT (CHAPTER 176, SECTIONS 52 AND 74)

MEDICINES (MEDICAL ADVERTISEMENTS) REGULATIONS

Rg 2

G.N. No. S 289/1977

REVISED EDITION 2000

(31st January 2000)

[1st February 1978]

Citation

1. These Regulations may be cited as the Medicines (Medical Advertisements) Regulations.

Definitions

2. In these Regulations —

“grant”, in relation to a permit from the licensing authority, includes a renewal of the permit;

“medical advertisement” means any advertisement of a medicinal product, but does not include any advertisement mentioned in section 51(1)(a) or (b) or (2) of the Act;

“sales promotion” means any medical advertisement in the form of —

- (a) a sales campaign (including door-to-door sales and price discounts);
- (b) an exhibition;
- (c) a competition; or
- (d) any other activity meant to introduce, publicise or raise the profile, public awareness or visibility of, the medicinal product.

[S 548/2016 wef 01/11/2016]

Permit for advertising

3. Except as provided in these Regulations, no person shall —

- (a) issue or cause to be issued any medical advertisement; or
- (b) conduct any sales promotion,

without first obtaining a permit from the licensing authority.

Application for permit

4. An application for, or to renew, a permit referred to in regulation 3 shall be in such form as the licensing authority may require.

[S 548/2016 wef 01/11/2016]

Period of validity of permit

5. Any permit granted by the licensing authority under regulation 3 shall, unless sooner revoked, be valid for a period of one year from the date on which it was granted.

[S 679/2005 wef 01/11/2005]

Permit subject to terms and conditions

6. A permit may be granted subject to such terms and conditions as the licensing authority may think fit to impose.

Refusal, etc., of permit

7.—(1) The licensing authority may, without assigning any reason, refuse to grant a permit or may suspend or revoke any permit already granted.

(2) Any person aggrieved by such refusal, suspension or revocation may appeal to the Minister whose decision shall be final.

Duty of printer or publisher

8. No person shall print or publish or cause to be printed or published any medical advertisement that is not a sales promotion unless he has first ascertained that a permit has been granted by the licensing authority in respect of that advertisement.

[S 548/2016 wef 01/11/2016]

9. *[Deleted by S 548/2016 wef 01/11/2016]*

Exception for trade, business or profession

10. Regulation 3 does not apply to any medical advertisement that —

- (a) is directed exclusively at a person who may lawfully sell or supply any

medicinal product in the course of that person's trade, business or profession; and

(b) is not accessible to the general public.

[S 548/2016 wef 01/11/2016]

Exception for trade, advertisement and public authority

11.—(1) These Regulations shall not apply to —

(a) a reference advertisement or a trade advertisement; and

(b) any medical advertisement issued or published by any public authority or any person authorised to issue or publish such advertisement by the Minister.

(2) In this regulation —

“reference advertisement” means an advertisement —

(a) containing a brief description of a medicinal product, its use, or any contra-indications or warnings relating to the medicinal product; and

(b) appearing without charge in a publication consisting mainly of such advertisements where the publication is sent or delivered to practitioners or pharmacists by a person who is not involved in the sale of or dealings in that medicinal product as a manufacturer, supplier, retailer, importer or exporter;

“trade advertisement” means an advertisement, relating to a medicinal product, that —

(a) is in a catalogue, price list or other document for the purpose of supplying the medicinal product by wholesale; and

(b) does not contain any recommendation relating to the use of the medicinal product other than as part of the name of the medicinal product or part of any heading or sub-heading indicating a therapeutic classification.

[S 548/2016 wef 01/11/2016]

Permit number

12. A person who issues or publishes any medical advertisement (including conducting a sales promotion) must ensure that the number of the permit granted in respect of the medical advertisement is displayed on, or on material accompanying, the medical advertisement in accordance with such terms and conditions as the licensing authority may specify in the permit.

Alteration, etc., of advertisement

13. A person must not alter or amend the contents of any medical advertisement for which a permit has been granted unless —

- (a) he has made an application in such form as the licensing authority may require to amend the permit to reflect such alteration or amendment; and
- (b) the application is approved by the licensing authority.

[S 679/2005 wef 01/11/2005]
[S 548/2016 wef 01/11/2016]

Transfer of permit

13A. A person must not transfer a permit granted under regulation 3 unless —

- (a) the person has made an application in such form as the licensing authority may require to transfer the permit to another person; and
- (b) the application is approved by the licensing authority.

[S 96/2019 wef 02/04/2019]

Fees

14.—(1) The fees payable for —

- (a) an application for a permit;
- (b) a permit or the renewal of a permit;

[S 548/2016 wef 01/11/2016]
[S 96/2019 wef 02/04/2019]

- (c) an application to amend a permit; or

[S 679/2005 wef 01/11/2005]
[S 96/2019 wef 02/04/2019]

- (d) an application to transfer one or more permits,

[S 96/2019 wef 02/04/2019]

shall be as specified in the Schedule.

- (2) No refund shall be made in respect of any fee paid under these Regulations.

Penalty

15. Any person who contravenes or fails to comply with regulation 3, 8, 12 or 13 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[S 548/2016 wef 01/11/2016]

THE SCHEDULE

Regulation 14(1)

FEES

- | | | |
|----|--|-------|
| 1. | Application fee for a permit for — | |
| | (a) a medical advertisement using light and sound projection | \$206 |
| | (b) any other medical advertisement that is not a sales promotion | \$103 |
| 2. | Application fee for a permit for a sales promotion, in addition to the fee in item 1, if any | \$103 |
| 3. | Fee for a permit, for the first year, for — | |
| | (a) a medical advertisement using light and sound projection | \$103 |
| | (b) any other medical advertisement that is not a sales promotion | \$103 |
| 4. | Fee for a permit, for the first year, of a sales promotion, in addition to the fee in item 3, if any | \$103 |
| 5. | Fee for the renewal of a permit, for each subsequent year, for — | |
| | (a) a medical advertisement using light and sound projection | \$309 |
| | (b) any other medical advertisement that is not a sales promotion | \$206 |
| 6. | Fee for the renewal of a permit, for each subsequent year, for a sales promotion, in addition to the fee in item 5, if any | \$206 |
| 7. | Fee for an application to amend a permit | \$52 |
| 8. | Fee for an application to transfer one or more permits to another person | \$16 |

*[S 96/2019 wef 02/04/2019]
[G.N. Nos. S 289/77; S 357/82; S 335/84; S 275/92; S 97/96; S 385/97]*

LEGISLATIVE HISTORY

MEDICINES (MEDICAL ADVERTISEMENTS) REGULATIONS (CHAPTER 176, RG 2)

This Legislative History is provided for the convenience of users of the Medicines (Medical Advertisements) Regulations. It is not part of these Regulations.

- 1. G. N. No. S 289/1977—Medicines (Medical Advertisements) Regulations 1977**
Date of commencement : 1 February 1978
- 2. G. N. No. S 357/1982—Medicines (Medical Advertisements) Regulations 1982**
Date of commencement : 1 January 1983
- 3. G. N. No. S 335/1984—Medicines (Medical Advertisements) (Amendment) Regulations 1984**
Date of commencement : 1 January 1985
- 4. 1990 Revised Edition—Medicines (Medical Advertisements) Regulations**
Date of operation : 25 March 1992
- 5. G. N. No. S 275/1992—Medicines (Medical Advertisements) (Amendment) Regulations 1992**
Date of commencement : 1 July 1992
- 6. G. N. No. S 97/1996—Medicines (Medical Advertisements) (Amendment) Regulations 1996**
Date of commencement : 1 April 1996
- 7. G. N. No. S 385/1997—Medicines (Medical Advertisements) (Amendment) Regulations 1997**
Date of commencement : 1 October 1997
- 8. 2000 Revised Edition—Medicines (Medical Advertisements) Regulations**
Date of operation : 31 January 2000
- 9. G. N. No. S 679/2005—Medicines (Medical Advertisements) (Amendment) Regulations 2005**

Date of commencement : 1 November 2005

10. G. N. No. S 27/2007—Medicines (Medical Advertisements) (Amendment) Regulations 2007

Date of commencement : 1 February 2007

11. G.N. No. S 548/2016—Medicines (Medical Advertisements) (Amendment) Regulations 2016

Date of commencement : 1 November 2016

12. G.N. No. S 96/2019—Medicines (Medical Advertisements) (Amendment) Regulations 2019

Date of commencement : 2 April 2019