

Summary

The main purpose of this thesis is to analyse the possible application of criminal liability instruments within pharmacy. Chapter 1 introduces the general aspects and processes within pharmacy, general terms, and short preview to the life cycle of innovative medicinal products.

Chapter 2 contains the general definition and requirements of liability. There is also a short comparison of additional types of liability (such as civil, employee's, administrative and disciplinary) that can be applicable within pharmacy. The purpose of this comparison is to specify differences between individual liabilities and to prove that they can be applied conjointly. As an example of such a use I have described the "heparin murder" case.

Chapter 3 is dedicated to criminal liability, with the explanation of general terms, especially crime, unlawfulness, offender, or grounds of justification.

Chapter 4 focuses on the criminal liability of natural persons. After the general introduction in the first part, a list of potential crimes committable within pharmacy is given.

Chapter 5 summarizes the criminal liability of legal persons. The first part focuses on the history of implementation in the Czech Republic, general terms, and definition of a legal person as a subject of criminal liability. The second part contains information about the recent amendment to the Act No. 418/2011 Coll., on Criminal Liability of Legal Entities that entered into force in 2016. Last part sums up the current topics within pharmacy regarding the criminal liability of legal persons.

Conclusions and outcomes are drawn in the Chapter 6. Pharmacy is a complex and complicated area of healthcare. On the other hand, pharmaceutical law is young and dynamic discipline that will continue to evolve in the near future. Applicability of the criminal liability in pharmacy is unambiguously relevant. It is, in my opinion, highly important to follow the principle of ultima ratio.

Finally, I would like to emphasize that it is necessary to consider what is the main objective of healthcare in general – health of the people. Criminal liability is an instrument that can be used in case of breach of law, but there is no need to file a lawsuit for every trivial misconduct of doctors, pharmacists, or any other healthcare professionals.