

safe assumption to make and therefore my bill would overcome that. I think there are other ways to overcome it than by providing for it in the Criminal Code.

Mr. CHATTERTON: Would a pharmacist be competent to judge whether a certain method is medically acceptable if it is not done by the prescription of a doctor?

Mr. BASFORD: No, I suppose not.

Mr. CHATTERTON: May I ask Dr. Brand whether a pharmacist would be expected to be competent to be the judge of that rather than a doctor?

Mr. BRAND: No. I think probably the idea here was, they should be allowed to sell them legally but they should not be allowed to dispense this stuff except perhaps the rubber condom. Here you are getting into sales. And you have complete control by Food and Drugs. I think contraceptive devices are things that can only be handled by competent physicians and not family planning agencies either unless under the direction of a competent physician.

Mr. ENNS: Can anyone here say where in the Criminal Code provision is made now to limit the dispensing of these items through the drugstores? This is now the case, it seems, but what section of the Criminal Code controls it now, in fact? If it does not control it now, maybe this is not a proper concern of this committee. It may well be provincial laws that control these places where these things are available. I do not seem to find it in the provision of the Criminal Code.

Mr. ROCK: The Criminal Code does not come into it at all. It needs direction.

Mr. ENNS: All right. Then it should not be the concern of this committee at this point because we are talking about amending the Criminal Code.

Mr. KNOWLES: Is it not true, even if we were to accept Mr. Basford's bill which he has graciously rejected it would still be necessary to meet Dr. Brand's proposal to have some kind of food and drug regulations to guide physicians and pharmacists? Is it not better to take it out of the Criminal Code, but to provide something either in the Food and Drug regulations or in Trade and Commerce.

Mr. BASFORD: This is done with the pill under the Food and Drugs Act and the provincial pharmacy act. All you have to consider is whether there need be further regulation in the food and Drugs Act or the provincial pharmacy act dealing with other matters of birth control.

Mr. HOWE (*Wellington-Huron*): Mr. Chairman, both gentlemen have indicated that there is some area in which provincial governments will be asked to act in an administrative capacity in regard to advertising, and so forth. Before this amendment is considered would it not be better to discuss this with some of the provinces in some of the areas in which there would be conflict, so that when the Criminal Code is amended it can be amended so as not to come in conflict with provincial jurisdiction in any area?

Mr. BASFORD: I always hesitate to have consultation with the provinces, because no one knows where it would end up. If that is of concern to you I would suggest you might put in the law that it would come into effect by proclamation, which would give the provinces time to organize themselves.