

The Food and Drug Directorate decide what pills can go on the market and they can only be obtained from pharmacists on a prescription from a physician.

I mentioned earlier, too, that in my own province of British Columbia there is an act which states that only pharmacists can sell this material and I have a question whether this is ultra vires or intra vires of provincial legislation. There are other types of contraceptive devices but they have the ordinary rubber condom which does not require a doctor's prescription, these are in fact on sale, I imagine, in drug stores. I do not know. Certainly in British Columbia it is the only place you can legally sell them but they are available now. You do not need a doctor's prescription.

Mr. ROCK: Issued by the armed services daily.

Mr. PRITTE: Yes, for a long time. There are other new types of contraceptive devices such as the intra-uterine devices, which can only be inserted by a physician and only a physician would have access to them.

Mr. STANBURY: I think perhaps the very existence of this section, ridiculous as it is, has inhibited availability of devices and even of the type that are sold in drug stores in many public places, and I think the common objection that is raised to the complete opening up of this field is that contraceptive devices may be hawked in each railroad station and washroom and street corner of the country. How have you envisaged dealing with this objection? That is my question.

Mr. PRITTE: Well, if there is a problem here it is simply up to the provinces to decide what to do about this and I do not think they would have any hesitation in taking action. I remember many years ago, when I was a municipal councillor in Burnaby, there was an application from someone who wanted to make them available in other places than drug stores and we simply quoted the provincial law on the subject and that is all there was to it.

Mr. STANBURY: But it has not been established yet whether or not this is intra vires the provincial government.

Mr. PRITTE: I did ask for one legal opinion and the lawyer in question said that if the druggist was selling the contraceptive device to prevent conception it was not within the province's power but it might well come under the Health Act to prevent disease.

Mr. STANBURY: In any event your submission is that these problems can be adequately overcome by provincial legislation and by supervision under the Food and Drug Directorate?

Mr. PRITTE: Yes, if the problems appear I think they can be handled by the Juvenile Delinquents Act which is a federal statute or by any provincial act which is appropriate to regulate the sale of a commodity.

Mr. CHATTERTON: I would just make the comment first of all that the federal health insurance plan for civil servants, created by a federal statute, will pay for contraceptives prescribed by a doctor. My question was to Mr. Basford. Would the objection raised by Dr. Brand be overcome by your bill in the agency that would be authorized. Your bill does not prescribe the type of contraceptive that would be allowed to be prescribed but would your bill overcome the objection raised by Dr. Brand?

Mr. BASFORD: I suppose it would be because we would presume that there are no quack doctors, pharmacists and nurses. I would think that is a fairly