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No. 223.

1st Session, 6th Parliament, 21 Victoria, 1858.

BILL.

An Act to regulate the education of Apothecaries, Chemists, and Druggists, and the sale of Poisons.

Received and read, first time, Thursday, 10th June, 1858.

Second reading, Tuesday, 15th June, 1858.

HON. MR. ALLEYN.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to regulate the Education of Apothecaries, Chemists and Druggists, and the sale of Poisons.

WHEREAS there are no laws now in force in Lower Canada, to regulate the professional education of Chemists, Druggists and Apothecaries, and the sale of poisons, and whereas it is expedient on many grounds, especially for the safety of the public health, that such a Law should exist; Therefore Her Majesty, &c., enacts as follows:

Preamble.

I. The Ordinance of the Legislative Council of the late Province of Quebec, passed in the twenty-eighth year of the reign of His late Majesty King George the Third, and intituled, "*An Act or Ordinance to prevent persons practising Physic and Surgery within the Province of Quebec or Midwifery in the Towns of Quebec and Montreal without license,*" shall be and is hereby wholly repealed.

Ordinance 289
3 c. s. wholly
repealed.

II. From and after the passing of this Act, no person shall practise as an Apothecary, Chemist, Druggist, or vendor or retailer of Medicines, in Lower Canada, unless he shall have attained the age of twenty-one years, and shall have served a regular and continued apprenticeship with some regularly licensed Apothecary, Chemist and Druggist in Lower Canada, for at least three years, and have obtained a Diploma from the College of Physicians and Surgeons after examination before the Board of Governors, and after being by them found in every respect a fit and proper person to receive the said Diploma.

No person to
act as an
Apothecary,
&c., without a
Diploma, &c.,
granted after
examination.

III. From and after the passing of this Act, no person shall practise as an Apothecary, Chemist, Druggist, or vendor, or retailer of Medicines in Lower Canada, without, previous to his examination before the Board of Governors of the College of Physicians and Surgeons, affording evidence of a sound classical education with a competent knowledge of the French and English languages; producing a certificate of good moral character; of having regularly attended a course of Botany, of at least three months' duration; two courses of *Materia Medica*, and two courses of Chemistry, which courses shall be of six months' duration, at some recognised Medical College, or Public Medical School within Her Majesty's dominions: Provided always, that nothing herein contained shall extend in any way to prevent any person, who is in possession of a Diploma, Certificate or License of Apothecary, Chemist or Druggist, obtained in any part of Her Majesty's dominions, from presenting himself for license, as such, before the said Board of Governors of the College of Physicians and Surgeons of Lower Canada, the said party or person being required only to present such Diploma, Certificate or License, accompanied with a Certificate of good moral character.

Nor unless he
has a sound
classical edu-
cation.Provided, per-
sons having
obtained a di-
ploma else-
where in H. M.
dominions
entitled to di-
ploma without
examination.

Penalty for acting without a diploma.

IV. Every person practising for gain or profit, as an Apothecary, Chemist, Druggist, vendor or retailer of Medicines, in Lower Canada, without a Diploma to that effect, shall for the first offence incur a penalty of *five pounds* currency; for the second, a penalty of *ten pounds* currency; and for the third, and every subsequent offence, a penalty of *twenty pounds* currency. 5

How the fees on diplomas shall be fixed.

V. The Board of Governors of the College of Physicians and Surgeons of Lower Canada shall regulate the fees to be paid by all candidates for license to practise as Apothecaries, Chemists and Druggists, or vendors or retailers of Drugs, provided the amount of such fees shall not exceed the sum of *fifteen dollars*; which fees the said Board of Governors shall have power to dispose of in such manner as they shall deem most proper for the interests of the College. 10

Diplomas to be registered.

VI. It shall be the duty of every person who shall, after the passing of this Act, receive a Diploma to practise as an Apothecary, Chemist, Druggist or vendor or retailer of Medicines, before practising as such, to cause his Diploma to be entered in the Register of the Registrar of the College of Physicians and Surgeons, under the penalty of *five pounds* currency in case of neglect or disobedience. 15

Penalty for selling adulterated Medicines.

VII. Every person exercising the profession of Apothecary, Chemist, Druggist, and every vendor or retailer of Medicines in Lower Canada, who shall knowingly vend or retail any Medicine which shall be adulterated, or which shall not be genuine, shall incur a penalty of *five pounds* currency for the first offence, *ten pounds* currency for the second offence, and of *twenty pounds* for the third and every subsequent offence: 20

Proviso: No Apothecary to visit or prescribe for the sick.

Provided always, and under the penalties aforesaid, that no Apothecary, Druggist, vendor, or retailer of Medicines, shall visit any sick persons, or prescribe for them; the right of such Apothecaries, Chemists, Druggists, vendors or retailers of Medicines, extending only to the vending of the articles required of them, but nothing herein contained shall prevent such Apothecaries, Chemists, Druggists, vendors or retailers of Medicines, from vending Patent Medicines with printed directions for the use thereof. 30

May sell Patent Medicines with printed directions.

VIII. No Apothecary, Chemist, Druggist, vendor, or retailer of Medicines, in Lower Canada, shall sell any Arsenic, Strychnine, Corrosive Sublimate, Prussic Acid, Chloroform, Opium or its preparations, Cantharides, Savine, Ergot of Rye, or other such substance, or any article of Mineral or Vegetable origin, simple or compound in its nature, known under the denomination of, or commonly considered as, rank poison, and which, incautiously or secretly administered might cause death, unless the person requiring the same shall be of the full age of twenty-one years, and shall produce from some Justice of the Peace, or from some duly qualified Physician or Clergyman of the place where he resides, a certificate, note or paper-writing, specifying the name, residence and trade or profession of said person requiring such Arsenic, Strychnine, Corrosive Sublimate, Prussic Acid, or other such substance, or article simple or compound, known under the denomination of rank poison as aforesaid, as well as the purposes for which they are intended to be used, addressed to such Apothecary, Chemist, Druggist, vendor or retailer of Medicines:—And every such Apothecary, Chemist, Druggist, vendor or retailer of Medicines, shall keep a book or register in 35 40 45 50

Register of Poison buyers to be kept,

- which he shall enter the name of the purchaser, his age, trade or profession, residence, the purpose for which the poison is required, the name of the poison, the quantity sold, and the date of sale, and each and every such entry shall be signed both by the purchaser and vendor together with the number of such certificate, note or paper writing, which the said vendor shall preserve; and every such certificate, note or paper writing shall correspond in number and other details with the entry made in the register or book; and any Apothecary, Chemist, Druggist, vendor or retailer of Medicines herein offending shall for the first offence incur a penalty of *ten pounds* currency, and on being convicted shall stand committed until payment of the said penalty, and for the second offence be disqualified by the Board of Governors of the College of Physicians and Surgeons of Lower Canada, from ever practising as an Apothecary, Chemist, Druggist, vendor or retailer of Medicines in the said Province; Provided always, that nothing herein contained shall prevent any Apothecary, Chemist, Druggist, vendor or retailer of Medicines, from selling any article of poison used in trade, arts or manufactures, to any person of the full age of twenty one years, who is personally known to him, without any such certificate, note or paper-writing as aforesaid, but every such Apothecary, Chemist, Druggist, vendor or retailer of Medicines, shall nevertheless be bound to make an entry of the same in the book or register to be by him kept as aforesaid, together with all the other details required in the case of persons producing a certificate, note or paper-writing as aforesaid.
- IX. Every Apothecary, Chemist and Druggist, vendor or retailer of Medicines, in Lower Canada, shall be bound carefully to keep in some private and safe place in his Shop or Dispensary, and in yellow bottles, so as to be clearly and easily distinguished, with proper and legible labels in large letters upon each bottle or vessel, in order to prevent mistake either by himself, his apprentice, or other person entrusted with his Shop or Dispensary,—all Arsenic, Strychnine, Corrosive Sublimate, Chloroform, and other like substances, or such other article of poison aforesaid, generally known under the denomination of rank poison, shall be committed until payment of the same.
- X. The Board of Governors of the College of Physicians and Surgeons shall, by virtue of this Act, have authority to depute any three Governors of the said College to enter the Shop or Dispensary of any Apothecary, Chemist, Druggist, vendor or retailer of Medicines, in order to ascertain if the requirements herein above-mentioned, with respect to Arsenic, Strychnine, Corrosive Sublimate, Chloroform, Prussic Acid, and other like substances, or other such article of poison as aforesaid, be complied with; and such Apothecary, Chemist and Druggist, vendor or retailer of Medicines, who shall refuse admittance at any hour of the day, between ten in the forenoon and four in the afternoon, to his Shop or Dispensary, to the persons authorized to the intent aforesaid (such persons producing and exhibiting a written authority to the intent aforesaid) shall for every such offence incur a penalty of *five pounds* currency, and, on conviction, shall be committed to the common Gaol until payment of the same.
- XI. In all cases in this Act provided for, in which increasing fines are to be levied in accordance with repetition of the offence, the Court

and in what form, &c.

Penalty for default.

Proviso: as to poisonous substances used in trade; but must register the sale.

Poisons to be carefully kept in yellow bottles and labeled.

Board of Governors may authorize visitations to shops of Apothecaries, &c., to ascertain whether this Act is obeyed.

Penalty for resisting such visitation.

Imprisonment in cases of repetition of the offence.

shall have power and it is hereby authorized to substitute therefor, unless forthwith paid, an imprisonment in the common Gaol for the District in which the offence shall have been so committed, for periods of not less than one month for the first offence, nor less than two months for the second offence, nor less than three months for the third offence. 5

Recovery and application of penalties.

XII. The penalties imposed by this Act shall be recoverable on the oath of one or more credible witnesses, before any Justice of the Peace for the District in which the offence shall have been committed; the said penalties to be applied in furtherance of the interest of the College of Physicians and Surgeons of Lower Canada, as in the opinion of the 10 Board of Governors of the same it shall be deemed most expedient.

Public Act ; extent.

XIII. This Act shall be a public Act, but shall apply only to Lower Canada.