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No. 59.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to regulate the Education of Apothecaries, Chemists and Druggist, and for the sale of Poisons, &c.

Received and read, first time, Tuesday 22nd
February, 1859.

Second reading, Monday, 28th February, 1859.

MR. FERRES.

TORONTO:
PRINTED BY JOHN LOVELL, YONGE STREET.

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

WHEREAS there are no laws now in force in that part of the Province of Canada, called Lower Canada which 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; From and after the passing of this Act, the Act or 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 entitled: *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and Surgery within the Province of Quebec or Midwifery in the Towns of Quebec and Montreal without licence*, shall be repealed.

Preamble.

Ordinance, 28
G. 3, c. 8.

I. From and after the passing of this Act, no person shall practice as an Apothecary, Chemist, Druggist, or vendor or retailer of Medicines, in that part of the province, called 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 the said Province, 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 have been found in every respect a fit and proper person to receive the said Diploma.

Apprentice-
ship, &c., re-
quired of per-
sons acting as
Chemists and
Druggists, &c.Diploma
required.

II. No person shall practice as an Apothecary, Chemist, Druggist, or vendor, or retailer of Medicines in the Province aforesaid, 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*, two courses of Chemistry, which courses shall be of six months' duration, at some recognised Medical College, or Public Medical School within her Majesty 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 licence, as such, before the said Board of Governors of the Colledge 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.

Further quali-
fications re-
quired before
obtaining a
Diploma.Proviso: in
favor of per-
sons having
already ob-
tained a
Diploma in
some part of
H. M. do-
minions.

Penalty for practising without a Diploma.

III. Every person practising for gain or profit, as Apothecary, Chemist, Druggist, vendor or retailer of Medicines, in the said Province, without a Diploma to that effect, shall for the first offence incur a penalty of *twenty dollars*, for the second a penalty of *forty dollars*, and for the third, and every subsequent offence, a penalty of *eighty dollars*.

Fees on Diploma, how to be fixed.

IV. 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 practice 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.

Diploma must be registered.

V. It shall be the duty of every person who shall receive a Diploma to practice 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 *twenty dollars* in case of neglect or disobedience.

Penalty for selling drugs, &c., not genuine.

VI. Every person exercising the profession of Apothecary, Chemist, Druggist, and every vendor or retailer of Medicines of the Province aforesaid, who shall knowingly vend or retail any Medicine which shall be adulterated, or which shall not be genuine, shall incur a penalty of *twenty dollars* for the first offence, *forty dollars* for the second offence, and of *eighty dollars* for the third and every subsequent offence: Provided always, and under the penalties aforesaid, that no Apothecary, Druggist, vendor or retailer of Medicines, shall visit any sick person, 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 or vendors or retailers of Medicines from vending Patent Medicines with printed directions for the use thereof.

Proviso: Druggists not to visit the sick, &c

Under what conditions only poisons may be sold.

VII. No Apothecary, Chemist, Druggist, vendor, or retailer of Medicines, in the Province aforesaid, shall sell any Arsenic, Strychnine, Corrosive Sublimate, Prussic Acid, Chloroform, Opium or its preparations, Cantharides, Savine, Ergot of Rye, 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 articles 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 which he shall enter the name of the purchaser, his age, trade, profession, and residence, the purpose for which the poison is required, the name of the poison, the quantity sold, and the date of sale,

Register of sales of poison to be kept.

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
 5 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 *forty dollars*, 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
 10 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
 15 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
 20 with all the other details required in the case of persons producing a certificate, note or paper-writing as aforesaid.

Penalty for contravening this section.

Proviso: as to poisons sold to known persons, to be used in manufactures.

Register to be kept.

VIII. Every Apothecary, Chemist and Druggist, vendor or retailer of Medicines, in the Province aforesaid, shall be bound carefully to keep in some private and safe place in his Shop or Dispensary, and in yellow
 25 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, or such other article of poison aforesaid, generally
 30 known under the denomination of rank poison, under the penalty of *twenty dollars*, in case of disobedience, and shall be committed until payment of the same.

Rank poisons to be kept in yellow bottles.

IX. 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, or other such article of poison as aforesaid, be complied with; and such
 40 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
 45 such offence incur a penalty of *twenty dollars*, and on conviction, shall be committed to the common Gaol until payment of the same.

College of Physicians to depute persons to visit Druggist shops and see that this Act is obeyed.

X. 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 shall have power and it is hereby authorized, to substitute therefor, unless
 50 forthwith paid, an imprisonment in the common Gaol 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.

Proof of prior offences.

Recovery and application of penalties.

XI. 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 Board of Governors of the same it shall be deemed most expedient. 5

In what circumstances only chloroform may be administered.

XII. It shall not be lawful for any person to administer chloroform to any person, male or female, in any form for any purpose whatsoever unless in the presence of two witnesses of major age, and known to the patient; if such can be procured; and if any person in contravention of this Act shall administer chloroform to any person, except in the presence of two such witnesses, he shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned at hard labour for not less than six months, in the discretion of the Judge. 10

Public Act;

XIII. This Act shall be considered a Public Act.

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