

Mr. Hatch.

## SALE OF POISONS.

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### A BILL INTITULED

AN ACT to make further and better Provision for Regulating the Sale, Use, and Keeping of certain Poisons. Title.

WHEREAS it is expedient for the safety of the public that further and better provision should be made for regulating the sale, use, and keeping of poisons, and that persons keeping open shop for the retailing, dispensing, or compounding of poisons should be registered in the manner herein provided:— Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Sale of Poisons Act, 1885." Short Title.

Articles named in First Schedule to be deemed poisons within the meaning of this Act.

2. The several articles named or described in the *First* Schedule hereto shall be deemed to be poisons within the meaning of this Act, and, on the recommendation of the Pharmacy Board of New Zealand, the Governor, by Order in Council, may from time to time declare that any article in such order named shall be deemed a poison within the meaning of the said Act; and such order shall be advertised in the *Gazette*, and, on the expiration of three months from publication of such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act. 5

Unqualified persons not allowed to sell poisons.

3. From and after the thirty-first day of December, one thousand eight hundred and eighty-five, every person, other than a legally qualified medical practitioner or a registered pharmaceutical chemist, who shall sell any poison shall, unless he hold a certificate from the Pharmacy Board of New Zealand that he is a fit and proper person to sell poisons, be liable to a penalty not exceeding *twenty* pounds. 10 15

Dealers in poisons.

4. Any adult person residing at a greater distance than ten miles from the place of business of any registered chemist, who shall produce a certificate from a qualified medical man and a Justice of the Peace, shall be entitled, on approval of the Pharmacy Board, to be registered for twelve months upon payment of an annual fee of twenty shillings, renewable on application. 20

Divisions.

5. Every provincial district or other division of the colony for which a Deputy Registrar shall be appointed under "The Pharmacy Act, 1880," shall be a division under this Act, and that part of the colony in which the Registrar under "The Pharmacy Act, 1880," performs, or shall perform, the duties usually performed by a Deputy Registrar shall be a division under this Act. 25

Register of vendors of poisons.

6. A register shall be kept under this Act for each division. Such register shall be in accordance with the form set forth in the *Second* Schedule to this Act, and shall be called "The Register of Vendors of Poisons for the Provincial District of (naming it) or for the of (naming the division). 30

Duties of Registrars and Deputy Registrars.

7. It shall be the duty of the Registrar or Deputy Registrar for each division, as the case may be, to make and keep the register in accordance with the provisions of this Act, of all persons holding certificates, as provided by section *four* of this Act, and to erase therefrom the names of all registered persons who shall have died or removed from their registered places of abode or business, or ceased to carry on business, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act. 35 40

Registrar may make inquiries by letter.

8. To enable the Registrar duly to fulfil duties imposed upon him the Registrar may write a letter to any registered person, addressed to him according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the Post Office regulations for the time being; and, if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner; and, if no answer be given thereto within three months from the date thereof, the said Registrar shall erase the name of such person from the register: Provided always that the same may be restored by the Registrar. 45 50

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9. Every Registrar of Deaths in New Zealand, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post to the Registrar or Deputy Registrar under 'The Pharmacy Act, 1880,' for the provincial district or other division 5 in which such death took place a certificate under his own hand of such death, with the particulars of the time and place of death; and, on the receipt of such certificate, the said Registrar under "The Pharmacy Act, 1880," shall erase the name of such deceased person from the register, if such deceased person shall be registered in his 10 register; if not, he shall send the certificate to the Registrar or Deputy Registrar in whose register such deceased person is registered; and, on receipt thereof, the last-named Registrar or Deputy Registrar shall erase the name of the deceased person from the register.

Notice of death of registered person to be given by Registrars of Deaths.

10. Every Deputy Registrar under "The Pharmacy Act, 1880," 15 shall, on or before the tenth day of January in each year, send to the Registrar under "The Pharmacy Act, 1880," a list, certified under his hand to be a correct list, of all persons registered under this Act in his district; and the said Registrar shall, in the month of January in each year, cause to be printed, published, and authorized to be 20 sold, a correct register of all persons to whom certificates from the Pharmacy Board of New Zealand shall be issued that they are respectively fit and proper persons to sell poisons; and in such register the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in the 25 *Second* Schedule to this Act, or to the like effect, of all persons appearing on the Register of Vendors of Poisons on the thirty-first day of December last preceding, and such printed register shall be called "The Register of Vendors of Poisons for the Colony of New Zealand;" and a printed copy of any such register for the time being 30 purporting to be so printed and published as aforesaid, or any certificate under the hand of the said Registrar, shall be evidence in all Courts and before all Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such 35 printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of this Act.

Annual register to be published and be evidence.

11. From and after the thirty-first day of December, one thousand eight hundred and eighty-five, any person who shall sell or keep 40 an open shop for the retailing, dispensing, or compounding poisons not being registered under this Act, and any person who shall fail to conform with any regulation as to the keeping or selling of poisons made by the Governor in Council in pursuance of this Act, shall for every such offence be liable, on summary conviction before any two 45 or more Justices of the Peace, to a penalty not exceeding five pounds.

Protection of titles, and restrictions on the sale of poisons.

12. Every dealer in poisons, not being a registered pharmaceutical chemist in business, shall keep all poisons in a cupboard 50 of such dimensions and containing such shelves as the Pharmacy Board of New Zealand shall direct. The word "Poisons" shall be conspicuously painted on each cupboard, and no articles other than such poisons shall be placed or kept therein.

Poisons to be kept in cupboard.

All vessels containing poison to be distinctly labelled, and poisons for outward application to be sold in angular bottles only.

13. It shall be unlawful to sell any poison unless each box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name and address of the seller, and with the name of the article and the word "Poison" printed in block letters either red on a white ground or black on a red ground; and it shall be unlawful to sell any liniment, embrocation, lotion, or application intended for outward medicinal use containing poison in poisonous quantity, unless in bottles angular in shape and of some deep colour. 5

Restrictions as to the sale of any poisons specified in the first part of the First Schedule.

14. It shall be unlawful to sell any poison of those which are specified in the first part of the *First* Schedule to this Act, or may hereafter be declared to be poisons within the meaning of this Act by Order in Council under section *two* thereof, to any person under eighteen years of age, or who is unknown to the seller, unless introduced by some person known to the seller. 10 15

On every sale of any such article the seller shall, before delivery, make or cause to be made an entry, in a book to be kept for that purpose, stating, in the form set forth in the *Third* Schedule to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required. 20

Every such entry shall be signed by the person making the same, and by the purchaser, unless he shall declare that he is unable to write, when the person making the entry shall add the words "purchaser cannot write;" and, whenever a witness to the sale is required by this Act, such entry shall be signed by such witness, whose place of abode shall also be added. 25

All orders by post for poisons to be preserved.

15. When sales and purchases are made by correspondence the letter ordering the poisons sold shall be preserved by the vendor, and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the poisons therein ordered shall be entered in the said book; and no person shall sell poison so ordered to any person with whose signature he is not acquainted, unless such signature shall have been witnessed or purport to have been witnessed by a Justice of the Peace or public officer, or by some person known to the vendor. 30 35

Arsenic and strychnine must be coloured.

16. No person shall sell any arsenic or strychnine, or any preparation of the same respectively, unless, in the case of arsenic and any uncoloured preparation of the same, such poison shall be mixed before the sale or delivery thereof with soot, in the proportion of one ounce of soot at least to one pound of arsenic, and so in proportion for any greater or less quantity; and unless, in the case of strychnine, or any uncoloured preparation of the same, such poison shall be coloured with Armenian bole, or other red colouring matter, before the sale or delivery thereof. But, if the purchaser states that such arsenic or strychnine, or any preparation thereof respectively, is required, not for any pastoral or agricultural use, but for some other purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such poison may be sold without the admixture hereinbefore specified. 40 45 50

Saving.

Owners of poisons are not to leave them about unlabelled under a penalty.

17. Any owner or other person whosoever in charge or possession of any poison who shall leave it in any place (whether the same be ordinarily accessible to others or not), unless the bottle or pack-

age of whatever kind in which such poison may be contained shall be marked as "Poison," and be otherwise duly labelled in the manner provided by section *thirteen*, shall be liable, on summary conviction thereof before any two Justices, to a penalty not exceeding

5 *ten* pounds.

18. If any person shall sell any poison contrary to the provisions of this Act, or if, on any sale thereof, he shall deliver the same without having made and signed the entry required by this Act on such sale, or without having obtained such signature to such entry as

10 required by this Act, or if any person purchasing such poison shall give false information in answer to inquiries to the person selling the same in relation to the particulars which he is by this Act authorized to inquire into of such purchaser, or if any person shall sign his name as a witness to the sale of any such poison to a person unknown to

15 such witness, or if any person fail to comply with any of the provisions of this Act for offending against which no specific penalty is provided, every such person so offending shall, for every such offence, upon summary conviction thereof before two Justices, be liable to a penalty not exceeding *five* pounds for the first offence, and to a

20 penalty not exceeding *ten* pounds for the second and every subsequent offence.

For the purpose of this section the person on whose behalf any sale is made by an assistant or apprentice shall be deemed to be the person who shall sell, and such assistant or apprentice shall be

25 liable to the like penalties as the person on whose behalf he makes any sale.

19. The Governor in Council may, on the recommendation of the Pharmacy Board of New Zealand, by order, direct the cancellation of the certificate as a dealer in poisons held by any person who

30 is convicted of any offence against this Act which renders him unfit, or who shall be deemed unfit through habitual intoxication or otherwise, to continue to sell poisons.

20. The Governor in Council may, of his own motion or on the recommendation of the Pharmacy Board of New Zealand, from time

35 to time make, vary, and rescind any regulations as to the colouring of any poisons, or as to the sale, dispensing, or custody of the same, or otherwise as to carrying into effect the objects of this Act. Such regulations, after publication in the *Gazette*, shall have the same force and validity as if the same formed part of this Act.

21. This Act shall not extend to the sale of any poison when made up or compounded as a medicine according to the prescription of a legally-qualified medical practitioner, or in the form of homœopathic medicine, unless in the crude state, mother tincture, or of a greater strength than the second decimal potency; nor to the sale of

45 medicines dispensed by veterinary surgeons for animals under their treatment; nor shall it extend to any sales by wholesale dealers in the ordinary course of wholesale dealing.

22. Every person registered under this Act, and every seller of poison, shall produce to any police officer, whenever requested to do

50 so, the book required to be kept as aforesaid, and, if requested so to do, a copy of any entries made therein. For any act or default contrary to the provisions of this section done or made by any such registered person, or any seller of poisons, he shall be liable to a penalty of not less than *twenty* shillings and not exceeding *five* pounds.

Penalties for offences under this Act.

The Governor in Council may direct cancellation of certificate of unfit person.

The Governor in Council may make regulations for sale of poisons.

Sales of any poison or medicines by wholesale dealers excepted.

Book to be produced to police officer.

Penalty.

Registration under Medical Act.

Adulteration of Food or Drink Act to extend to medicines.

Repeals.

23. Persons registered under "The Medical Practitioners Registration Act, 1869," shall not be registered under this Act.

24. The provisions of "The Adulteration of Food Act, 1880," and of all Acts amending the same, shall extend to all articles usually taken or sold as medicines.

25. "The Sale of Poisons Act, 1871," is hereby repealed, but this repeal shall not interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the said Act, but the same may be instituted and prosecuted as if this Act had not been passed.

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Schedules.

SCHEDULES.

FIRST SCHEDULE.

PART I.

Arsenic and its preparations.  
 Prussic acid and its preparations.  
 Cyanide of potassium, and all metallic cyanides.  
 Strychnine, and all poisonous vegetable alkaloids and their salts.  
 Aconite.  
 Emetic tartar.  
 Corrosive sublimate.  
 Cantharides and its tincture.  
 Savin and its oil.  
 Ergot and its preparations.  
 Laudanum.  
 Opium.

All preparations of opium or of poppies.  
 Preparations of morphia.  
 Preparations of corrosive sublimate.  
 Red oxide of mercury, commonly known as red precipitate of mercury.  
 Ammoniated mercury, commonly known as white precipitate of mercury.  
 Every compound containing any of the poisons mentioned in this Schedule, when prepared or sold for the destruction of vermin.  
 All vesicating preparations of cantharides.  
 Carbolic acid.  
 Nitric acid.  
 Sulphuric acid.  
 Chloral.  
 Chlorodyne.  
 Hydrochloric acid.  
 Phosphorous.  
 Sugar of Lead.  
 Salt of Lemon.  
 Bichromate of Potass.

PART II.

Digitalis.  
 Oxalic acid.  
 Chloroform.  
 Belladonna and its preparations.  
 Essential oil of almonds, unless deprived of its prussic acid.

SECOND SCHEDULE.

Name.	Residence.
A.B.	Street.
C.D.	Street.

THIRD SCHEDULE.

Date of Sale.	Name, Occupation, and Address of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Witness's Name and Address.	Vendor's Signature.