

C H A P. 26

An Act respecting the sale of medicinal wines

[Assented to, the 29th of December, 1922]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as "Medicinal Wines Act". Short title.
2. For the interpretation of this act, unless the context conveys a different meaning: Interpretation:
 1. The words "medicinal wines" mean any product containing alcoholic liquor and medicines, whether it be registered or not in accordance with the Canada Act, intituled: "Proprietary or Patent Medicine Act", which contains alcoholic liquor in such quantity as is absolutely required as a dissolvent or preservative, and no more, or which contains medicines in sufficient quantity to render the product unfit to drink as an alcoholic liquor; but they do not mean a product which has been declared by the Quebec Liquor Commission to be an alcoholic liquor according to the Alcoholic Liquor Act, nor a product which can only be used externally, or which is only prepared by the pharmacist at the time of the prescription of the physician and in accordance with its tenor, or which is prepared by the physician for the use only of a patient actually under his care. "Medicinal wines";
 2. When it applies to a transaction prohibited by this act respecting medicinal wines, the word "sell" includes: soliciting or taking an order; keeping or exposing for sale; delivering for a consideration or otherwise than merely gratuitously; peddling; possessing with intent to sell; dealing in; and for an onerous consideration promised or obtained directly or indirectly or under any pretext or means whatever, procuring for another person or allowing him to procure;—and the word "sale" means the act of selling as above defined. "Sale";
 3. The word "person" includes a firm and a corporation. "Person";
 4. The word "whoever" in speaking of those who contravene this act, means the person acting for himself or for another. "Whoever".
3. Any law to the contrary notwithstanding, no person may sell a medicinal wine in any quantity whatever, unless he comes within the exemption created by section 4 of this Sale of medicinal wine forbidden.

Exceptions. act or unless a permit to that effect be granted to him by the Provincial Treasurer, on payment of one dollar and such permit be in force.

Duration of permit. Such permit remains in force until cancelled.

Persons to whom prohibition does not apply. **4.** The prohibition contained in section 3 of this act shall not apply to:

- a. Physicians and licensed pharmacists;
- b. Manufacturers or their agents as regards sales to physicians or licensed pharmacists, or to the Quebec Liquor Commission;
- c. The Quebec Liquor Commission.

Authorized quantity of wine to be sold. **5.** Physicians, licensed pharmacists, and holders of licenses under section 3 shall not sell to the same person, at one time, a medicinal wine in a greater quantity than is necessary for the use of such medicinal wine as medicine; such quantity must not, in any instance, exceed thirty-three ounces.

Revocation of permit. **6.** The court or the Provincial Treasurer may revoke the permit granted to a person, if, upon prosecution, he be found guilty of having sold a medicinal wine contrary to the provisions of this act. Such revocation shall be for one year.

Duration. Any physician or pharmacist found guilty of an offence against this act shall *ipso facto* lose the right of selling medicinal wines for one year.

Loss of right of selling by physicians, etc.

Selling without authorization; penalty. **7.** Whoever, not being authorized under this act, by exemption or in virtue of a permit, sells medicinal wine, is guilty of an offence and liable to a fine of fifty to five hundred dollars and, in default of payment of the fine and costs, to an imprisonment of from one to three months.

Additional penalty for physicians, etc. **8.** Every physician or licensed pharmacist or holder of a permit under section 3 of this act, who sells a medicinal wine contrary to the provisions of section 5 of this act, commits an offence and is liable, in addition to the revocation or the loss of the right of selling, indicated in section 6, to a fine of twenty-five to one hundred dollars and, in default of payment of the fine and costs, to an imprisonment for one month.

Report to the Prov. Treasurer. **9.** Permit holders, referred to in section 3 of this act, must, at the expiry of each fiscal year, make a report to the Provincial Treasurer on the quantity and kind of medicinal

wine sold during the year, under pain of a fine of fifty dollars and of the cancellation of the permit. Penalty.

10. Part I of the Quebec Summary Convictions Act shall apply to prosecutions under this act. Provisions applicable.

11. This act shall come into force on the first day of May, 1923. Coming into force.

CHAP. 27

An Act to amend the Quebec License Act

[Assented to, the 29th of December, 1922]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 910 of the Revised Statutes, 1909, as enacted by the act 11 George V, chapter 26, section 1, is replaced by the following: replaced.

"910. In addition to the duties payable to the Province for the issue or for the transfer of a license, the person applying for the issue or transfer thereof shall pay a fee equal to twenty per cent of the duty on the license for the issue or transfer of which it is paid. However, the fee cannot in any case exceed five dollars." Fee for issue of a license, etc. Maximum fee.

2. The following article is inserted in the said Statutes after article 910 thereof: R. S., 910a, added.

"910a. The Provincial Treasurer may, at any time, suspend or annul any license for any violation of this section. He may also prevent the issue of a license for the reasons he may deem valid." Power of Prov. Treas. re licenses.

3. Article 948 of the said Statutes, as enacted by the act 11 George V, chapter 26, section 1, is amended: R. S., 948, am.

a. By replacing the words: "one thousand dollars", in the second line of sub-paragraph *a* of paragraph 2 thereof, by the words: "five hundred dollars";

b. By replacing the word: "five", in the second line of sub-paragraph *b* of paragraph 2 thereof, by the word: "three";

c. By replacing the word: "three", in the first line of