

C H A P . 2 9

An Act to amend the Quebec Pharmacy Act.

[Assented to 16th March, 1916]

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

1. Article 4991 of the Revised Statutes, 1909, is amended by replacing paragraphs 3 and 4 thereof by the following:

“Assistant pharmacist.” “3. The words “assistant pharmacists” mean persons who have passed the primary examination specified in this section, and have been duly registered as such;

“Students of pharmacy.” “4. The words “students of pharmacy” mean persons who have passed the preliminary examination specified by this section, and have been duly registered as such”.

R.S. 4994, replaced. **2.** Article 4994 of the Revised Statutes, 1909, is replaced by the following:

Powers of the Council. “**4994.** The council of the Association shall have power:

1. To frame such by-laws as they shall deem proper and necessary for the purposes contemplated by this section, to alter and amend such by-laws from time to time, and to repeal the same in whole or in part, and substitute others therefor;

2. To elect, at their first meeting subsequent to the annual elections, from among their members, a president, two vice-presidents, a treasurer and two auditors;

3. To elect persons to replace members of the Board of discipline or of any commission who die, resign or are removed, and also persons to replace the auditors, when vacancies occur for the same reasons.

Such persons must be chosen from among the members of the corporation;

4. To elect, as honorary and corresponding members of the Association, such persons as may be eminent for scientific attainments. Such honorary members shall not, as such, be entitled to vote at elections or to rank as licentiates of pharmacy;

5. To appoint a secretary-registrar, who shall hold office until removed for reasons considered valid by the majority of the Council;

6. To appoint as many permanent or special commissions as it may deem necessary for the good administration of the affairs of the association, for the attainment of the pur-

poses contemplated by this section, and to define their powers in accordance with the laws in force; and to fix a quorum thereof;

7. To make by-laws to maintain the honour, dignity and discipline of the members and of persons who are registered under this section;

8. To fix the remuneration of examiners, of members of the Council, of members of the Board of Discipline, and of any commission it may appoint, as well as of the officers;

9. To revise, by way of appeal, any decision of the Board of Discipline."

3. Article 4997 of the Revised Statutes, 1909, is replaced R.S., 4997, replaced. by the following:

"4997. 1. In pharmacy, there shall be three classes of Classes of persons in pharmacy. persons:

- a. Students of pharmacy;
- b. Assistant pharmacists; and
- c. Licentiates of pharmacy.

2. To be admitted as a student of pharmacy, the Admission as student. candidate must produce satisfactory evidence of a good moral character; pass a preliminary examination in the English, French and Latin languages, in arithmetic, algebra, geometry, geography, history, and elementary physics and chemistry, and pay the fees prescribed by article 5002.

Every Bachelor of Arts, Bachelor of Science or Bachelor Certain exemptions. of Letters, of any university of the United Kingdom or of Canada, shall be exempt from the preliminary examination, in accordance with article 4475.

3. To be admitted as an assistant pharmacist the candi- Admission as assistant. date must produce evidence of three years' registration as a student of pharmacy, prove that he has served at least three years with a physician or licentiate of pharmacy duly registered, pass an examination in medico-pharmacological and physico-chemical science and in practical pharmacy, and pay the fees prescribed by article 5002.

4. To be admitted as a licentiate of pharmacy, the can- Admission as licentiate. didate must produce evidence of registration as an assistant-pharmacist, must prove that he has served for four years under a doctor or a druggist duly registered, and that he has taken a two years course of medico-pharmacological science, a two years course of physico-chemical science, one year of work at practical pharmacy and analytical chemistry, and a one-year course of botany and other natural sciences,

according to the course of study laid down in any incorporated institution recognized by the council of the association, pass an examination on such subjects, and must pay the fees prescribed by article 5002.

Proviso. Nevertheless, a student of pharmacy, or an assistant pharmacist, may devote twelve months of his term exclusively to taking a course in pharmacy.

Final examination. 5. The final examination which the candidate who presents himself to be a licentiate of pharmacy must pass, shall include the same subjects as the primary examination; but a more extended knowledge of medico-pharmacological and physico-chemical sciences, of practical work in pharmacy, and of analytical chemistry, as well as a knowledge of botany and natural science, shall be required."

R.S., 4999, replaced. 4. Article 4999 of the Revised Statutes, 1909, is replaced by the following:

Board of examiners. "4999. The board of examiners shall be appointed by the Council at its first meeting after the annual meeting, and shall be composed of persons whom it deems competent.

These persons shall examine the candidates and grant such certificates or diplomas as they may think proper to those whom they deem qualified to be licentiates of pharmacy, assistant pharmacists, or students of pharmacy.

Examinations, where held. The final and primary examinations of candidates shall be held in Montreal in the spring, and in Quebec in the autumn of each year."

R.S., 5001, replaced. 5. Article 5001 of the Revised Statutes, 1909, is replaced by the following:

Duties of secretary-registrar. "5001. The duties of the secretary-registrar are:

1. To act as secretary at all meetings of the Association and Council;
2. From time to time to make out and keep registers of:
 - a. Licentiates of pharmacy;
 - b. Assistant pharmacists; and
 - c. Students of pharmacy;

And to grant, on application, certificates of such registration, on payment of such fee as may be fixed by by-law;

Annual registers to be made. 3. To make new registers for each year, and omit therefrom the names of persons deceased, or transferred from one register to another, or of persons who have not paid their fees; provided their names have been submitted to the Council, and provided the secretary-registrar has received instructions from the Council to erase said names.

The secretary-registrar is authorized to administer any Administrative oath required by this section or by the by-laws of the association of oath.

In the absence of the secretary-registrar from any meeting, the presiding-officer may appoint another person to act as secretary for the time being." Absence provided for.

6. The Revised Statutes, 1909, are amended by inserting therein, after article 5001, a new article, 5001a, as follows: R.S., 5001a, enacted.

"5001a. The secretary-registrar is authorized to visit and inspect, at any time, any drug store in the Province, in all its departments, in order to ascertain if it is kept in conformity with the provisions of this section. Inspection of drug stores by secretary-registrar.

In the absence of the secretary-registrar, or his inability to act, such visit and inspection may be made by any person appointed by the council." In case of absence or inability to act.

7. Article 5002 of the Revised Statutes, 1909, is replaced by the following: R.S., 5002, replaced.

"5002. 1. Persons registered under this section shall pay the following fees to the secretary-registrar, namely: Annual fees to be paid to secretary-registrar.

a. Every licentiate of pharmacy, an annual fee not exceeding ten dollars;

b. Every assistant pharmacist, an annual fee not exceeding five dollars;

c. Every student of pharmacy, an annual fee not exceeding two dollars.

2. Such fees shall be due on the first day of May in every year. When fees due.

3. Any licentiate, assistant pharmacist or student of pharmacy not paying such fee before the first day of June in each and every year, may be removed from the register, and when so removed from the register, shall lose all the privileges conferred upon him by this section. He may, however, be restored to all his former privileges, on payment of a fine of five dollars in the case of a licentiate, two dollars in the case of an assistant pharmacist, and one dollar in the case of a student of pharmacy; provided such fine, together with the annual fee, be paid on or before the first day of October following." Proceedings if fees not paid.

8. Article 5005 of the Revised Statutes, 1909, is replaced by the following: R.S., 5005, replaced.

"5005. Every person openly keeping a drug store in this Province, having any licentiate of pharmacy, assistant List of employees to be furn-

ished to
secretary-
registrar.

pharmacist or student of pharmacy in his employ, shall furnish the secretary-registrar with a list of such employees within ten days of any requisition made by him."

R.S., 5012a,
enacted.

9. The Revised Statutes, 1909, are amended by inserting therein, after article 5012 thereof, a new article, 5012a, as follows:

Declaration
to be made
by owners of
drug stores.

"5012a. Every person who opens, or acquires, a drug store in the Province, must make and forward to the secretary-registrar a declaration in writing under his signature, setting forth his name, surname, occupation, and residence, the date of the opening or of the acquisition of such store, and the place where it is situated.

When to be
made.

Such declaration must be made within thirty days after the opening or the acquisition of such store.

In case of
partnership.

In the case of a partnership, such declaration must contain the name, surname, occupation and residence of each of the partners.

A similar declaration must be made and forwarded to the secretary-registrar, within the same delay, every time any change or alteration takes place in the personnel of the partnership."

R.S., 5013,
replaced.

10. Article 5013 of the Revised Statutes, 1909, is replaced by the following:

Licentiate
of pharmacy
may have
assistants.

"5013. Notwithstanding any provisions to the contrary in this section, any licentiate of pharmacy may employ such assistant pharmacists or students of pharmacy as he may deem necessary, to assist him in the duties of pharmacist; but no person shall employ any assistant or student for any such purpose, unless such assistant or student be registered in accordance with the provisions of this section."

R.S., 5014,
replaced.

11. Article 5014 of the Revised Statutes, 1909, is replaced by the following:

Prescrip-
tions, by
whom to be
dispensed.

"5014. No student of pharmacy shall dispense prescriptions, or sell any poison enumerated in schedule A, nor shall any licentiate of pharmacy permit any student to so dispense or sell, unless such student be under the immediate supervision of a physician, or licentiate of pharmacy, or assistant pharmacist, during the time he dispenses prescriptions, or sells the aforesaid poisons."

R.S., 5017,
replaced.

12. Article 5017 of the Revised Statutes, 1909, is replaced by the following:

Proprietor

"5017. For the purposes of this section, the proprietor,

on whose behalf any sale is made by any assistant, student or other employee, shall be deemed the seller, without prejudice however to the liability of the three classes of persons in pharmacy under article 5023." deemed to be seller for purposes of this section.

13. Article 5022 of the Revised Statutes, 1909, is replaced by the following: R.S., 5022, replaced.

"5022. If any person falsely represents, by any name, title or description, that he is registered under this section, or falsely represents the class or grade of his registration, or engages himself as an assistant pharmacist, or as a student of pharmacy, not being registered as such, he shall be liable to a fine, for every such offence, of twenty dollars and costs." Penalty for false representation, as to registration.

14. The Revised Statutes, 1909, are amended by inserting therein, after article 5022 thereof, two new articles, 5022a and 5022b, as follows: R.S. 5022a and 5022b, enacted.

"5022a. Every person who neglects to furnish to the secretary-registrar the declaration required by article 5012a shall be liable to a fine of twenty-five dollars and costs." Penalty for failure to furnish declaration.

"5022b. Every person who refuses to allow the secretary-registrar to visit and inspect his drug store, in all its departments, shall be liable, for each refusal, to a fine of twenty-five dollars and costs." Do. for refusal to permit inspection of store.

15. The Revised Statutes, 1909, are amended by inserting therein, after the ninth sub-section of the fourth section of the fifth chapter of the tenth title thereof, a new sub-section 9a, and articles, as follows: § 9a and articles enacted.

"§ 9a. Board of Discipline

"5027a. For the better observance of the by-laws of the Association and of the rules of pharmaceutical ethics, there shall be a council of seven members called "the Board of Discipline". Board of discipline.

The president of the Pharmaceutical Association shall *ex officio* be a member and the chairman of the board, and the other six members shall be appointed by the council of the association, who shall choose them from among the persons it deems competent. Chairman.

The appointment of members of the Board of Discipline shall be made at the first meeting after the annual meeting. They shall hold office until replaced. Appointment of members.

- Quorum.** The quorum of the Board of Discipline shall be five members; the secretary-registrar shall act as its secretary.
- Board may make by-laws.** “**5027b.** The Board of Discipline shall have the right to make by-laws for its government and for the proceedings to be taken before it.
- Board to enquire into charges against members and persons registered.** “**5027c.** It shall be the duty of the Board of Discipline to enquire into, to consider, hear and decide, subject to appeal to the Council, every charge or complaint against any member or against any person registered under this section, for infraction of his professional duties or any act derogatory to the honor or dignity of the profession.
- Acts derogatory to professional honour.** The following acts alone are declared to be derogatory to professional honor:
- a. Dividing between physicians and druggists any profits that may result from prescriptions of such physicians;
 - b. The habitual abuse of alcoholic liquor, of cocaine, or of any drug or narcotic preparation;
 - c. The commission of a criminal offence legally proved and followed by final sentence by a competent court ordering imprisonment.
- Secretary-registrar to be notified by clerk of any court of prosecution against any member, &c.** “**5027d.** The clerk of any court having criminal jurisdiction in this Province, before whom a member of the Association, or any other person registered under this section, is prosecuted, shall, without delay, notify the secretary-registrar of the Association of the sentence pronounced against such member, or such person, and shall send the registrar a certified copy of such sentence.
- Complaint to be in writing.** “**5027e.** Every complaint against a member or against any person registered under this section shall be made in writing, under oath taken before the secretary-registrar or a justice of the peace, and addressed to the secretary-registrar.
- Contents.** The complaint shall indicate summarily the nature, time, place and circumstances of the offence, and be accompanied by a list containing the names, surnames, occupations and residences of the witnesses whom the complainant wishes to be heard.
- President to be informed.** On receipt of any complaint, the secretary-registrar must immediately inform the president thereof, who shall, if the occasion requires, summon a meeting of the Board of Discipline.
- Report to Council.** If the president does not see fit to order a meeting of the Board of Discipline, he must make a report thereof to the Council of the Association at its next meeting,

and the Council may order the meeting of the Board if it thinks proper.

“**5027f.** The Council of the Association shall have ^{Council to} the power, in default of any by-law applicable to a parti-^{decide.} cular case, to decide if the act mentioned in the complaint is derogatory to the dignity or the discipline of the profession.

“**5027g.** The secretary-registrar, upon receipt of the ^{Meeting} order to call a meeting of the Board of Discipline, must ^{of Board.} forward to the accused, by registered letter, a copy of the complaint duly certified by himself, with a notice inform- ^{Notice to} ing him of the place, date and hour at which the complaint ^{accused.} will be taken into consideration.

The secretary-registrar must likewise forward to the ^{Also to com-} complainant, by registered letter, a similar notice. ^{plainant.}

Such notices must be mailed at least fifteen days before ^{Delay.} the day fixed for the taking into consideration of the complaint.

“**5027h.** Upon receipt of the complaint, the accused ^{Accused to} must transmit to the secretary-registrar, by registered ^{file defence.} letter, at least six days before the day fixed for the taking into consideration of the complaint, his defence, in writing, with a list containing the names, surnames, occupations and residences of the witnesses he wishes to be heard. On his failure to produce a defence, he cannot have any witnesses heard.

On receipt of such defence, the secretary-registrar must ^{Copy for} forward to the complainant, by registered letter, a copy ^{complain-} thereof duly certified by himself. ^{ant.}

“**5027i.** In the exercise of its functions, the Board of ^{Powers of} Discipline may summon witnesses, and, in order to compel ^{Board re.} them to appear and answer questions, and to punish them ^{witnesses.} in case of refusal, it shall have all the powers of the Superior Court.

It shall also have the right to order the production before ^{Powers} it of any document deemed necessary for the decision upon ^{re docu-} any complaint. To compel the production of any such ^{ments.} document it shall have all the powers of the Superior Court.

“**5027j.** Witnesses shall be summoned by a writ of ^{Summoning} subpoena issued in the name of the President and of the ^{of witnesses.} Board of Discipline, signed by the secretary-registrar, and bearing the seal of the association.

The production of necessary documents shall be called for by the same writ of subpoena served upon the witness.

Service of subpoena. **"5027k.** A subpoena may be served by any bailiff of the Superior Court; nevertheless, if there is no bailiff in the locality where the service is to be made, it may be served by any literate person of the age of at least twenty-one years.

The return of service by a bailiff shall be made under his oath of office; the return by a literate person must be sworn to before a justice of the peace or a commissioner of the Superior Court.

The service of such writ shall be made in the manner provided in the Code of Civil Procedure.

The delay after service shall be the same as provided by the Code of Civil Procedure.

Hearing. **"5027l.** At the place and time fixed, the Board of Discipline shall hear the complainant and the accused, if present, if not, they shall hear whoever appears.

The complainant and the accused must appear, either in person or by attorney;

Proceedings at hearing. **"5027m.** In the hearing of the complaint, the Board of Discipline shall deliberate, and may have recourse to every means it deems fit to obtain information as to the facts, and to allow the accused to make his defence.

The president of the council and the secretary-registrar shall have the right to administer the oath or the affirmation to the parties or witnesses.

In case the Board of Discipline deems it necessary, the depositions shall be taken, in whole or in part under its direction, by the secretary-registrar, or by a stenographer who shall be sworn in advance by the president or the secretary-registrar.

Minutes. The secretary-registrar shall prepare a minute of the proceedings before the Board of Discipline.

Decision. The decision of the Board of Discipline shall be rendered according to a majority vote; it must be in writing, and must contain the reasons on which it is based; it must also be signed by the chairman of the Board of Discipline.

Penalties that may be imposed. **"5027n.** The Board of Discipline has the right, in case the accused is found guilty, and according to the gravity of the offence, to:—

1. Censure and reprimand him;
2. Deprive him, if he is a member, of his vote and even of his right to attend meetings, for a term of not more than as determined by the by-laws;
3. Deprive him of the right to practise the profession of pharmacist, either temporarily or for all time;

4. Expel him from membership in the association;

5. Strike out the registration of such person, either temporarily or for all time, and deprive him of the right to act as a student of pharmacy or an assistant pharmacist.

“**5027o.** The Board of Discipline may order the unsuccessful party to pay such costs as it deems proper, or may divide the costs; and, in addition, may order him to pay to the successful party a sum for the purpose of indemnifying him for all personal expenses in connection with the complaint. Costs may be awarded.

If the parties are not present when the decision is given, the secretary-registrar must forward to them by registered letter a copy thereof, duly certified by him.

“**5027p.** 1. Any party who believes himself aggrieved by the decision of the Board of discipline may appeal therefrom to the Council of the Association within fifteen days after such decision was given. Appeal to Council from decision of Board.

Such appeal is taken by means of a registered letter, addressed to the secretary-registrar, and stating summarily the grounds of the appeal.

The secretary-registrar is bound to submit the appeal to the next meeting of the Council of the Association.

The Council of the Association shall determine the manner and the delay in which the appeal shall be disposed of, and shall fix the procedure to be followed.

It shall decide the appeal summarily.

2. In its decision of the appeal, the Council of the Association shall have the right to order the unsuccessful party to pay such costs as it deems proper, or to divide the costs. Costs.

3. On the failure of any party to pay any costs to which he has been condemned within fifteen days after the decision of the Board of Discipline or, in case of an appeal, within fifteen days after the decision of such appeal, the Quebec Pharmaceutical Association, or the party in whose favor such costs have been adjudged, may obtain from the Superior Court of the district in which the complaint was made, an execution against the moveable or immoveable property of the person condemned to pay them, by depositing at the Prothonotary's office a copy, duly certified by the secretary-registrar, of the decision and of the amount of the costs to which such party has been condemned. Execution may be obtained from court.

4. No such execution shall issue against immoveable Proviso.

property unless the amount of the costs to be recovered is more than forty dollars.

Cancellation of registration.

If the party in default to pay the costs or any other sum adjudged against him, is a person registered under this section, his registration shall be cancelled until he has paid the sum so adjudged.

Writ may be obtained from court.

5. In the case of a condemnation against a party or a witness, whether for refusal to obey the summons, or for refusal to answer or to produce a document, a copy, duly certified by the secretary-registrar, of the condemnation against such witness or such party, must be deposited at the Prothonotary's office of the Superior Court of the district in which the Board of Discipline sits, and on the deposit of such copy, together with a *praecipe*, the prothonotary is bound to issue against such person a writ of execution or of imprisonment, as the case may be, which shall be executed in the same manner as a writ issued by the Superior Court in a similar case.

Appeal to courts.

6. There shall be an appeal to the courts from any decision rendered by the Council of the Association, within fifteen days of the service of such decision.

The appeal shall suspend the effect of the decision of the Council."

Schedule A amended in English version.

16. The English version of Schedule A which follows article 5029 of the Revised Statutes, 1909, is amended by striking out the words : "(pure and crude)" after the words "Carbolic Acid" in the seventh line of such schedule.

CHAP. 30

An Act to amend the Revised Statutes, 1909, and to consolidate the provisions relating to the establishment, by certain municipalities, of a compensation fund for the benefit of owners or possessors, for damage done to their sheep.

[Assented to 9th March, 1916]

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

R.S., 5956c to 5956e, replaced.

1. Section XXIIb, of chapter second of title eleventh of the Revised Statutes, 1909, (articles 5956c to 5956e) as enacted by the act 3 George V, chapter 41, section 1, is replaced by the following: