

C H A P . 3 5

An Act to regulate the sale of cocaine, morphine and their compounds.

[Assented to 24th March, 1911]

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

R.S.Q., chapter added. **1.** The following chapter is inserted in the Revised Statutes, 1909, after chapter third of title seventh :

“ CHAPTER IIIa

“ THE SALE OF COCAINE, MORPHINE AND THEIR COMPOUNDS

Sale, &c., of cocaine, &c., forbidden.

“ **3982a.** No one shall sell, give or deliver cocaine, alpha or beta eucaine, morphine or heroin, or any salt, compound or derivative of such substances or any preparation containing such substances or their salts or derivatives, except to the following persons :

Exceptions.

1. A wholesale dealer, a duly licensed druggist, a duly registered practising physician, a duly licensed practising veterinary surgeon or veterinary, or a duly licensed practising dentist, who shall have previously ordered the same in writing ;

Id.

2. The holder of a prescription of a practising physician duly registered as a member of the College of Physicians and Surgeons of the Province of Quebec or of a duly licensed practicing dentist.

Identification of buyer

3982b. No one shall sell, give or deliver any of such substances, compounds or preparations to any person mentioned in paragraph 1 of article 3982a, unless such person is identified by some person known to the seller.

Labelling of bottle, &c.

At the time of such sale, gift or delivery, the person who sells, gives or delivers, shall affix to the bottle, box, vessel or package containing the article so sold, given, or delivered, and upon the outside wrapper of the package as put up by the manufacturer, a label upon which the word “ poison ” is written in red ink and which distinctly displays the name and quantity of the article in question, and the name and place of business of the supplier.

Inspection of buyer's order.

The written order mentioned in paragraph 1 of article 3982a shall at all times, be open to the inspection of the coroner of the district, or of any justice of the peace of the district or municipality, or of any person authorized by such coroner, or justice of the peace, in writing.

" **3982c.** In the case of paragraph 2 of article 3982a, ^{Who may dispense prescription.} the prescription shall be dispensed only by a druggist duly licensed in pursuance of the Quebec Pharmacy Act.

The prescription shall bear the date on which it was made, ^{Contents, keeping and inspection of prescription.} and shall mention the names, surname and address of the person for whom the medicine is prescribed, shall be permanently kept on file by the person who has dispensed it, and shall at all times be open to the inspection of the prescriber, or of the coroner of the district, or of a justice of the peace for the district or municipality or of any person authorized in writing by such coroner or justice of the peace.

It shall be dispensed only once, and no copy thereof shall ^{Id.} be given to any person.

" **3982d.** This chapter shall not apply:

a. To the delivery, as a medicine, of any substance, compound or preparation by any registered physician or duly licensed practising dentist, to or on behalf of a person upon whom such physician or such dentist is in professional attendance, provided that the bottle, package or other receptacle containing such medicine clearly mentions upon the outside the intervals of time at which such medicine is to be taken and how much is to be taken at one time ; ^{Saving clause. Delivery of medicine by physician, &c.}

b. To paragoric or to any other medicine containing not more than one third of a grain of morphia or of heroin ^{Paregoric, &c.} to the ounce, provided that the bottle, package or other receptacle containing such medicine complies with the requirements of paragraph a of this article.

" **3982e.** At the time of each sale, gift or delivery in pursuance of article 3982a, the person who sells, gives or delivers, shall before delivery, make or cause to be made, in a special register, not being the register prepared in accordance with article 5008, an entry setting forth the particulars mentioned in Form A. ^{Special register.}

Such register shall at all times be open to the inspection of the secretary-registrar of the Pharmaceutical Association of the Province of Quebec, of the coroner of the district, of any justice of the peace of the district or of the municipality, or of any person authorized in writing by such coroner or justice of the peace. ^{Inspection of register.}

" **3982f.** No one shall have in his possession or in any premises under his control, any substance to which the prohibitions enacted by this chapter apply unless he is : ^{Possession of certain poisons.}

a. The manufacturer of such substances or one of the persons mentioned in paragraph 1 of article 3982a or

b. A person who has obtained the same under a prescription in accordance with paragraph 2 of article 3982*a*, or

c. A person who has obtained the same from a physician or a duly licensed practising dentist in accordance with paragraph *a* of article 3982*d*.

Information
for search
warrant.

“ **3982*g***. Any judge of the Sessions of the Peace, police magistrate, district magistrate, recorder or justice of the peace, who is satisfied by information upon oath according to Form B, that there is in any building, receptacle or place:

a. Anything upon or in respect to which any offense against this act has been or is suspected to have been committed ; or

b. Anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence ;or

c. Anything there is reasonable ground to believe is intended to be used for the purpose of committing any such offence;

Search war-
rant.

May, at any time, issue a warrant under his hand, authorizing some constable or other person named therein, to search such building, receptacle or place for any such thing and seize and carry it before the judge, magistrate or justice issuing the warrant or some other such judge, magistrate or justice. Every such search warrant may be executed by day or by night and may be according to Form C, or to the like effect. When any such thing is seized and brought before a judge, magistrate or justice as aforesaid, he may detain it for the purposes of trial.

Who deemed
seller, &c.

“ **3982*h***. For the purposes of this chapter, the proprietor, on whose behalf a sale, gift or delivery is made by a clerk, apprentice or other person in his employ, shall be deemed to be the person who makes the sale, gift or delivery, without prejudice, however, to the liability of such clerk, apprentice or other person.

Penalties.

“ **3982*i***. Every person committing any infraction of any of the provisions of this chapter shall on conviction thereof before a judge of the Sessions of the Peace, police magistrate, district magistrate, recorder or two justice of the peace, of the place where the offence was committed, be liable for the first offence to a fine of not less than fifty dollars, and of not more than two hundred dollars, and in default of payment to imprisonment for not less than one month and not more than three months, or to imprisonment for not less than one month nor more than three months, or to both such fine and imprisonment ; and for every subsequent offence to a fine of not less than two hundred dollars nor more than five hundred dollars, and in default of payment to imprisonment for not less than three months and not more than six months, or to im-

prisonment for not less than three months nor more than six months, or to both such fine and imprisonment ; the whole with costs.

In rendering a judgment of conviction the magistrate may order the confiscation and destruction of any substance to which article 3982*a* applies and as to which an offence against any provision of this chapter has been committed. ”

“ **3982j**. The provisions of part XV of the Criminal Code shall apply, *mutatis mutandis*, to prosecutions taken under this chapter.

“ **3982k**. The provisions of article 5008 shall not apply to the substances to which article 3982*a* is applicable.

2. This act shall come into force on the day of its sanction,

Confiscation,
&c., of cer-
tain poisons.
Id., 5008,
not to apply
in certain
cases.
Coming into
force.