

CAP. XXXVI.

An Act to amend and consolidate the acts relating to the
Pharmaceutical Association of the Province of Quebec,
and to the sale of drugs and poisons.

[Assented to 9th May, 1885.]

HER MAJESTY by and with the advice and consent
of the Legislature of Quebec, enacts as follows :

NAME OF THIS ACT.

1. This act may be cited as the "Quebec Pharmacy Act. Name of act.

INTERPRETATIVE PROVISIONS.

2. In this act the words and expressions following shall, Interpretative provisions.
unless such interpretation be repugnant to the subject, or
inconsistent with the context, be construed as follows :—

(a) The word "council" means the Council of the Pharmaceutical Association of the Province of Quebec.

(b.) The word "members" means persons registered as licentiates of pharmacy in this Province.

(c.) The words "certified clerks" mean persons who have passed the primary examination specified in this act, and have been duly registered as such.

(d.) The words "certified apprentices" mean persons who have passed the preliminary examination specified by this act, and have been duly registered as such.

(e.) The words "board of examiners" mean a committee appointed by the council to conduct the examinations specified by this act.

(f.) The word "registrar" means an officer appointed by the council to carry on the work of the association, under the provisions of this act.

(g.) The word "register" or "registers" means a list or lists, as the case may be, of persons registered under this act.

(h.) The word "drugs" means articles used medicinally, whether compounded or simple.

(i) The word "poisons" means such drugs or chemicals as are dangerous to human life.

(j.) The word "drug store" means a place where drugs and poisons are sold by retail, or compounded.

(k.) The words "druggist," "chemist," "apothecary," "pharmaceutist," "pharmacist," "pharmaceutical chemist," or "dispensing chemist" mean a person having a right to sell and compound drugs and poisons in this Province.

(1.) The word "person" or "persons" means corporate bodies as well as individuals and private associations.

Corporation continued.

3. The corporation, known as the "Pharmaceutical Association of the Province of Quebec," is continued, with all rights and privileges with which it is vested by the acts constituting it.

Powers of association.

The association shall have perpetual succession, and a common seal, with full power to alter, vary, break or renew the same at their discretion.

Further powers.

By the same name it may sue and be sued, implead or be impleaded, answer and be answered unto in all courts in this Province, and may purchase, take or hold real and personal property, provided the real property so held by the said corporation does not, at any time, exceed the value of twenty thousand dollars.

Proviso.

Power to hypothecate, &c., property.

It may hypothecate or alienate such property, and acquire other property instead thereof.

COUNCIL OF THE ASSOCIATION.—ITS POWERS.

Council.

4. The affairs of the association are conducted by a council, composed of twelve licentiates of pharmacy, resident in this Province, six of whom retire annually, according to seniority eligible for re-election.

Retiring of members.

Eligible for re-election.

The retiring members are, however, eligible for re-election.

Present council to remain in office until next annual meeting.

5. For the purposes of this act, the members of the council and officers, elected at the last annual meeting of the association, shall continue in office until the next annual meeting provided for hereafter.

Members to retire at that meeting to be chosen by lot.

The members retiring at the said meeting shall be chosen by lot for by the council at its last meeting prior to the annual meeting to be held in the month of June, 1885.

Power of council of association :
To frame by-laws ;

6. The council of the association has power :

1. To frame such by-laws for the said association as they shall deem proper and necessary for the purposes contemplated by this act, 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 ;

To appoint officers ;

2. To elect at their first meeting, subsequent to the annual elections, from among their members, a president, two vice-presidents, a treasurer and an auditor ; and also a proper person to be secretary and registrar.

To replace members of council who die, &c. ;

3. To elect persons to replace members of the council who die, resign or are removed, and also persons to replace the auditor, when vacancies occur for the same reasons.

Such persons must be chosen from among the members How chosen. of the corporation.

4. To elect as honorary and corresponding members of To elect honor- the association such persons as may be eminent for their ary members ; scientific attainments.

Such honorary members shall not, as such, be entitled Not entitled to to vote at elections or to rank as licentiates of pharmacy. vote.

5. To control and manage the real and personal property To manage, &c., the prop- of the corporation, subject to the by-laws thereof; but no erty of the sale or mortgage of any property of the corporation shall corporation. be made, except with the approbation and concurrence of a general meeting of the members of the corporation, specially called for such purpose.

7. The annual general meeting of the association shall Time and be held, alternately, in the cities of Montreal and Quebec, place of hold- on the second Tuesday in the month of June in each year, ing annual or on such other day near thereto as shall be determined meetings. upon by the council.

LICENSES OF CHEMISTS.

8. All persons who, at least during five years before the Persons who coming into force of this act, were practising in this have a right to Province upon their own account, as chemists and drug- be registered gists, or apothecaries, or in partnership with any other as licentiates persons so practising, are entitled to be registered in con- of pharmacy. formity with this act as licentiates of pharmacy, upon producing before the registrar evidence of their having exercised their profession, as aforesaid, provided that such Proviso. registration be made within twelve months from the passing of the present act.

9. In pharmacy, there are three classes of persons :

1° Certified apprentices ;

2° Certified clerks, and

3° Licentiates of pharmacy.

Classes of per-
sons in phar-
macy.

1. To be admitted as a "certified apprentice", the candi- Admission of date must produce satisfactory evidence of a good moral apprentices. character, pass an examination in the English, French and Latin languages, in arithmetic, geography and history, and pay the fees prescribed by section 14 of this act.

2. To be admitted as a "certified clerk," the candidate Admission of must be a "certified apprentice," prove that he has served at certified least three years with a licentiate of pharmacy duly enreg- clerks. istered, pass an examination in the translation and dispensing of prescriptions, in pharmacy, chemistry, toxicology, posology and *materia medica*, and pay the fees prescribed in section 14 of this act.

Admission of
licentiates of
pharmacy.

3. To be admitted as "licentiate of pharmacy," the candidate must be a "certified clerk," prove that he has followed two courses in chemistry, two courses in *materia medica* and a course in botany, that he has served during four years under a licentiate of pharmacy duly enregistered, and pay the fees prescribed in section 14 of this act.

Major exami-
nation.

The "major examination," which the candidate who presents himself to be a licentiate of pharmacy must pass, includes the same subjects as the "minor examination" but a more extended knowledge of toxicology, *materia medica*, pharmaceutical chemistry, as well as a knowledge of botany, are required.

Board of
examiners.

10. All the examinations referred to in the previous sections,—viz: the preliminary examination, minor examination and major examination—take place before the board of examiners and are regulated by such rules and by-laws as may be in force at the time such examinations are held; and all candidates for any of the said examinations shall pay such fees as may be imposed by the said rules or by-laws.

Regulations
for examina-
tions, ———
Fees to be paid
by candidates.

BOARD OF EXAMINERS.

Appointment
of board of
examiners.
Duties and
powers of
examiners.

11. The board of examiners is appointed by the council and is composed of persons it deems competent;

These persons 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," "certified clerks," or "certified apprentices."

Certain ex-
aminations
may be dis-
pensed with
and certifi-
cates be ac-
cepted in lieu
thereof.

12. The board of examiners may dispense with the examinations provided for in sections 9 and 10, and may accept, in lieu thereof, authenticated certificates of examination by duly appointed medical or pharmaceutical boards, whose curriculum of technical and practical education is equivalent to that required by the said sections 9 and 10, subject to the decision and approbation of the council.

Such certifi-
cates to be ac-
companied by
certificates of
character, &c.

Such certificates must be accompanied by certificates of good moral character, and shall be subject to such other regulations as may be imposed by by-law.

SECRETARY AND REGISTRAR.—HIS DUTIES.

Duties of sec-
retary and
registrar.

13. The duties of the secretary and registrar are:—

1. To act as secretary at all meetings of the association and council.

2. From time to time make out and maintain "Registers" of:

1st. "Licentiates of pharmacy";

2ndly. "Certified clerks," and

3rdly. "Certified apprentices," respectively;

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

3. To make new "registers" for each year, and omit therefrom the names of persons deceased, or transferred from one "register" to another.

4. In the absence of the registrar from any meeting it shall be competent for the presiding officer to appoint some person to act as secretary for the time being.

LICENTIATES.

14. Persons registered under this act shall pay the following fees to the registrar, namely:—

Annual fees to be paid to registrar.

1. Every "licentiate of pharmacy," an annual fee not exceeding ten dollars per annum;

2. Every "certified clerk," an annual fee not exceeding five dollars; and

3. Every "certified apprentice," an annual fee not exceeding two dollars.

Such fees shall be due on the first day of May in every year, and any licentiate, clerk, or apprentice, not paying such fee before the first day of June in each and every year, shall be removed from the register, and shall lose all the privileges conferred upon him by the present act; he may, however, be restored to all his former privileges, on payment of a fine not exceeding five dollars, provided such fine, together with the annual fee, be paid on or before the first day of July following.

When such fees become due.

15. Persons registered under this act shall, on retiring from business, give the registrar notice in writing of the same, and in default thereof they shall remain liable for their annual registration fee; provided that it shall be lawful for any such person to be re-entered on the register at any time after retiring therefrom, as aforesaid, upon giving notice in writing to the said registrar of his intention so to register, and upon payment to him of all arrears, together with the fee for the current year.

Notice to be given by persons retiring from business. Such persons may be re-entered on register.

16. All persons keeping open drug stores in this Province, having licentiates of pharmacy, clerks, or apprentices in their employ, shall furnish the registrar with a list of such employees prior to the first day of May in each year.

List of employees to be furnished to registrar.

Business of deceased chemist may be carried on by executor, &c., under certain conditions.

Proviso.

Provisions apply to estate of certain chemists.

17. Upon the decease of any person legally authorized and actually carrying on the business of chemist and druggist at the time of his death, it shall be lawful for the executor, administrator or trustee of the estate of such person to continue such business, if and so long only as such business is conducted under the personal superintendence of a "licentiate of pharmacy," registered under this act, provided such executor, administrator or trustee continue to pay the annual registration fee heretofore paid by the said deceased licentiate.

2. These provisions shall also apply to the estate of any licentiate of pharmacy, who may have become mentally or physically incapacitated from carrying on the business of a chemist and druggist.

SALE OF DRUGS AND POISONS.

Articles mentioned in schedule A considered as poisons. Additional articles may be added.

Notice to that end.

Conditions upon which such articles may be sold.

Sale to party unknown to seller prohibited.

Entry of every sale of such articles to be made in a book kept for the purpose.

Signature of purchaser, &c., to be affixed to entry. Proprietor deemed to be seller, if sale made by clerk, &c.

18. The several articles, named or described in schedule A, shall be poisons within the meaning of this act, and the council may, from time to time, by by-law, and with the concurrence and approval of the board of governors of the College of physicians and surgeons, declare that any article, named in such by-law, shall be deemed a poison within the meaning of this act, and it shall then be added to and become part of schedule A.

Such addition shall be advertised in the Quebec Official Gazette.

19. It shall be unlawful to keep or sell any of the poisons named in schedule A, unless the box, bottle, vessel, wrapper or cover, in which such poison is contained, be distinctly labelled with the name of the article and the word "Poison," and with the name and address of the seller of the poison.

It shall be unlawful to sell any such poison to any person unknown to the seller, unless introduced by some person known to the seller;

On every sale of 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 schedule C 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.

The signature of the purchaser and of the person (if any) who introduced him, shall be affixed to such entry;

For the purpose of this section, the proprietor, on whose behalf any sale is made by any clerk, apprentice or other employee, shall be deemed to be the seller.

2. The book specified in the present section for the purposes aforesaid shall be called the "Poison Sales' Register," and shall be open to inspection by the registrar at any time.

20. No person shall keep open a shop for the retailing, dispensing or compounding of drugs or of the poisons enumerated in Schedule A, annexed to this act; or sell or attempt to sell any drug, or any of the poisons enumerated in the same Schedule, or any medicinal preparation containing any of the aforesaid poisons; or engage in the dispensing of prescriptions, or use or assume the title of chemist and druggist, or chemist, or druggist, or apothecary, or pharmacist, or pharmaceutist, or dispensing or pharmaceutical chemist, or any other title bearing a similar interpretation within this Province, unless he be a physician inscribed as a member of the college of physicians and surgeons of this province or he be registered in accordance with the provisions of this act as a "Licentiate of Pharmacy."

21. Notwithstanding any provisions to the contrary in this act, it shall be lawful for any 'licentiate of pharmacy' to employ such "certified clerks," or "certified apprentices" as he may deem necessary to assist him in the duties of pharmacist; but it shall be unlawful for any person to employ any clerk or apprentice for any such purpose, unless such clerk or apprentice be registered in accordance with the provisions of the present act.

22. It shall be unlawful for any person to permit any apprentice in his employ to engage in the dispensing of prescriptions, or in the sale of the poisons enumerated in Schedule A, unless such certified apprentice be under the immediate supervision of a "licentiate of pharmacy," or "certified clerk", during the time he is engaged in the dispensing of prescriptions, or in the sale of the aforesaid poisons.

23. It shall be unlawful for any person to keep open more than one drug store in this Province, unless each additional or branch store be under the direct control and management of a registered physician or a "licentiate of pharmacy."

24. The provisions of the four preceding sections shall not prevent the sale of the articles mentioned in Schedule B annexed to this act, provided that patent medicines be sold without their wrappers being opened, and the other medicines be sold in closed packets with the name of the substance contained upon such packet labelled thereon.

PROSECUTIONS AND PENALTIES.

Institution of suits for recovery of penalties.

25. Prosecutions instituted for the recovery of any fine imposed under this act may be instituted by the association or by any other person, before the judge of the sessions, the police magistrate or recorder, in the cities of Montreal and Quebec, or before a district magistrate or justice of the peace of the place where the offence was committed, in the other parts of the province, or may be instituted, before any competent court of the place where the offence was committed, by simple civil action in the ordinary manner.

Manner of levying fines.

26. In default of immediate payment of the fine and costs, they are levied by the seizure and sale of the moveables of the defendant; and in default of sufficient moveables, the defendant shall be liable to be imprisoned in the common gaol of the district for a period not exceeding ninety days, unless such penalty and costs be sooner paid.

Onus of proof on defendant in prosecutions under sections 20 and 23.

27. In any prosecution under sections 20 and 23 of this act, it shall be incumbent upon the defendant to prove that he is entitled to exercise the calling of a "licentiate of pharmacy," or to assume any of the titles specified in the said sections.

Certificate to be *prima facie* proof.

The production of a certificate, showing that he is so entitled, shall be considered *prima facie* evidence that he is so entitled.

Members and officers of corporation competent witnesses.

28. No person, otherwise competent to be a witness in any suit or prosecution in which the corporation may be engaged, shall be deemed incompetent by reason of his being a member or officer of the said corporation.

One witness is sufficient.

29. In any prosecution instituted under this act to recover any of the penalties thereby imposed, the offence may be proved by the oath of one witness.

Penalty for false representation, as to registration.

30. If any person shall falsely represent, by any name, title or description, that he is registered under this act, or falsely represent the class or grade of his registration, or engage himself as a "certified clerk," or as a "certified apprentice," not being registered as such, he shall, upon conviction before a magistrate, be liable to a fine for every such offence of twenty dollars, together with costs.

Penalties for infractions of certain sections of this act.

31. Any person offending against the provisions of sections 20, 21, 22, 23 and 24 of the present act, shall incur a penalty of twenty dollars for the first offence, and of fifty dollars for the second and each subsequent offence, together with costs.

32. Every person, who shall wilfully or knowingly sell any article under the pretence that it is particular drug or medicine which it is not in fact, shall be subject to a fine of twenty-five dollars and costs.

Fine for selling any drug, &c., under false representations.

33. Every person, who neglects to furnish the information to the registrar required by section 16 of this act, shall incur a penalty of five dollars with costs.

Penalty for neglecting to furnish information required.

34. Every person, selling the poisons, mentioned in sections 18 and 19 of this act, otherwise than as therein provided, shall be liable to a penalty of twenty-five dollars with costs.

Penalty for selling poisons in contravention of this act.

35. Every person, refusing to submit the register kept in compliance with section 19 of this act for inspection by the registrar, shall for each refusal incur a penalty of five dollars with costs.

Penalty for refusing to exhibit register to registrar.

36. All fees, penalties and fines payable under this act, shall belong to the said Pharmaceutical Association of the province of Quebec for the purposes of this act.

Application of fines.

MISCELLANEOUS PROVISIONS.

37. Nothing in this act shall interfere with the privileges conferred upon physicians and surgeons by the various acts relating to the practice of medicine and surgery in this Province, nor with the business of wholesale dealers in drugs, in the ordinary course of wholesale dealing, nor with chemical manufacturers, nor with duly licensed veterinary surgeons, in their practice as such.

Certain privileges preserved. Certain business, &c., not interfered with.

38. The following acts are hereby repealed :—

- (a). Chapter 98 of the Consolidated Statutes of Canada.
- (b). Section 16 of chapter 71 of the Consolidated Statutes for Lower Canada.
- (c). The act, 27-28 Victoria, chapter 51.
- (d). The act, 34 Vict., Cap. 52, and
- (e). The act, 38 Vict., Cap. 37.

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

Coming into force.

SCHEDULE A.

LIST OF POISONS.

Aconite and its preparations;
Arsenic and its preparations;
Cantharides;
Corrosive Sublimate;
Cyanide of Potassium and all Metallic Cyanides;
Ergot of Rye and its preparations;
Essential Oil of Almonds, unless deprived of Prussic Acid;
Opium and its preparations, except Paregoric and Syrup of Poppies;
Prussic Acid;
Savin and its oil;
Strychnine and all poisonous vegetable alkaloids and their salts
Tartar Emetic;

SCHEDULE B.

All patent medicines;
Alum;
Bicarbonate of Soda;
Borax;
Camomile.
Carbolic Acid (crude);
Carbonate of Lime;
Castor Oil;
Cochineal;
Cod Liver Oil;
Cream of Tartar;
Epsom Salts;
Ginger;
Glycerine;
Gum Arabic;
Hops;
Linseed;
Linseed meal;
Manna;
Nitre;
Paris Green;
Poppies;
Rhubarb;
Senna;
Sulphur;
Tartaric Acid;

SCHEDULE C.

POISON SALES' REGISTER.

DATE.	Name of Purchaser.	Address of Purchaser.	Name and Quantity of Poison sold.	Purpose for which Poison is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

1885.

Pharmaceutical Association.

Cap. 36.

107