

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Regulations under the Poisons and Dangerous Drugs Ordinance 1933.

I, CHARLES WILLIAM CLANAN MARR, Minister of State for Health, in pursuance of the powers conferred by the *Poisons and Dangerous Drugs Ordinance 1933*, hereby make the following Regulations, to come into operation on 1st January, 1934.

Dated this eighteenth day of December, 1933.

C. W. C. MARR
Minister of State for Health.

POISONS REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Poisons Regulations. Short title.
2. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary.
 - Part II.—The sale of poisons and poisonous substances.
 - Part III.—The sale of methylated spirit.
 - Part IV.—The sale of narcotic drugs.
 - Part V.—Miscellaneous.
3. In these Regulations, unless the contrary intention appears— Definitions.

“the Ordinance” means the *Poisons and Dangerous Drugs Ordinance 1933*.
- 4.—(1.) A licence issued by the Board shall be in accordance with the form in the Schedule to these Regulations. Form of licence and fee therefor.

(2.) The fee for any licence issued under the Ordinance shall be Ten shillings.

(3.) Any licence issued by the Board may be signed on behalf of the Board by the Chairman of the Board.

(4.) Any licence issued by the Board shall remain in force only up to and including the date specified in the licence, unless sooner revoked, and shall be issued subject to these Regulations and it may not be transferred to any other person.

PART II.—THE SALE OF POISONS AND POISONOUS SUBSTANCES.

- 5.—(1.) The holder of any licence to sell poisons shall not sell, whether by wholesale or retail, any of the poisons or poisonous substances specified in this regulation, unless the package and container shall have printed thereon conspicuously the name of some effective remedy or antidote (if any) to counteract the effects of such poison. Antidote to be printed on certain poisons.

(2.) The poisons to which this regulation applies are as follows:—
Arsenic, Strychnine, Mercuric Chloride, Carbolic Acid, Lysol, Nicotine, Cyanide of Potassium, Arsenate of Lead, Arsenical Weed-killer, and Arsenical Fly Exterminator.

(3.) Nothing in this regulation shall apply to any of the substances or poisons specified therein when they are supplied to legally-qualified medical practitioners for their own use or their patients' use, or when supplied to any person by a registered pharmaceutical chemist on the prescription or order of a registered medical practitioner.
6. The holder of any licence to sell poisons shall, before each sale, label the package or container with his name and business address and with such other prescribed information as is not already set out on the package or container. Labels to be affixed to poisons.

7. The holder of any licence to sell poisons or poisonous substances shall comply with the following requirements:—

- (a) He shall be responsible for the safe custody of all such poisons and poisonous substances;
- (b) He shall keep all such substances and preparations in a closed cupboard or receptacle and separate and distinct from any food, drugs or goods of any kind which are suitable for food of man or animal. He shall keep the key of the poison cupboard in his own possession and shall not permit the cupboard to remain open or unlocked or to be opened by any person except himself or one of his assistants;
- (c) He shall deliver to the purchaser any poisonous substance in a package or container securely sealed and fastened;
- (d) Poisons or poisonous substances shall be sold only in bottles, tins, cans, jars, drums or casks of sufficient strength to bear the ordinary risk of transit without leakage;
- (e) If sold in a bottle, any poison or poisonous substance shall be delivered to the purchaser in a round, square, diamond, triangular or other shape approved by the board on which either the words "Poison—not to be taken" or the words "Poisonous—not to be taken" are blown, on which prominent points, stars, flutes, or vertical ribs are blown in such a manner as to render the bottle distinguishable by touch from bottles or vessels ordinarily used as containers of any food, drink or condiment, or for medicines for internal use;
- (f) A label shall not be attached or affixed to any bottle containing any poison or poisonous substance in such a manner that the embossed points, ridges, flutes, stars, name of the article, or the prescribed words blown thereon are covered or obliterated:

Provided that the label may cover the front panel of the bottle and extend around the adjacent sides if the embossed matter on the back panel of the bottle and the name of the article and the prescribed words blown thereon are not covered or obliterated;
- (g) If sold in tins or cans, a poison or poisonous substance shall be delivered to the purchaser—
 - (i) in a tin or can having four sides on one of which sides either the words "Poison—not to be taken" or the words "Poisonous—not to be taken" are embossed, printed or branded distinctly in red letters; or
 - (ii) in a round tin or can securely sealed and having a rounded pyramid shaped or domed top, provided that above the principal label on any such tin or can the words "Not to be taken" are distinctly embossed, printed or branded in red letters of not less than twelve points face measurement bold sans-serif capital type, and that down the sides of the tin or can the word "Poisonous" is embossed, printed, or branded in two places in red letters of not less than thirty points face measurement bold sans-serif capital type;
- (h) If sold in jars, drums or casks, a poison or poisonous substance shall be delivered to the purchaser in a jar drum or cask on which either the words "Poison—not to be taken" or the words "Poisonous—not to be taken" in large red letters are distinctly branded, printed or burnt in;
- (i) Packages or containers of solid poisons or poisonous substances, except caustic soda and caustic potash, shall have indelibly printed or marked thereon in a conspicuous position the following words:—"This package contains poisonous material and must be used only for the purposes stated on the label."
- (j) Poisonous substances intended to be used for the purpose of photography, or as fly poison papers, or for destroying rats and mice or vermin or for sheep dips or agricultural or horticultural purposes shall be distinctly and conspicuously labelled or branded with a notice indicating the special purpose for which the substance or preparation is intended, in addition to any other prescribed label or notice;

- (k) Arsenic or its preparations or paris green, or other coloured arsenical paints and pigments shall not be sold in paper bags or cardboard containers;
- (l) Any poisonous substance intended to be used exclusively for the purpose of destroying rats, mice or birds or vermin shall not be sold or delivered in collapsible tubes, cardboard containers or paper bags;
- (m) Any proprietary preparation for use as a sheep dip or for agricultural or horticultural purposes shall not be sold except in an enclosed vessel or receptacle adequately sealed;
- (n) Liquid disinfectants consisting of or containing any poison or poisonous substance shall not be sold or offered for sale except under the following conditions:—
 - (i) In bottles as prescribed in paragraph (e) of this regulation;
 - (ii) In tins or cans having four sides on one of which the words "Poison—not to be taken" are distinctly embossed, printed or branded in red letters, provided in addition that all other prescribed requirements are complied with; or
 - (iii) In round tins or cans securely sealed and having a rounded, pyramid-shaped, or domed top, provided that above the principal label on such tins or cans either the words "Poison—not to be taken" or the words "Not to be taken" are distinctly embossed, printed or branded in red letters of not less than twelve points face measurement bold sans-serif capital type, and that down the sides of the tins or cans the word "Poison" is embossed, printed or branded, in two places in red letters of not less than thirty points face measurement bold sans-serif capital type:

Provided that the Board may approve of some other suitable form of container in the case of preparations prescribed and intended for internal use only.

PART III.—THE SALE OF METHYLATED SPIRIT.

8. Any person selling or disposing of methylated spirit by retail in any quantity not exceeding one quart shall comply with the following requirements:— Sale of methylated spirit.

The bottle, tin or container immediately containing the same shall be securely corked, and shall be distinctly labelled "Methylated Spirit—Poisonous—not to be taken" and shall indicate thereon the name and address of the vendor.

9. A person shall not sell or offer for sale methylated spirit unless he is the holder of a licence to sell poisons or poisonous substances. Vendor of methylated spirit to hold licence.

10. A person shall not sell or offer for sale methylated spirit in the hours during which liquor may not be sold by licensees under the *Liquor Ordinance 1929-1932*: Hours of sale.

Provided that any shopkeeper or registered pharmacist may sell methylated spirit in the ordinary course of his business during the hours in which his shop may lawfully be kept open or at any time in cases of emergency (except to a person under eighteen years of age) supply that spirit for medical or surgical purposes either on the order of a registered medical practitioner or on the written order of a householder (with whose signature he is acquainted) stating the purpose for which it is required.

PART IV.—THE SALE OF NARCOTIC DRUGS.

11. This Part shall not apply to the sale or delivery of any narcotic drug by a registered pharmacist on a certificate or written authority signed by a registered medical practitioner stating that the drug is required for a person suffering from a chronic or malignant disease: Non-application of this Part IV.

Provided that—

- (a) the certificate or authority is dated and delivered to the registered pharmacist prior to the first sale or delivery of the drug;

- (b) the certificate or authority is retained by him and is attached to the prescription book opposite the entry required to be made by him under the *Pharmacy Ordinance 1931-1933*; and
- (c) all such sales or deliveries are made within six months from the date of the certificate or authority.

Prescriptions to comply with certain conditions.

12. Except in cases of emergency a registered pharmacist shall not dispense any prescription for the supply of a narcotic drug unless the prescription complies with the following conditions:—

- (a) The prescription shall be in writing and dated and signed with the usual signature of the person authorized to give it, and shall specify his own address and the name and address of the person for whom the prescription is given;
- (b) When given by a registered dentist for the purpose of dental treatment, the prescription shall be endorsed "For local dental treatment only";
- (c) When given by a registered veterinary surgeon, the prescription shall be for the purposes of treatment of animals and shall be endorsed "For animal treatment only";
- (d) The prescription shall be endorsed by the registered medical practitioner issuing it with a statement as to the number of times the prescription shall be dispensed;
- (e) Any prescription containing an unusual or dangerous dose shall contain an indication by the registered medical practitioner issuing the prescription drawing attention to the dose as being intentionally prescribed;
- (f) The prescription shall be written in terms and symbols such as are used in ordinary professional practice and shall not be written in secret code or cypher;
- (g) The prescription shall be signed in his own handwriting by the registered medical practitioner issuing it; and
- (h) In any emergency case where a prescription is issued orally to any registered pharmacist, the prescription shall be forthwith reduced to writing and given or despatched without delay to the pharmacist by the person issuing it.

Pharmacists to observe certain conditions in dispensing prescriptions.

13.—(1.) A registered medical practitioner, registered pharmacist or registered veterinary surgeon, or an assistant under the direct personal supervision and control of a registered medical practitioner or a registered pharmacist shall be the only persons permitted to dispense a narcotic drug.

(2.) The following conditions shall be observed by persons dispensing prescriptions containing any narcotic drug:—

- (a) A person shall not dispense a narcotic drug except upon a prescription complying with these Regulations;
- (b) A narcotic drug shall not be supplied more than once on the same prescription, except where the prescription so directs, in which case the drug may be supplied subject to the lapse of a specific interval or of specified intervals on more than one, but not exceeding three, occasions, as directed in the prescription;
- (c) The prescription shall be stamped, marked or inscribed in writing with the date on which it is dispensed, and with the name and business address of the person who dispensed it;
- (d) The person who dispenses the prescription for the last occasion, as prescribed by paragraph (c) of this regulation, shall durably and legibly endorse the prescription with the word "Cancelled";
- (e) A "Cancelled" prescription shall be retained by the person dispensing it and shall be preserved by him for three years from the date of cancellation;
- (f) A person shall not dispense a prescription endorsed as "Cancelled";
- (g) A person shall not dispense any prescription containing any narcotic drug if he has any reason to believe that the prescription is not genuine;
- (h) In the case of a repeated prescription an entry in the prescription book of the particulars of the repetition signed or initialed and dated when dispensed shall be a sufficient compliance with this regulation;
- (i) The label on the bottle or package containing the narcotic drug shall be marked with the identifying letters or number of the prescription as appearing in the prescription book;

- (j) The prescription book shall be kept at the place at which the drug is dispensed and shall at all reasonable times be produced on demand by any authorized person;
- (k) A person shall not dispense any prescription which is illegible or defaced or which appears to have been altered; and
- (l) A prescription containing any narcotic drug which is suspected by a registered pharmacist to whom it is presented of being forged or of having been fraudulently issued, or of not bearing the signature of a registered medical practitioner shall, notwithstanding that it is not dispensed, be retained by such chemist.

14.—(1.) A person shall not—

- (a) supply a narcotic drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or
- (b) supply a preparation of a narcotic drug unless the package or bottle in which it is contained is plainly marked—
 - (i) in the case of a powder, solution or ointment with the total amount thereof in the package or bottle, and the percentage of the drug contained in the powder, solution or ointment; or
 - (ii) in the case of tablets or other similar articles with the amount of the drug in each article and the number of articles in the package or bottle.

Marking of containers with amount of narcotic drug contained therein.

(2.) Nothing in this regulation shall apply in a case where a preparation is supplied as prescribed by or on a prescription lawfully given by a registered medical practitioner.

15. A person who dispenses a narcotic drug on the last occasion permitted by the prescription shall attach to the package or container an adhesive label in the following terms:—

Label to be affixed when prescription last dispensed.

“This prescription cannot be repeated without the consent in writing of your medical adviser.”

16. Every person legally entitled to sell narcotic drugs shall keep all such drugs locked up in a cabinet, cupboard or other similar receptacle which shall be opened only by a person legally entitled to sell those drugs and which shall be kept locked except when the dispensing of the drugs is actually in progress.

Narcotic drugs to be locked up in cupboard.

17. Every person legally entitled to sell narcotic drugs shall comply with the following requirements:—

Persons selling narcotic drugs to comply with certain requirements.

- (a) He shall enter or cause to be entered in a register solely kept for that purpose a record of all supplies of the narcotic drugs purchased or otherwise obtained by him and of the details of the disposal of all those supplies. The register shall be in a form approved by the Board;
- (b) He shall make each entry in the register in ink on the day on which the narcotic drugs are received or disposed of, or, in cases of emergency, on the day immediately following;
- (c) Where business is carried on at more than one premises a separate register shall be kept in respect of each place of business;
- (d) The register shall be kept in some part of the premises to which it relates, and shall be available at all reasonable times for inspection by any authorized person; and
- (e) He shall not make in the register any entry which is untrue in any particular and an entry shall not be obliterated, cancelled or altered. Any mistake in any entry may be corrected by a marginal note or postnote which shall give the correct particulars and bear the date of the correction.

18.—(1.) A registered medical practitioner who keeps a record in a day book showing the particulars of any narcotic drugs supplied by him to any patient and the name and address of the patient and date of supply may, instead of keeping a register in accordance with the provisions of the last preceding regulation, enter separately in a book kept for the purpose references, under the appropriate dates, to the records in the day book of any supply of a narcotic drug.

Records to be kept by medical practitioners, &c.

(2.) This regulation shall also apply to a registered veterinary surgeon supplying any narcotic drug for the purpose of treating animals under his care.

Records to be kept by pharmacists.

19. A registered pharmacist may, instead of keeping the register in the prescribed form, enter separately in the register particulars identifying such entry with the corresponding entry in the "Poisons Book" or "Prescription Book" kept by him provided that the entries made in the prescription book are in the proper sequence and contain the name of the person for whom the prescription was issued, the date on which the medicine was dispensed, and the number of the prescription.

Supply of narcotic drugs for the purpose of addiction.

20. A registered medical practitioner, registered dentist or any other person shall not—

- (a) knowingly give a prescription for a narcotic drug merely for the purpose of addiction; or
- (b) knowingly supply or administer a narcotic drug merely for the purpose of addiction.

Delivery of narcotic drugs to unauthorized persons.

21.—(1.) A narcotic drug shall not be delivered to any person who is not a licensee or who is not otherwise authorized to be in possession of a narcotic drug unless he produces an authority in writing signed by a licensee or authorized person entitling him to receive the drug on behalf of the licensee or authorized person and unless the person supplying the narcotic drug has no reason to believe that the authority is not genuine.

(2.) Nothing in this regulation shall apply to medicines dispensed in the ordinary course of business by a registered pharmacist as prescribed.

Records to be kept by manufacturers.

22. Every manufacturer of a narcotic drug shall—

- (a) keep a register in which he shall enter the quantities of raw materials introduced into the factory, with the date of entry and the exact name of the material, the quantities of raw materials used for the manufacture of narcotic drugs, the quantities of manufactured products delivered with the date of despatch and the exact name of the product, the quantities destroyed and the losses occurring in the course of manufacture, and the quantities used for the manufacture of any products containing narcotic drugs in quantities less than those specified in any declaration made by the Minister in pursuance of section twelve of the Ordinance;
- (b) store all narcotic drugs apart from any other goods on premises which can be securely locked and which are approved by the Board;
- (c) place all narcotic drugs in the receptacle intended for them as soon as possible after manufacture; and
- (d) store all manufactured narcotic drugs apart from any other foods in premises which can be locked up and which are approved by the Board.

PART V.—MISCELLANEOUS.

Periods for which books, &c., are to be preserved.

23. All books, records and documents which are required to be kept or retained for a prescribed period shall (unless otherwise prescribed), in the case of books or records, be preserved for a period of two years from the date on which the last entry is made therein, and, in the case of any document, for a period of two years from the date on which it is first received.

Penalties.

24.—(1.) Any person who contravenes, or neglects, refuses or fails to comply with, any provision of these Regulations shall be guilty of an offence.

(2.) Except as otherwise prescribed, the penalty for any offence against these Regulations shall be a sum not exceeding Twenty pounds.

THE SCHEDULE.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Poisons and Dangerous Drugs Ordinance 1933.

LICENCE.

This is to certify that _____ is licensed by the Pharmacy Board of the Territory for the Seat of Government to sell

at his place of business situated at _____

This Licence shall continue in force until the

day of _____ 19____, unless sooner revoked and is issued subject to the Poisons Regulations.

Dated this _____ day of _____ One thousand nine hundred and _____

Signed on behalf of the Pharmacy Board by—

Chairman.