

An Act to establish a Pharmaceutical Association in the Province of British Columbia.

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183 Euston Road
London NW1 2BE UK
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(9)

CHAPTER 33.

An Act to establish a Pharmaceutical Association in the Province of British Columbia..

[20th April, 1891.]

WHEREAS it is expedient for the benefit of the public that there should, by enactment, be established a certain standard of qualification required by those persons engaging in the profession of Pharmacy:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act shall be cited as the "Pharmacy Act, 1891." Short title.
2. There is hereby established, within and for the Province of British Columbia, an association which shall be known as "The Pharmaceutical Association of British Columbia." "Pharmaceutical Association of B. C."
3. The Association is hereby incorporated under the name and style of "The Pharmaceutical Association of the Province of British Columbia," and the said Association shall be deemed to be a body politic and corporate, with power to acquire, hold, and dispose of such real and personal property as may be necessary for the purposes and benefits of the Association, and to sue and be sued; and every person who may be registered hereafter under the provisions of this Act shall be a member of the said Association. Incorporation.
4. The affairs of the Association shall be conducted by a Council composed of six Licentiates of Pharmacy, members of this Association resident in this Province, three of whom retire annually, according to seniority, eligible for re-election. Four members shall constitute a quorum. Council of the Association.

How elected.

5. This Council shall be elected as the by-laws of the Association may direct.

First Council appointed by Lieut.-Governor.

6. The first Council shall be appointed by the Lieutenant-Governor in Council, three to serve for one year, and three for two years, and shall continue in office until their successors are elected.

Powers of Council.

7. The Council of the Association has power—

(a.) 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, subject to the approval of a majority of the members of the Association, one month's notice having been previously given to the members of this Association to that effect: Provided always that such by-laws shall be subject to the approval of the Lieutenant-Governor in Council :

(b.) To elect at their first meeting subsequent to the annual elections, from among their members, a President and a Vice-President, also a Secretary-Treasurer, who shall act as Registrar, he to be appointed from among the members of the Association :

(c.) To elect persons to replace members of the Council who die, resign, or are removed; such persons must be chosen from among the members of the Association :

(d.) To elect as honorary and corresponding members of the Association such persons as may be eminent for their scientific attainments. Such honorary members shall not, as such, be entitled to vote at elections, or to rank as Licentiates of Pharmacy :

(e.) To sell, mortgage, control, and manage the real and personal property of the Association, subject to the by-laws thereof; but no sale or mortgage of any property of the Association shall be made, except with the approbation and concurrence of a majority at a general meeting of the members of the Association specially called for such purpose :

(f.) To appoint annually, at its first meeting after the annual general meeting of the Association, a Board of Examiners.

Duties of Registrar.

8. It shall be the duty of the Registrar to keep a record, in which shall be registered the names, residences, and place of business of all persons authorized under this Act to practice pharmacy in this Province; also the names of all certified apprentices, their residences, and by whom they are employed; and to grant, on application, certificates of such registration upon the payment of the prescribed fees; and to perform such other work as shall be set forth in the by-laws of the Association.

9. The annual general meeting of the Association shall be held alternately in Victoria, Vancouver, New Westminster, and Nanaimo, or such other place as the Council may direct, on the second Thursday in the month of June of each year, or on such other day near thereto as shall be determined upon by the Council. Votes by proxy in writing shall be legal at all meetings. Special meetings may be called by the President, upon the written request of ten members of the Association, which request shall state the business to be transacted, and at such meeting that business only shall be transacted.

When and where annual general meeting held.

10. The Board of Examiners 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" or "certified apprentices."

Board of Examiners to examine candidates.

11. The Board of Examiners shall dispense with the examination and accept in lieu thereof authenticated certificates of examination by authorized Examining Boards of any Pharmaceutical Association. Such certificates must be accompanied by certificates of good moral character, and shall be subject to such other regulations as may be provided for in the by-laws of this Association: Provided that the by-laws of the Association shall not require on the part of the applicant any previous residential qualification.

When Board may dispense with examination.

12. That it shall be unlawful for any person to practise, or attempt to practise, the profession of a chemist and druggist, or assume or use the title of Chemist and Druggist, or Chemist, or Druggist, or Pharmacist or Apothecary, or Dispensing Chemist, or Dispensing Druggist, within the limits of an incorporated city or town, or one mile thereof, in the Province of British Columbia, without having first received a diploma from the faculty of some reputable College of Pharmacy duly authorized by the laws of Great Britain or its dependencies, or the laws of some foreign Government, and without having had issued to him a certificate under the provisions of this Act: Provided, that all persons who, at any time before the coming into force of this Act, were practising in this Province on their own account as chemists and druggists or apothecaries, are entitled to be registered in conformity with this Act as Licentiates of Pharmacy upon producing before the Registrar evidence of their having exercised their profession as aforesaid: Provided, also, that all clerks who have acted in that capacity for at least four years prior to the passing of this Act, and are, at the time of the passing of this Act, so engaged in this Province, shall be entitled to be placed on the Registry as Licentiates, and that all apprentices, who are acting as such at the time of the passing of this Act, shall be entitled to be placed on the Registry as certified apprentices, and the time they have already served in such capacity shall be allowed them.

Unlawful to practise without certificate.

Proviso in favour of existing practitioners.

Proviso as to clerks.

When certificates
will be issued.

13. All persons qualified by this Act to engage in the practice of Pharmacy within the Province shall, within three months after the passing of this Act, cause their names, residences, and places of business to be registered with the aforesaid Registrar, upon which the said Registrar shall issue to such persons a certificate, duly signed by the officers of the Association, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in this Act. Branch stores in the incorporated cities or towns within the Province must be under the immediate management of a Licentiate of Pharmacy; and it shall also be unlawful for any person carrying on business under the provisions of this Act to employ any clerk or apprentice who is not qualified under this Act.

Branch stores.

Retiring practition-
ers to give notice to
Registrar.

14. Every person having been registered under this Act as a Licentiate shall, on retiring from business as a chemist and druggist, give notice to the Registrar in writing of that fact, in default of which he shall remain liable for his annual registration fees: Provided, that it shall be lawful for any such person to resume the business of chemist and druggist at any time after retiring therefrom as aforesaid, upon giving notice in writing to the Registrar of his intention so to do, and upon payment to him of the then current annual registration fee.

Fees.

15. To provide for the proper enforcement of this Act, the said Council shall be entitled to the following fees, viz.:—For each certificate issued to a Licentiate of Pharmacy engaged in business on his own account, or in partnership with any other person, a sum not exceeding ten dollars annually; for each certificate issued to a Licentiate of Pharmacy, acting in the capacity of a clerk, a sum not exceeding five dollars annually; and for each apprentice, a sum not exceeding two dollars annually.

Sale of poisons.

16. No person shall, within the limits of any incorporated city or town in this Province keep open shop for the retailing, dispensing or compounding poisons, or sell, or attempt to sell, any of the articles mentioned in Schedule "A" to this Act, unless such person is registered under this Act, under the penalty set forth in section 20 in this Act.

Ditto.

17. Articles named or described in Schedule "A" shall be deemed to be poisonous within the meaning of this Act; and the said Council hereinbefore mentioned may from time to time by resolution declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Council shall submit the same for the approval of the Lieutenant-Governor in Council; and if such approval is given, then such resolution and approval shall be advertised in the British Columbia Gazette, and on the expiration of one month from such advertisement the article named in such resolution shall be deemed to be a poison within the meaning

of this Act, and the same shall be subject to the provisions of this Act, or such of them as may be directed by the Lieutenant-Governor in Council.

18. No person shall sell any poison named in Schedule "A" either Sale of poisons. by wholesale or retail unless the box, bottle, vessel, wrapper or cover in which such poison is contained is distinctly labelled with the name of the article and the word "poison," and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and no person shall sell any poison mentioned in Schedule "A" to any person unknown to the seller unless introduced by some person known to the seller, and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose in the form set forth in Schedule "C" to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed, under the penalty set forth in section 20 of this Act.

19. Any article enumerated in Schedule "B" to this Act shall not Ditto. be sold unless the container of such be distinctly labelled with the name of the article, name and address of the seller, and the word "poison" affixed thereto, under the penalty set forth in section 21 of this Act.

20. Any person selling any poison in violation of this Act, or con- Penalty for sale of poisons in violation of Act. travening any of the provisions of this Act, shall for the first offence incur a penalty not exceeding twenty dollars and costs of prosecution, and for each offence committed subsequent to such conviction a penalty not exceeding fifty dollars and costs of prosecution, to be recovered in a summary manner before two Justices of the Peace or Police Magistrate, on the oath of one or more credible witnesses.

21. In any prosecution under this Act it shall be incumbent upon Onus of proof of right to sell to lie on defendant. the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of chemist and druggist, and other title mentioned in section 12 of this Act, and the production of a certificate purporting to be under the hand of the Registrar of this Association showing that he is so entitled shall be primâ facie evidence that he is so entitled.

22. Nothing in this Act shall prevent any person whatever from Wholesale dealers not affected. selling goods of any kind to any person legally authorized to carry on the business of an apothecary, chemist or druggist, or the profession of a doctor of medicine, physician or surgeon, dentist or veterinary

surgeon, nor prevent the members of such professions supplying to their patients such medicines as they may require, nor interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing.

Legal representatives may carry on business of deceased practitioner.

23. 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 *bonâ fide*, provided it is conducted by a Licentiate of Pharmacy registered under this Act, provided such executor, administrator or trustee continue to pay the annual registration fee hereby directed to be paid by members of the said Pharmaceutical Association.

Publication of list of practitioners.

24. The Secretary of the said Council shall, on or before the fifteenth day of January in each and every year, enclose to the Provincial Secretary a list of all persons to whom certificates have been granted, and the qualifications therefor, and such lists shall be published in the British Columbia Gazette.

Penalty for practising without certificate.

25. If any person after a period of three months after the passing of this Act not holding a valid certificate practises the said profession of pharmacy within the limits prescribed in clause twelve, or wilfully and falsely pretends to hold a certificate under this Act, or takes or uses any name, addition or description implying that he is duly authorized to practise the profession or calling of pharmacy, he shall, upon summary conviction thereof before any two Justices of the Peace or Stipendiary Magistrate, for any and every such offence, pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars.

Prescriptions to belong to patient.

26. Any person who presents a prescription to any qualified druggist to be filled shall be entitled to have such prescription returned to him by such druggist.

Appointment of "Public Analyst."

27. It shall be lawful for the Lieutenant-Governor in Council to appoint a fit and proper person to be known as "Public Analyst," who must be a member of the Pharmaceutical Association, and who may be allowed to charge such fees in respect of analyses to be made by him as the Lieutenant-Governor in Council may approve.

Members of medical profession not affected.

28. Nothing in this Act shall prevent any duly qualified members of the medical profession or surgeon from engaging in or carrying on the business of an apothecary, chemist or druggist without registration under the provisions of this Act.

SCHEDULE A.

LIST OF POISONS

Aconite and its preparations.
Arsenic and its preparations.
Belladonna 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.
Euphorbium.
Opium and its preparations, except Paregoric and Syrup of Poppies.
Prussic Acid.
Savin and its oil.
St. Ignatius' Bean.
Strychnine and all poisonous vegetable alkaloids and their salts.
Tartar emetic.

SCHEDULE B.

Acetate of lead.
Oxalic Acid.
Calabar Beans.
Carbolic Acid.
Chloral Hydrate.
Chloroform and Ether.
Croton Oil and Seeds.
Elaterium, Goulard's Extract.
Hellebore.
Henbane and preparations.
Iodine.
Phosphorus.
Red and White Precipitate.
Verdigris.
Sulphate of Zinc.

SCHEDULE C.

POISON SALES REGISTER.

Date.	Name and address of purchaser.	Name and quantity of poison sold.	Purpose for which poison is required.	Signature of purchaser	Signature of person introducing purchaser.	Signature of seller.

VICTORIA, B. C. :

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