

An Act respecting the Pharmaceutical Association.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "The Pharmaceutical Act." C. S. M. c. 9, Div. 5, s. 193, *part*; 52 V. c. 52, s. 37, *part*.

CONSTITUTION OF ASSOCIATION.

Who shall
compose
Association.

2. The following persons, that is to say:—All persons being on the second day of February in the year one thousand eight hundred and seventy eight in actual practice of the profession of Chemists and Druggists, or Dispensing Chemists, or Apothecaries, in this Province, and being duly licensed in conformity with the provisions of an Act passed in the thirty-fourth year of Her Majesty's reign chaptered twenty-six, together with the persons heretofore registered under the provisions of "The Pharmaceutical Association Act of Manitoba," consisting of the Division numbered Five of the Act chaptered Nine of the Consolidated Statutes of Manitoba, or under the provisions of "The Pharmaceutical Association Act, 1889," shall form the Pharmaceutical Association of the Province of Manitoba. C. S. M. c. 9, Div. 5, s. 160, s. 161, *part*; 52 V. c. 52, s. 1, s. 2, *part*.

Name and
style.

3. The Association heretofore incorporated under the name and style of "The Pharmaceutical Association of the Province of Manitoba" is hereby continued, and the said Association shall be deemed to be a body politic and corporate; and every person who may be registered hereafter under the provisions of this Act shall be a member of the said Association, as well as those mentioned in the last preceding section. C. S. M. c. 9, Div. 5, s. 161, *part*; 52 V. c. 52, s. 2.

QUALIFICATIONS OF MEMBERS AND CLERKS.

5 years clerks
to pass exam-
ination.

4. All clerks who have been not less than five years in the trade shall, after a satisfactory examination before the Board of Examiners of the Association, be entitled to be placed on the Register as "certified clerks". C. S. M. c. 9, Div. 5, s. 162; 52 V. c. 52, s. 3.

"Certified
clerks."

5. All clerks and apprentices who have not been five years in the trade shall serve the required length of time as apprentices and pass the examination before they can be registered as "certified clerks." C. S. M. c. 9, Div. 5, s. 163; 52 V. c. 52, s. 4.

6. Every person, before he is taken as apprentice by a pharmaceutical chemist, shall produce satisfactory evidence of a good moral character, and pass a preliminary examination or otherwise satisfy the Council of his proficiency, after which he shall be registered as a "certified apprentice." C. S. M. c. 9, Div. 5, s. 164, *part*; 52 V. c. 52, s. 5.

7. (a.) In addition to the preliminary examination of apprentices, there shall be two other examinations; the first, to be called the "minor examination," shall be passed by all certified apprentices before they can take the position and become qualified as "certified clerks";

(b.) The candidate must also produce evidence that he has served at least two years in a drug store, and shall be examined in the translation and dispensation of prescriptions pharmacy, chemistry (especially the chemistry of poisons) posology and *materia medica*;

(c.) After passing the minor examination, the candidate shall be registered as a "certified clerk." C. S. M. c. 9, Div. 5, s. 165, *part*; 52 V. c. 52, s. 6.

8. (a.) The second examination shall be called the "major examination" and shall embrace the same subjects as the "minor examination," but a knowledge of botany and a more extended knowledge of *materia medica* and pharmaceutical chemistry will be required;

(b.) The candidate must also produce evidence that he has served at least four years in a drug store and has attended two courses of lectures on chemistry, two courses on *materia medica* and one course on botany, at some regular college or school of pharmacy recognized and approved of by the Council of said Association;

(c.) After passing the examination and producing the required certificates, the candidate shall be registered as a "Licentiate Pharmaceutical Chemist." C. S. M. c. 9, Div. 5, s. 166; 52 V. c. 52, s. 7.

9. All the examinations referred to in the previous clauses—namely, the preliminary examination, the minor examination and the major examination—shall take place and be regulated by such rules, regulations 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 any such rules or by-laws. C. S. M. c. 9, Div. 5, s. 167; 52 V. c. 52, s. 8.

Substitution
of certificate
of other Asso-
ciation for
examination.

10. The board of examiners for the time being shall dispense with the examinations herein provided for, and shall accept in lieu thereof authenticated certificates of examination but such certificates of examination shall be accepted and recognized only when issued by Pharmaceutical Associations or corporations which require the same or equivalent courses of study and service by candidates as those required by The Pharmaceutical Association of the Province of Manitoba. C. S. M. c. 9, Div. 5, s. 168, *part*; 52 V. c. 52, s. 9.

Who may be
admitted a
member of
the Associa-
tion.

11. Every person possessing a diploma or certificate of admission to practice as a Pharmaceutical Chemist, granted by any Pharmaceutical Association or College of Pharmacy empowered by law to grant such diploma or certificate and recognized by the Council, shall be admitted a member of The Pharmaceutical Association of the Province of Manitoba, upon payment of the fees required by the by-laws of the Association and producing such diploma or certificate to the Registrar of the Pharmaceutical Association of the Province of Manitoba, with proof satisfactory to the Council of the said Association that he was in good standing and in the actual practice of his profession up to the time of his coming to this Province; but in default of such proof he may be required to pass such examination or examinations as the Council of such Association shall require:

Proviso.

Provided, always, that any such person who shall have been carrying on the business of a pharmaceutical chemist within the Province of Manitoba as now constituted, at least six months prior to the second day of February in the year of our Lord one thousand eight hundred and seventy-eight, shall be entitled to be admitted a member of such Association without undergoing any examination. 46 and 47 V. c. 40, s. 1, *part*; 52 V. c. 52, s. 10.

METTINGS—COUNCIL.

General meet-
ings.

Council.

How ques-
tions decided.

12. There shall be general meetings of the said Association held from time to time as hereinafter mentioned, and there shall always be a Council to direct and manage the affairs of the said general meetings; and the Council shall have the entire direction and management of the said corporation in the manner and subject to the regulations hereinafter mentioned; and at all general meetings and meetings of the Council the majority of the members present having a right to vote thereat respectively shall decide upon the matters proposed to such meetings, the person presiding having, in case of an equality of votes, a casting vote. C. S. M. c. 9, Div. 5, s. 170, *part*; 52 V. c. 52, s. 11.

13. The Council of the Association shall be composed of ^{The Council.} not more than seven, nor less than five members, to be elected in accordance with the provisions of the Act. C. S. M. c. 9, Div. 5, s. 171; 46 and 47 V. c. 40, s. 2; 52 V. c. 52, s. 12.

14. The members of such Council shall be elected or ^{Election of members of Council.} appointed, as the case may be, for the period of two years; but any member may resign his appointment at any time by letter addressed to the President or to the Secretary of the Council; and upon the death, resignation or removal from the Province of Manitoba of any member of the Council, it shall be lawful for the Council to elect and appoint some other person, being a member of the Association, to supply the vacancy so made, and the person so appointed shall be taken in all respects as regards the duration of office to represent the person in whose stead he has been appointed. C. S. M. c. 9, Div. 5, s. 172; 52 V. c. 52, s. 13.

15. It shall be lawful for members of the Association to hold general meetings once in the year and also such special ^{When annual general meeting to be held.} general meetings as the Council may from time to time think proper. The annual general meeting shall be held on the third Wednesday in the month of April in each year, or at such time as shall be determined by the Council, notice of ^{Notice.} the place and time of holding such annual meeting to be given in the manner provided by the by-laws; and, further, upon the requisition in writing of six members of the Association ^{Special meetings.} entitled to vote, requesting the Council to convene a special general meeting of the Association for the purpose specified in the requisition, such meeting shall accordingly be convened by the said Council within such reasonable time as the Council shall see fit, they first giving such notice thereof as may be required by the by-laws of the corporation, which notice shall state the purposes for which the same is convened. C. S. M. c. 9, Div. 5, s. 173, *part*; 52 V. c. 52, s. 14.

16. The persons qualified to vote at every election shall be ^{Voters' qualification.} such persons as are members of the Association. C. S. M. c. 9, Div. 5, s. 174, *part*; 52 V. c. 52, s. 15.

17. The Council of the said corporation for the time being shall, at their first meeting after the election of the Council, ^{Appointment of officers.} appoint a Registrar and such other officers as the said Council may consider necessary and shall elect from their members a President, Vice-President, and Treasurer. C. S. M. c. 9, Div. 5, s. 175, *part*; 52 V. c. 52, s. 16.

REGISTRAR.

18. It shall be the duty of the Registrar of the Association ^{Duties of Registrar.} to make and keep a correct register in accordance with the provisions of this Act, according to the form in Schedule C to

this Act, of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act. C. S. M. c. 9, Div. 5, s. 176, *part*; 52 V. c. 52, s. 17.

Register.

19. No names shall be entered in the register except of persons authorized by this Act to be registered, nor unless the Registrar be satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the Registrar may be decided by the Council of the Association; and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made may be amended or erased in the register by order of such Council. C. S. M. c. 9, Div. 5, s. 177, *part*; 52 V. c. 52, s. 18.

POWERS OF COUNCIL.

Powers of Council.

20. The Council of the said Association shall have authority to prescribe the subjects upon which candidates shall be examined; to establish a scale of fees, not to exceed twenty dollars, to be paid by persons applying for examination or registration; to provide for the appointment and remuneration of examiners and officers of the said Association, and for the payment of remuneration or indemnity to the members of the said Council in attending its sittings or in attending upon the business of the said Association; to prescribe the annual fees to be paid (1) by Licentiate Pharmaceutical Chemists carrying on business or employed in the business of another or of a firm, (2) by certified clerks, (3) by certified apprentices; to prescribe the fines and penalties for default in payment of fees and the terms of re-admission to the privileges of the Association, whether such default occurred before or after the passing of this Act; and, generally, such by-laws, rules and regulations as they shall deem necessary for the carrying out of the objects of this Act. C. S. M. c. 9, Div. 5, ss. 178, 180, *part*; 52 V. c. 52, s. 19, *part*.

Amending and revoking by-laws, &c.

21. The Council may, from time to time, amend or revoke any of its by-laws, rules and regulations or substitute other by-laws, rules or regulations in their stead; and such by-laws, rules and regulations may also be amended, altered or repealed in part at any annual general meeting of the Association, provided previous notice be given of the intention so to do, such notice to be in accordance with the by-laws in force for the time being. C. S. M. c. 9, Div. 5, s. 180, *part*; 52 V. c. 52, s. 19, *part*.

Former by-laws preserved.

22. All by-laws, rules and regulations heretofore passed, not inconsistent with this Act, shall be valid and effectual

but subject to be repealed or altered under this Act. 52 V. c. 52, s. 19, *part*.

23. The examinations of the Association may be conducted by the members of the Council or by persons appointed by them. 52 V. c. 52, s. 19, s-s. (a.) Conduct of examinations.

24. The Council of the Association shall have the sole control and management of the real and personal property of such Association, subject to the by-laws thereof: Council to have control of property.

Provided, always, that no sale or mortgage of any property of the Association shall be made, except with the approbation and concurrence of the annual meeting of the members of the said corporation or a general meeting thereof specially called for such purpose. C. S. M. c. 9, Div. 5, s. 179; 52 V. c. 52 s. 20. Proviso.

REAL ESTATE.

25. The said Pharmaceutical Association of the Province of Manitoba shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same or any part thereof to alienate, exchange mortgage, lease or otherwise charge or dispose of as occasion may require, and may erect buildings for the purpose of accommodating lectures on chemistry or pharmacy or any other subjects prescribed by the Council, or for a library, pharmaceutical museum or specimen room for the use of the members, clerks and apprentices of said Association, or for any other purpose or purposes required by the Association, and all fees payable under this Act shall belong to the said Association for the purposes thereof. 52 V. c. 52, s. 21. Power to acquire and hold real estate.

EFFECT OF REGISTRATION.

26. Any person registered under this Act, and no other, shall be entitled a "Pharmaceutical Chemist," and no other person except a Pharmaceutical Chemist as aforesaid, or a certified clerk or clerks in his employment, shall be authorized to compound prescriptions of legally authorized medical practitioners or veterinary surgeons; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, certified clerk or certified apprentice, or member of the said Association, who is in default now or hereafter in respect of any fees payable by him by virtue of this Act or the by-laws of this Association. C. S. M. c. 9, Div. 5, s. 181, *part*; 52 V. c. 52, s. 22. Who may compound prescriptions.

27. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form in Schedule D to this Act, or to the like effect, under the corporate seal of the said Association and signed by the Registrar, and shall Certificate of registration.

be entitled to receive a similar certificate annually, upon payment of a fee to be determined by the Council : but no person shall be entitled to receive any certificate who is in arrears for fees of previous years, but in no case shall more than the amount of three years' arrears be required to be paid before the issue of such certificate. C. S. M. c. 9, Div. 5, s. 182, *part* ; 52 V. c. 52, s. 23.

REGULATIONS AND PROHIBITIONS.

Penalty for
misrepresent-
ing drug, &c.

28. No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine, which it is not in fact ; and any person so doing, besides any other penalties to which he may be liable, shall be subject to the penalties prescribed by the thirty-third section of this Act. C. S. M. c. 9, Div. 5, s. 183 ; 52 V. c. 52, s. 24.

Compounds
to be prepared
under auth-
ority.

29. All compounds mentioned in the British Pharmacopœia shall be prepared according to the formula directed in the latest edition published "by authority," unless the Pharmaceutical Association of this Province shall select another standard, or unless the label distinctly shows that the compound is prepared according to another formula. C. S. M. c. 9, Div. 5, s. 184 ; 52 V. c. 52, s. 25.

Unauthorized
persons not to
sell poisons or
assume title
implying
license.

30. From and after the first day of March in the year of our Lord one thousand eight hundred and seventy it has been, and hereafter it shall continue to be, unlawful for any person to sell, or keep open a shop for retailing, dispensing or compounding, poisons, or to sell or attempt to sell any of the articles mentioned in Schedule A of this Act, or to assume the title "chemist and druggist," or "pharmaceutical chemist" or "druggist," or "pharmacist," or "apothecary," or "dispensing chemist," or "dispensing druggist," in any part of the Province of Manitoba, unless such person shall be a member of the Association continued under this Act, nor unless such person has taken out a certificate under the provisions of the twenty-seventh section of this Act or the corresponding provisions of said former Acts for the time during which he is selling or keeping open shop for retailing, dispensing or compounding poisons, or assuming or using such title. C. S. M. c. 9, Div. 5, s. 185 ; 52 V. c. 52, s. 26.

POISONS.

What to be
deemed
poisons.

31. The several articles named or described in Schedule A to this Act shall be deemed to be poisons within the meaning of this Act, and the Council of the Association 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 society shall submit the

name for the approval of the Lieutenant Governor in Council; and if such approval shall be given, then such resolution and approval shall be advertised in the *Manitoba Gazette*, and on the expiration of two months 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. C. S. M. c. 9, Div. 5, s. 186; 52 V. c. 52, s. 27.

32. It shall be unlawful to sell any poison named in the first part of Schedule A either by wholesale or retail, 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, if sold by retail, then also with the name and address of the establishment in which such poison is sold; and it shall be unlawful to sell any poison mentioned in the first part of 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 B to this Act, stating the date of 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. C. S. M. c. 9, Div. 5, s. 187, *part*; 52 V. c. 52, s. 28.

Poisons, how
to be sold.

PENALTIES AND PROSECUTIONS.

33. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence incur a penalty of not less than twenty dollars and not exceeding one hundred dollars and costs of prosecution, and, for each offence committed subsequent to such conviction, a penalty not less than fifty dollars and not exceeding two hundred dollars and the costs of prosecution, to be recovered by summary conviction before any two justices of the peace, one of whom may take the information and issue the summons, or before a Police Magistrate, one moiety to belong to the prosecutor and the other to the Treasurer of The Pharmaceutical Association of the Province of Manitoba for the use of the Association. In default of payment and of sufficient distress, the defendant shall, for the first offence, be liable to imprisonment for any term not exceeding two months, and, for each subsequent offence, for any term not exceeding four months. Every prosecution under this Act shall be commenced within six months from the date of the alleged offence. C. S. M. c. 9, Div. 5, s. 188, *part*; 52 V. c. 52, s. 29.

Penalty for
transgression
of this Act.

Burden of
proof in
prosecution.

34. In any prosecution under this Act, it shall be incumbent on 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 or other like title to the like effect; and the production of a certificate purporting to be under the hand of the Registrar and under the seal of the said Association, showing that he is entitled, shall be *prima facie* evidence that he is so entitled. C. S. M. c. 9, Div. 5, s. 189, *part*; 52 V. c. 52, s. 30.

Price of
articles sold
in violation
hereof not
recoverable.

35. No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of law or equity; and no branch doing business shall be carried on by a Pharmaceutical Chemist unless he employs in it a duly registered Pharmaceutical Chemist. C. S. M. c. 9, Div. 5, s. 190; 52 V. c. 52, s. 31, *part*.

SAVING CLAUSE.

Privileges of
physicians
and surgeons
not interfered
with.

36. Nothing in this Act contained shall extend to or interfere with the privileges conferred upon physicians and surgeons by any of the Acts relating to the practice of medicine and surgery in this Province, and they may be registered as Pharmaceutical Chemists without undergoing examination, upon compliance with this Act and the by-laws of the Association in all other respects, and thereafter they shall be subject to the requirements of this Act; nor shall it prevent any person whatever from 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 or veterinary surgeon, or to prevent the members of such professions supplying to their patients such medicines as they may require; and 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 executors, administrators or trustees of the estate of such person to continue such business so long only as such business shall be *bona fide* conducted by a Pharmaceutical Chemist registered under this Act. C. S. M. c. 9, Div. 5, s. 191; 52 V. c. 52, s. 32.

ERASING NAMES FROM REGISTER.

Persons' names
may in
certain cases
be erased from
register.

37. Upon the resolution of the Council of the Association being passed, declaring that any person, in consequence of his conviction for an offence or offences against this Act, is in the opinion of such Council unfit to be on the register under this Act, the Lieutenant Governor in Council may direct that the name of such person shall be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly. C. S. M. c. 9, Div. 5, s. 192, *part*; 52 V. c. 52, s. 33.

EVIDENCE OF REGISTRATION.

38. (a.) The Registrar of the Association shall from time to time, under the direction of the Council, cause to be printed and published, a correct register of the names, in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule C to this Act or to the like effect, together with the titles, diplomas and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication; and such register shall be called "The Manitoba Pharmaceutical Register," and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all Courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; and, subject to the provisions of sub-section (b.) of this section, the absence of the name of any person from such register shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Alphabetical
list of mem-
bers to be
published.

(b.) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the Council of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act. 52 V. c. 52, s. 34.

Omission of
names from
list.

PUBLIC ACT.

39. This Act shall be deemed to be a public Act. 52 V. Public Act. c. 52, s. 36.

SCHEDULES.

The following are the Schedules referred to in this Act;—

SCHEDULE A.

(Sections 29, 30.)

LIST OF POISONS

Poisons.

Part 1.

Acid, Hydrocyanic (Prussic.)
Aconite and the compounds thereof.
Antimony, Tartrate of.
Arsenic and the compounds thereof.

Atropine.
Conia and the compounds thereof.
Corrosive Sublimate.
Digitaline.
Ergot.
Hemp, Indian.
Morphia, and its salts and solutions.
Strychnine and Nux Vomica.
Savine, and preparations of.
Veratria.

Part 2.

Acid, Oxalic.
Belladonna and the compounds thereof.
Beans, Calabar.
Cantharides.
Chloral, Hydrat.
Chloroform.
Conium and the preparations thereof.
Croton oil and seeds.
Cyanide of Potassium.
Euphorbium.
Elaterium.
Gouleard Extract.
Hyosciamus, and preparations.
Hellebore.
Opium, with its preparations including Laudanum, &c.,
but not Paregoric.
Podophyllin.
St. Ignatius Beans.
Santonine.
Scammony.
Stramonium, and preparations.
Verdigris.

C. S. M. c. 9, Div. 5, s. 193, Form A ; 52 V. c. 52, Sch. A.

SCHEDULE B.

(Section 30.)

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Address of Purchaser.	Name of Person Introducing Purchaser.
			C. S. M. c. 9, Div. 5, s. 193, Form B; 52 V. c. 52, Sch. B.			

SCHEDULE C.

(Sections 18 and 36.)

Name.	Residence.	Qualifications.	Remarks.
A. B.	Winnipeg.	Licensed under 34 Vic., Cap 26. (Sec. 15).	Dead.
C. D.	St. Boniface.	Examined and certified 23rd August, 1878.	
E. F.	Selkirk.	Served apprenticeship and as assistant.	Erased by order of Lieut.-Governor, dated 1st July, 1890.
		C. S. M. c. 9, Div. 5, s. 193, Form C; 52 V. c. 52, Sch. C.	

SCHEDULE D.

(Section 25.)

CERTIFICATE OF REGISTRATION.

Certificate of
registration as
a Pharmaceu-
tical Chemist.

I hereby certify that C. D., having first passed the examination prescribed by the Council of The Pharmaceutical Association of the Province of Manitoba, (*or having been in business prior to the Pharmaceutical Act of 1878 as a licensed chemist and druggist, as the case may be*) was on the day of duly registered as a Pharmaceutical Chemist (*or certified clerk or certified apprentice, as the case may be,*) and is entitled to the privileges of a Pharmaceutical Chemist (*clerk or apprentice, as the case may be*) in the Province of Manitoba from the day of 18 18 until the day of 18 .

Registrar.

*52 V. c. 52, Sch. D.