

Hon. Mr. Dick.

## PHARMACY.

### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"><li>1. Short Title.</li><li>2. Date of coming into operation.</li><li>3. Division.</li><li>4. Interpretation.</li></ol> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">PHARMACY BOARD OF NEW ZEALAND.</p> <ol style="list-style-type: none"><li>5. Appointment of Board of Pharmacy.</li><li>6. Election and removal of members and President.</li><li>7. First President and members.</li><li>8. President and members after three years.</li><li>9. Quorum.</li><li>10. Board may appoint officers.</li><li>11. Board may make regulations.</li><li>12. Examination of persons and witnesses.</li></ol> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">PHARMACEUTICAL REGISTER OF NEW ZEALAND.</p> <ol style="list-style-type: none"><li>13. Register. First Schedule.</li><li>14. Fees to be paid. Second Schedule.</li><li>15. Board may alter register and erase names therefrom.</li><li>16. Notice of change of residence, or death, of registered pharmaceutical chemist to be sent to the Board.</li></ol> | <ol style="list-style-type: none"><li>17. Board may strike name off register in certain cases.</li><li>18. Board to cause annual list to be made.</li><li>19. Printed registers and documents to be evidence.</li></ol> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">REGISTERED PHARMACEUTICAL CHEMISTS.</p> <ol style="list-style-type: none"><li>20. Qualification of registered pharmaceutical chemists. Third Schedule.</li><li>21. Who may be present at examination, and who may be examined by the Board.</li><li>22. Board to control examinations in practical pharmacy.</li><li>23. Declaration required previously to registration. Fourth Schedule. Fifth Schedule. Sixth Schedule. Seventh Schedule.</li></ol> <p style="text-align: center;">PART IV.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <ol style="list-style-type: none"><li>24. Person selling adulterated drugs presumed to know of adulteration.</li><li>25. Reserving rights to certain persons.</li><li>26. Penalty for fraudulent registration.</li><li>27. Offences and penalties.</li><li>28. Penalties recoverable before a Resident Magistrate or two Justices. Schedules.</li></ol> |
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### A BILL INTITULED

AN ACT to establish a Board of Pharmacy in New Zealand.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Pharmacy Act, 1880."
2. This Act shall come into operation on the *first day of January, one thousand eight hundred and eighty-one.*
3. It is divided into Parts as follow:—
  - PART I.—The Pharmacy Board of New Zealand.
  - PART II.—The Pharmaceutical Register of New Zealand.
  - PART III.—Registered Pharmaceutical Chemists.
  - PART IV.—Miscellaneous.
4. "Chemist and druggist" in this Act means all persons who, at any time before the passing of this Act, have carried on in New Zealand the business of a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly-qualified medical practitioners, and also of all such persons as may be duly registered under this Act.

Short Title.

Date of coming into operation.

Division.

Interpretation.

"Drug" or "drugs" in this Act means drugs for internal or external use, and shall extend to all articles taken or sold as medicines.

## PART I.

## PHARMACY BOARD OF NEW ZEALAND.

- Appointment of Board of Pharmacy.** 5  
5. Subject to the provisions of this Part of this Act, the Governor in Council may appoint a Board, consisting of a President and six other members, under the style of "The Pharmacy Board of New Zealand," hereinafter in this Act termed "the Board."
- Election and removal of members and President.** 10  
6. No person shall be elected or appointed President or member for more than three years, but shall be eligible for re-election or reappointment, and the Governor in Council may from time to time remove the President or any other member of the Board.
- First President and members.** 15  
7. The first President and other six members of the Board shall be appointed by the Governor in Council, without previous election, provided that no person shall be so appointed who does not appear to be eligible for registration as a registered pharmaceutical chemist. Such President and members shall be appointed for a period of three years. If any vacancy occur in the Board during such period the Governor in Council may appoint thereto, without previous election, any registered pharmaceutical chemist; and the person so appointed shall hold office until the expiration of three years from the date of the appointment of the first members of the Board under this Act, and no longer. 20
- President and members after three years.** 25  
8. At the expiration of the period for which the first President and members of the Board shall be appointed to hold office, no person shall be a member of the Board unless he be a registered pharmaceutical chemist, and unless he shall have been elected to act as a member of the Board by the registered pharmaceutical chemists of New Zealand; and no person shall be appointed as President unless he be a member of the Board, and shall have been elected by the other members to act as President. Every election shall be held in manner prescribed by regulations to be made by the Board, subject to the approval of the Governor in Council. 30
- Quorum.** 35  
9. A quorum of the Board shall consist of not less than three members thereof, and in the absence of the President from any meeting of the Board, one of the members present shall be elected chairman of that meeting.
- Board may appoint officers.** 40  
10. The Board may from time to time appoint a Registrar, Deputy-Registrars, and any other officers whom they may require for the purposes of this Act, and shall have power to remove the same at any time. 35
- Board may make regulations.** 45  
11. The Board may from time to time make, alter, or rescind regulations for the purposes of carrying this Act into effect. Such regulations shall not have any effect if they be repugnant to any law in force in New Zealand or to the provisions of this Act, nor until they shall have been confirmed by the Governor in Council, and published in the Government *Gazette*. 40
- Examination of persons and witnesses.** 45  
12. The Board may question any person who may attend before the Board and any witness who may be produced before the Board, and may examine any persons upon oath, or take a solemn declaration from such persons; and if any person shall wilfully, knowingly, or corruptly make any false statement upon such examination or in such declaration, or shall utter or attempt to utter or put off as true before the Board any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing, he shall be guilty of a misdemeanour, and, being thereof duly convicted, he shall be liable to be imprisoned for any period not exceeding one year. 50

## PART II.

## PHARMACEUTICAL REGISTER OF NEW ZEALAND.

13. The Board shall from time to time cause the names of all persons certified by the Board as duly qualified for registration as registered pharmaceutical chemists to be registered, with their residences and qualifications, in a book to be kept by the Board for that purpose in the form in the *First Schedule* to this Act, or to the like effect, and such register shall be called "The Pharmaceutical Register of New Zealand." All persons, so long as their names continue to be enrolled in such register, may be described in this or any other Act or any regulations as "registered pharmaceutical chemists."
14. Previously to registration or examination under this Act such fees shall be payable as are set out in the *Second Schedule* to this Act, or such other fees as may from time to time be fixed and determined by any regulation hereafter to be made by the Board in accordance with this Act; and the said fees shall be paid to the Registrar of the Board for the purposes of this Act.
15. The Board may from time to time make the necessary alterations in the registration of the qualifications and addresses of the persons registered under this Act, and may from time to time write or cause to be written a letter to any registered pharmaceutical chemist, addressed to him according to his last known address, to inquire whether he has changed his residence, and if no answer be returned to such letter within the period of six months from the sending thereof, the Board may erase the name of such person from the Pharmaceutical Register, and may restore the same to such register upon the personal application of such person and production of his certificate or satisfactory proof of his former registration.
16. Every registered pharmaceutical chemist on changing his residence shall intimate the same to the Board, and every Deputy Registrar in New Zealand on receiving information of the death of any registered pharmaceutical chemist shall forthwith transmit notice thereof by post to the President of the Pharmacy Board in Wellington, and on receipt of such notice the Board shall erase the name of such chemist from the Pharmaceutical Register of New Zealand.
17. If any registered pharmaceutical chemist be convicted of any offence under this Act which in the opinion of the Board renders him unfit to be on the Pharmaceutical Register of New Zealand, the Board may, subject to the approval of the Governor in Council, order the name of such person to be erased from such register, and such erasure shall be a disqualification as a registered pharmaceutical chemist within the meaning of this Act, and it shall be the duty of the Board to erase such name accordingly.
18. The Board shall, in the month of January in each year, cause to be printed, published, and sold, a correct register of the names of all the registered pharmaceutical chemists, and in such registers respectively the names shall be in alphabetical order, according to the surnames, with the respective residences of such chemists; and such printed register shall be called "The Pharmaceutical Register of New Zealand for 18," and for every succeeding year.
19. A printed copy of such register for the time being purporting to be printed and published with the authority of the Board as aforesaid, or a copy of the Government *Gazette* purporting to contain regulations made by the Board, shall be *prima facie* evidence in all Courts of justice and in all legal proceedings whatsoever that the persons specified in such printed register are registered according to the provisions of this Act, or that such regulations were duly made;

Register.

*First Schedule.*

Fees to be paid.

*Second Schedule.*

Board may alter register and erase names therefrom.

Notice of change of residence, or death, of registered pharmaceutical chemist to be sent to the Board.

Board may strike name off register in certain cases.

Board to cause annual list to be made.

Printed registers and documents to be evidence.

and the absence of the name of any person from such printed register for the time being shall be evidence until the contrary shall be made to appear that such person is not a registered pharmaceutical chemist.

## PART III.

## REGISTERED PHARMACEUTICAL CHEMISTS.

Qualification of registered pharmaceutical chemists.

20. No person shall receive from the Board a certificate that he is duly qualified for registration as a registered pharmaceutical chemist unless he shall have attained the age of twenty-one years, and unless—

- (1.) At any time before the date of the commencement of this Act he shall for not less than two months have carried on the business of a chemist and druggist or homœopathic chemist, in the keeping of an open shop for the compounding and dispensing of the prescriptions of legally-qualified medical practitioners; or unless
- (2.) At any time before the date of the commencement of this Act he shall for not less than six months have been employed as a dispensing assistant in an open shop for the compounding and dispensing of the prescriptions of legally-qualified medical practitioners, or until he shall have been for not less than three years employed as a dispensing chemist in an hospital, charitable institution, or other public institution; or unless
- (3.) He hold a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist, or homœopathic chemist, from the Pharmaceutical Society of Great Britain, or any college or Board of Pharmacy recognized by the Board under any regulations made under this Act; or unless
- (4.) He shall have served for not less than four years as an apprentice in the business of a registered pharmaceutical chemist, or chemist and druggist, or homœopathic chemist, keeping open shop for the compounding and dispensing of the prescriptions of legally-qualified medical practitioners, and shall also have attended one course of lectures and passed examinations in each of the following subjects at the University of New Zealand or some school or college of pharmacy recognized by the Board—*materia medica* and medical botany, and practical chemistry—or shall have passed examinations before the Board as hereinafter provided in the subject of practical pharmacy and any subject that may be prescribed by the Board with the approval of the Governor in Council: Provided always that any person having served or serving in New Zealand a period of not less than three years' apprenticeship whose period of apprenticeship shall have commenced three months at least before the date of the commencement of this Act either with a chemist and druggist, or in a public hospital, shall be required to pass such modified examination only as the Board may prescribe.

Third Schedule.

A certificate of qualification, in the form of the *Third Schedule* hereto, shall entitle the person named therein, on payment of the proper fee, to be registered under this Act at any time within six months after the date of such certificate.

Who may be present at examination, and who may be examined by the Board.

21. The Board shall permit any officer or person appointed by the Governor in Council to be present during the progress of any examination conducted by the Board.

No person shall be examined by the Board as directed by the next following

section until he furnish a statutory declaration by a master chemist, in the form in the *Seventh* Schedule hereto, or to the like effect, of his having served the apprenticeship, and, where necessary, certificates of his having attended one course of lectures and passed the examinations, directed in the last subsection of section

5 *twenty*.

22. The Board shall have power to control and direct all examinations in practical pharmacy and such other subjects as may from time to time be approved by the Governor in Council and published in the regulations of the Board. Such examination shall not include the theory and practice of medicine, surgery, or

10 midwifery. The Board may grant or refuse to such persons certificates of competency, skill, knowledge, and qualification to exercise the business or calling of a pharmaceutical chemist. In case of rejection a rejected candidate may present himself for re-examination after a period of six months.

Board to control examinations in practical pharmacy.

23. Every person who desires a certificate of qualification for registration under this Act, or to be examined by the Board, shall furnish the Board with a statutory declaration according to the *Fourth* or *Fifth* Schedule, or to the like effect.

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Declaration required previously to registration.  
*Fourth* Schedule.  
*Fifth* Schedule.

Where a person applies for such certificate under subsection one of section *twenty* his declaration must be accompanied by the statutory declaration of a

20 Justice or legally-qualified medical practitioner, in the form in the *Sixth* Schedule or to the like effect, that such Justice or practitioner from his own knowledge believes the statement of the applicant to be correct and true.

*Sixth* Schedule.

Where a person applies for such certificate under subsection two of section *twenty* his declaration must be accompanied by a statutory declaration, in the form in the *Seventh* Schedule or to the like effect, of the person in whose shop he was employed, or of the Governor or Superintendent of the public institution in which he served, that the statement of the applicant is correct and true.

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*Seventh* Schedule.

Where a person applies for such certificate under subsection three of section *twenty* his declaration must be accompanied by the certificates or diplomas on which he bases his application. Such certificates or diplomas shall be returned to the applicant by the Board.

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#### PART IV.

##### MISCELLANEOUS.

24. Any person, whether registered under this Act or not, who sells or offers for sale any drug which is adulterated, shall, notwithstanding any enactment to the contrary, be deemed to have knowledge of such adulteration unless the contrary be proved by such person.

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Person selling adulterated drugs presumed to know of adulteration.

25. Nothing herein contained shall extend to or interfere with the business or with any rights and privileges of any legally-qualified medical practitioner, or of any member of the Royal College of Veterinary Surgeons of Great Britain, nor with the business of wholesale dealers in supplying drugs and chemicals in the ordinary course of wholesale dealing; and upon the decease of any registered pharmaceutical chemist actually in business at the time of his death it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist to continue such business for a period of twelve months and no longer unless by permission of the Board of Pharmacy of New Zealand if and so long as such business is *bonâ fide* conducted by a registered pharmaceutical chemist.

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Reserving rights to certain persons.

26. Any Deputy Registrar or other person who shall wilfully make or cause to be made any falsification in any matter relating to the Pharmaceutical Register of New Zealand, or the Pharmaceutical Register of New Zealand for any year, and any person who shall wilfully procure or attempt to procure

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Penalty for fraudulent registration.

himself to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any one aiding or assisting therein, shall be deemed guilty of a misdemeanour punishable by fine or imprisonment, and shall on conviction be liable to a penalty not exceeding *twenty* pounds, or to imprisonment for any term not exceeding *twelve* months. 5

Offences and penalties.

27. From and after *six* months after the date of the first appointment of the Board, any person who commits in New Zealand any of the following offences shall, on conviction thereof, be liable to a penalty of not exceeding *ten* pounds for each offence, and may also be committed to prison for any period not exceeding *six* months :— 10

- (1.) Any person not being a registered pharmaceutical chemist who carries on or attempts to carry on business in the keeping of an open shop for the compounding of the prescriptions of duly-qualified medical practitioners, or as an homœopathic chemist. 15
- (2.) Any person not being a registered pharmaceutical chemist who takes, uses, or exhibits the name or title of, or who pretends to be, a registered pharmaceutical chemist, chemist and druggist, chemist, druggist, pharmacist, pharmaceutist, pharmaceutical chemist, homœopathic chemist, dispensing chemist, or dispensing druggist. 20
- (3.) Every registered pharmaceutical chemist, or person in the employ of such chemist, who prescribes or practices medicine or surgery except in accordance with any rights and privileges hitherto enjoyed by chemists and druggists in their open shops.
- (4.) Any person who fails to comply with the provisions of this Act or any regulations made hereunder. 25

Nothing in this Act shall prevent any person from being liable to any penalty, damages, or punishment to which he would have been liable if this Act had not been passed.

Penalties recoverable before a Resident Magistrate or two Justices.

28. All offences under this Act shall be adjudicated on and all penalties imposed by this Act shall be recovered in a summary manner before a Resident Magistrate or two Justices of the Peace, and all penalties when recovered shall be paid to the Board to be applied towards the expenses of carrying this Act into effect. 30

Schedules.

SCHEDULES.

FIRST SCHEDULE.

REGISTER OF PHARMACEUTICAL CHEMISTS.

Name.	Residence.	Qualification.	Date of Registration.

A.B., President } of the Pharmacy  
 C.D., Member } Board of New  
 E.F., Member } Zealand.

## SECOND SCHEDULE.

## FEES PAYABLE UNDER "THE PHARMACY ACT, 1880."

	£	s.	d.
For every examination before the Board ... ..	3	3	0
On registration as a pharmaceutical chemist without examination— section 20, subsections (1), (2), and (3) ... ..	2	2	0
On registration in every other case ... ..	1	1	0

## THIRD SCHEDULE.

## CERTIFICATE of Qualification for Registration as a Registered Pharmaceutical Chemist under "The Pharmacy Act, 1880."

We do hereby certify that \_\_\_\_\_, residing at \_\_\_\_\_, in the Provincial District of \_\_\_\_\_, New Zealand, is duly qualified for registration as a registered pharmaceutical chemist on the grounds set forth at the foot of this certificate.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188 .

President. (L.S.)

Member. (L.S.)

Member. (L.S.)

Registrar. (L.S.)

## FOURTH SCHEDULE.

## "Pharmacy Act, 1880."

DECLARATION by a Person who was in business as a Chemist and Druggist, or who was employed as a Dispensing Assistant in some Pharmacy before the Date of the Commencement of "The Pharmacy Act, 1880."

I, \_\_\_\_\_, residing at \_\_\_\_\_, in \_\_\_\_\_, do solemnly and sincerely declare that I have attained the age of twenty-one years, and that I carried on the business of a chemist and druggist [or homœopathic chemist] in the keeping of an open shop for the compounding and dispensing of the prescriptions of legally-qualified medical practitioners [or was employed as a dispensing assistant in an open shop for the compounding and dispensing of the prescriptions of legally-qualified medical practitioners] at the places and during the periods undermentioned, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18 , to wit

And I make this solemn declaration, &c.

A.B.

Declared at \_\_\_\_\_, in the \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188 , before me.

C.D.

## FIFTH SCHEDULE.

## "Pharmacy Act, 1880."

## DECLARATION OF APPRENTICE.

I, \_\_\_\_\_, of \_\_\_\_\_, in the Colony of New Zealand, do solemnly and sincerely declare—

(1.) That I have attained the age of twenty-one years.

(2.) That I have not served less than four years as an apprentice in the business of Mr. \_\_\_\_\_, registered pharmaceutical chemist, keeping an open

shop at \_\_\_\_\_, in the said colony, for dispensing and compounding prescriptions; and also, that I have attended one course of lectures and passed examination at the University of \_\_\_\_\_ [or *recognized school or college*] in the subjects of *materia medica* and medical botany and practical chemistry [and any other subjects prescribed by the Pharmacy Board]; [or (2.) That I have served a period of not less than three years' apprenticeship, commencing on the \_\_\_\_\_, with Mr. \_\_\_\_\_, a chemist and druggist (or as the case may be)].

And I make this solemn declaration, &c.

A.B.

Declared at \_\_\_\_\_, in the \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188 \_\_\_\_\_, before me. C.D.

## SIXTH SCHEDULE.

DECLARATION to be signed by a Justice of the Peace or legally-qualified Medical Practitioner respecting a Person who was in business as a Chemist and Druggist before "The Pharmacy Act, 1880."

To the Pharmacy Board of New Zealand.

I, \_\_\_\_\_, residing at \_\_\_\_\_, in the Provincial District of \_\_\_\_\_, do hereby declare that I am a Justice of the Peace for the Colony of New Zealand [or a legally-qualified medical practitioner], and that to my knowledge \_\_\_\_\_, residing at \_\_\_\_\_, in the Provincial District of \_\_\_\_\_, was in business as \_\_\_\_\_ during the period or periods stated in his declaration dated the \_\_\_\_\_, 188 \_\_\_\_\_, and set out in the margin hereof, and that I believe the statements in his declaration to be true and correct.

And I make this solemn declaration, &c.

A.B.

Declared at \_\_\_\_\_, in the \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188 \_\_\_\_\_, before me. C.D.

## SEVENTH SCHEDULE.

DECLARATION to be signed by Master Chemist and Druggist as to service of Dispensing Assistant or Apprentice.

To the Pharmacy Board of New Zealand.

I, \_\_\_\_\_, residing at \_\_\_\_\_, in the Provincial District of \_\_\_\_\_, do hereby declare that I am a registered pharmaceutical chemist [or a pharmaceutical chemist and druggist as the case may be], and that \_\_\_\_\_, residing at \_\_\_\_\_, in the Provincial District of \_\_\_\_\_, was employed as a dispensing assistant [or as apprentice] in my open shop at \_\_\_\_\_ during the period undermentioned:—

From \_\_\_\_\_, 18 \_\_\_\_\_  
To \_\_\_\_\_, 18 \_\_\_\_\_

And I make this solemn declaration, &c.

A.B.

Declared at \_\_\_\_\_, in the \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188 \_\_\_\_\_, before me. C.D.