

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
3rd October, 1934.*

Hon. Mr. Young.

POISONS.

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A BILL INTITULED

Title.	AN ACT to regulate the Sale, Custody, Importation, and Carriage of Poisons.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Poisons Act, 1934, and, except as otherwise provided herein, shall come into force on the <i>first</i> day of April, nineteen hundred and thirty-five.	10
Interpretation.	2. (1) In this Act, unless the context otherwise requires,—	
	“Chemist” means a person for the time being registered as a pharmaceutical chemist under the Pharmacy Act, 1908 :	15
See Reprint of Statutes, Vol. V, p. 707 See Reprint of Statutes, Vol. V, p. 649	“Dentist” means a person for the time being registered as a dentist under the Dentists Act, 1908 :	
	“Medical practitioner” means a person for the time being registered as a medical practitioner under the Medical Practitioners Act, 1914, and not for the time being suspended from the practice of his profession under section six of the Medical Practitioners Amendment Act, 1924, or restrained from the practice of his profession by section seven of the last-mentioned Act :	20 25
See Reprint of Statutes, Vol. V, p. 669	“Package” includes anything in or by which poisons or poisonous substances may be cased, covered, enclosed, contained, or packed :	30
	“Poison” means any substance for the time being included in the <i>First</i> , <i>Second</i> , or <i>Third</i> Schedule hereto :	
	“Poisonous substance” means any substance for the time being included in the <i>Fourth</i> Schedule hereto :	35
	“Registrar” means the Director-General of Health :	
	“Sale” or “sell” includes barter, and also includes offering or attempting to sell, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale :	40
	“To sell by wholesale” means to sell for purposes of resale, or to sell to a chemist, dentist,	

medical practitioner, or veterinary surgeon for use in the practice of his profession, or to sell for such other purposes as may be prescribed by regulations in that behalf as wholesale purposes:

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“Veterinary surgeon” means a person for the time being registered as a veterinary surgeon under the Veterinary Surgeons Act, 1926, and includes a person authorized under subsection two of section fourteen of that Act to use the designation “veterinary practitioner” in connection with his business.

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See Reprint of Statutes, Vol. V, p. 736

(2) For the purposes of this Act every person shall be deemed to sell any poison or poisonous substance who sells the same either on his own account or as the agent or servant of any other person.

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3. The Governor-General may from time to time, by Order in Council, add to or remove from the *First*, *Second*, or *Fourth* Schedule to this Act the name of any substance, and every such Order in Council shall have effect according to its tenor.

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Governor-General may by Order in Council amend *First*, *Second*, and *Fourth* Schedules hereto.

PART I.

SALE AND CUSTODY OF POISONS.

4. No person, other than a person licensed under or otherwise authorized by this Act, shall sell any poison for the time being included in the *First*, *Second*, or *Third* Schedule hereto. No license or other authority shall be necessary for the sale of any poisonous substance for the time being included in the *Fourth* Schedule hereto, but every such substance shall otherwise be subject to the provisions of this Act.

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Restriction on sale of poisons and poisonous substances.

5. (1) No person shall sell poison by wholesale unless he is the holder of a wholesaler's poison license under this Act.

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Licenses to sell poison by wholesale.

(2) It shall not be lawful for the holder of a wholesaler's poison license to sell poison by wholesale otherwise than in terms of such license.

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6. (1) Except as otherwise provided in subsection *two* of section *nine* hereof, no person shall sell poison by retail unless he is—

Licenses and other authorities to sell poison by retail.

- (a) A chemist; or
- (b) A medical practitioner; or
- (c) A veterinary surgeon; or

(d) A dentist ; or

(e) The holder of a storekeeper's poison license or a storekeeper's extended poison license under this Act.

(2) It shall not be lawful for any chemist to sell poison 5
by retail otherwise than in open shop kept by him either
on his own behalf or as a duly enrolled manager under the
Pharmacy Act, 1908, for the retailing, compounding, or
dispensing of medicines or, in the case of a chemist
employed as a dispenser by a Hospital Board, in the 10
course of his duty as such dispenser.

(3) It shall not be lawful for any medical practitioner,
veterinary surgeon, or dentist to sell any poison by
retail otherwise than in the practice of his profession
for the treatment of a patient or animal under his care. 15

(4) It shall not be lawful for the holder of a store-
keeper's poison license or a storekeeper's extended poison
license to sell poison by retail otherwise than in terms
of such license.

Applications for
licenses.

7. (1) Every application for a wholesaler's poison 20
license, a storekeeper's poison license, or a storekeeper's
extended poison license shall be in the prescribed form,
shall contain the prescribed particulars and information
and, accompanied by the prescribed fee, shall be made
to a Medical Officer of Health or an Inspector of Health 25
under the Health Act, 1920, or to the officer in charge
of a police station, who shall forthwith on receipt of
any such application forward the same to the Registrar.

See Reprint
of Statutes,
Vol. VI, p. 1061

(2) No application for any such license shall be made
by any person under the age of twenty-one years. No 30
application for a storekeeper's poison license shall be
made by any person who does not keep open shop for
the sale of goods by retail ; and no application for a
storekeeper's extended poison license shall be made by
any person unless he is the holder of a wholesaler's 35
poison license or a storekeeper's poison license and
the place of business in respect of which the application
is made is not less than five miles by the nearest
practicable route from the open shop of the nearest
chemist or from the open shop of any other holder of 40
a storekeeper's extended poison license.

(3) Any application for a license under this section
for the period ending on the thirty-first day of March,
nineteen hundred and thirty-six, may be made and dealt
with in accordance with the provisions of this Act at any 45
time after the first day of January, nineteen hundred and

thirty-five, but no license issued as a result of such application shall take or be expressed to take effect before the commencement of this Act.

5 8. On receiving any application for a license under this Act the Registrar, upon being satisfied that the requirements of the *last preceding* section have been duly complied with, that the applicant is a fit and proper person to hold the license in respect of which the application is made, and that he is not disqualified
10 under section *thirteen* hereof to hold a license under this Act, shall issue to him a license in the prescribed form, subject to such conditions, if any, as may be imposed pursuant to regulations in that behalf.

Granting of licenses.

15 9. (1) Every license under this Act shall, unless sooner terminated as hereinafter provided, continue in force until the close of the thirty-first day of March next following the date on which it was issued, and shall then expire :

Duration, effect, and amendment of licenses.

20 Provided that where application for the renewal of a license is duly made in accordance with section *eleven* hereof, such license shall, where the application for renewal is not disposed of before the date of expiry of the license, continue in force until the application is disposed of.

25 (2) A wholesaler's poison license shall authorize the holder to sell by wholesale at the place or places of business stated in the license, but not otherwise, any poison for the time being included in the *First*, *Second*, or *Third* Schedule hereto, and shall also authorize him
30 to sell by retail any poison for the time being included in the *Third* Schedule hereto.

35 (3) A storekeeper's poison license shall authorize the holder to sell by retail in open shop at the place or places of business stated in the license, but not otherwise, any of the poisons for the time being included in the *Third* Schedule hereto.

40 (4) A storekeeper's extended poison license shall authorize the holder to sell by retail at the place or places of business stated in the license, but not otherwise, any poison for the time being included in the *First* or the *Second* Schedule hereto and not excluded by regulations in that behalf from the operation of such a license.

45 (5) Any license may at any time during the currency thereof be amended by the Registrar, on application by the licensee, by the removal therefrom of any place of

business or the addition thereto of any place of business in respect of which a license of the same kind might lawfully be issued under this Act.

Special as to duration of storekeeper's extended poison license.

10. If at any time during the currency of a storekeeper's extended poison license any chemist notifies the Registrar in writing that he has commenced business as such within a distance less than five miles by the nearest practicable route from any open shop at which any poison included in the *First* or the *Second* Schedule hereto can then be sold pursuant to the authority of such storekeeper's extended poison license, the Registrar shall thereupon in writing notify the holder of such license that such license will cease to have effect, or cease to have effect with respect to any specified place of business, as the case may be, at the expiration of six months after the date of such notice or at the close of the thirty-first day of March next following the date of such notice, whichever is the earlier, and such license shall cease to have effect accordingly:

Provided that if such chemist ceases to carry on business as aforesaid before such license so ceases to have effect, or at any time thereafter, not being later than the day on which the license would expire had such notice not been given, the Registrar may, on application in writing by the licensee, withdraw such notice, and in such case the license shall thenceforth have effect in all respects as if such notice had not been issued.

Renewal of licenses.

11. (1) Every application for a renewal of a license under this Act shall be in the prescribed form and, accompanied by the prescribed fee, shall be made not earlier than the first and not later than the fifteenth day of March in any year.

(2) Sections *seven* and *eight* hereof shall apply to every application for the renewal of a license as if it were an application for a new license.

(3) In granting any renewal of a license the Registrar may endorse the existing license or he may issue a new license in lieu thereof, but every such new license shall show on the face thereof that it is in renewal of a license.

(4) The renewal of any license shall take effect for a period of twelve months from the expiry of the license

in renewal of which it is granted, but any such renewal may be granted in advance to take effect as aforesaid.

12. (1) The Registrar shall, in accordance with regulations in that behalf, keep such registers of licenses issued under this Part of this Act as are prescribed by such regulations.

Register of licenses.

(2) The contents of every such register may be evidenced in any proceedings by a certificate under the hand of the Registrar, and every such certificate shall be *prima facie* evidence of the matters stated therein.

(3) A certificate under the hand of the Registrar that on a date specified in such certificate the name of any person did not appear in any register as the holder of a license under this Part of this Act shall, until the contrary is proved, be sufficient evidence that such person was not the holder of such a license on that date.

13. (1) Where any person licensed under this Part of this Act is convicted of any offence under this Act, the Magistrate—

Suspension or cancellation of license.

(a) May order that the license held by such person shall either be suspended for such time as the Magistrate thinks fit, or shall be cancelled, and may also, if the Magistrate thinks fit, declare such person to be disqualified to hold a license under this Part of this Act for such time as the Magistrate thinks fit; and

(b) Shall cause particulars of the conviction and of any order made by the Magistrate under this subsection to be endorsed on the license, and shall cause a copy of those particulars to be sent to the Registrar, who shall, on receipt of such particulars, note the same on the appropriate register.

(2) Any license required by a Magistrate for endorsement in accordance with the foregoing provisions of this section shall be produced in such manner and within such time as the Magistrate directs, by the person by whom it is held, and any person who, without reasonable cause, makes default in producing any license so required shall be liable to a fine of *five* pounds for each day during which the default continues.

Particulars of conviction of medical practitioners, &c., to be notified to appropriate Registrar, &c.

Poisons and poisonous substances, &c., to be sold by retail only in packages complying with certain requirements.

Modifications of last preceding section.

14. Where any person being a medical practitioner, chemist, dentist, or veterinary surgeon is convicted of any offence under this Act the Magistrate shall cause particulars of the conviction to be sent to the person or Board charged with the duty of keeping the register on which the name of such person appears as a registered medical practitioner, chemist, dentist, or veterinary surgeon, as the case may be. 5

15. Save as otherwise provided in the *next succeeding* section or as may be provided by regulations in that behalf under this Act, no poison or poisonous substance or any mixture containing any poison or poisonous substance shall be sold by retail otherwise than in a package which— 10

(a) Bears thereon the name or a statement of the nature of its contents and, printed in conspicuous Gothic type or in such other way as may be prescribed, the word "Poison" or, in the case of any poisonous substance, the word "Poisonous"; and 20

(b) Bears the name and address of the vendor; and

(c) Bears a statement of the special purpose or purposes for which the substance may be used or else directions for its use; and

(d) Bears a statement indicating an appropriate antidote or treatment to be used in the event of any part of the contents being consumed in error by a human being; and 25

(e) Where the contents are liquid, is of such distinctive character or shape as to be readily identifiable by sight and by touch as a package containing poison or a poisonous substance; and 30

(f) Is in an undamaged condition and has not been opened since it was received from the manufacturer or wholesaler supplying the same to the retailer. 35

16. (1) A package of any medicine containing poison which is dispensed or supplied by any medical practitioner or by any chemist for internal use by human beings need not comply with the requirements of paragraphs (a), (d), (e), and (f) of the *last preceding* section if it bears the name of the person for whom it is so dispensed or supplied. 40

(2) A package of any medicine for external application containing poison which is dispensed or supplied by any medical practitioner or chemist for human use need not comply with the requirements of paragraphs (d) and 5 (f) of the *last preceding* section if it bears the name of the person for whom it is so dispensed or supplied.

(3) A package of any medicine containing poison dispensed or supplied by any veterinary surgeon or chemist for any animal under treatment need not comply with the 10 requirements of paragraphs (a), (d), and (f) of the *last preceding* section if such package bears the name of the owner of the animal and also, in conspicuous Gothic type, or in such other way as may be prescribed, the words "Not for human use".

15 (4) A package of compounds or mixtures which weigh or measure not less than twenty ounces and contain in the aggregate a less amount of any poisons or poisonous substances than an amount prescribed by regula- 20 tions under this Act or otherwise authoritatively recognized as a poisonous dose if taken by an adult, need not comply with any of the requirements of the *last preceding* section.

(5) A package containing any substance or substances included in the *Third* Schedule hereto, or any mixture of the same and not containing any other poison, need not 25 comply with the requirements of paragraph (e) of the *last preceding* section if such package complies with the requirements of that Schedule as to labelling and description and contains more than four imperial pints by measure, or more than five pounds avoirdupois by weight, as the case may 30 be, of such substance or substances, or mixture, and is sold to a purchaser to be used by him solely for horticultural or farming purposes.

(6) A package containing any poisonous substance or substances included in the *Fourth* Schedule hereto, or 35 any mixture of the same, and not containing any poison included in the *First*, *Second*, or *Third* Schedule hereto, need not comply with the requirements of paragraphs (e), (e), and (f) of the *last preceding* section if such package contains more than four imperial pints by measure, or 40 more than five pounds avoirdupois by weight, as the case may be, of such poisonous substance or substances, or mixture, and is sold to a purchaser to be used by him solely for industrial, manufacturing, or laboratory purposes.

(7) Nothing in paragraph (f) of the *last preceding* section shall operate to prohibit any chemist from selling in packages prepared by or for himself any poisons or poisonous substances or any mixture thereof.

Provision for colouring arsenic and strychnine and preparations thereof.

17. No person shall sell any arsenic or strychnine 5
or any uncoloured preparation thereof unless, in the case of arsenic or any uncoloured preparation thereof, the same is mixed before delivery to the purchaser with soot in the proportion of at least one ounce of soot to one pound of arsenic, and unless, in the case of 10
strychnine or any uncoloured preparation thereof, the same is coloured before delivery to the purchaser with Armenian bole or other red colouring matter :

Provided that arsenic or strychnine or any preparation thereof may be sold without such admixture in any 15
case where the purchaser satisfies the vendor that it is required for some purpose for which such admixture would render it unfit, and an entry of that fact is made in the Sale of Poisons Book hereinafter prescribed.

Record of sales of poisons included in *First Schedule* hereto.

18. (1) Every person who sells by retail any poison 20
for the time being included in the *First Schedule* hereto shall, before delivery to the purchaser, enter in a Sale of Poisons Book to be kept by the vendor in the form in the *Fifth Schedule* hereto the particulars prescribed by that form, and require the purchaser and a witness of 25
the sale to sign such entry.

(2) No such sale shall be made to any purchaser not personally known to the vendor unless made in the presence of a witness so known to the vendor and claiming to know the purchaser. In the case of a 30
purchaser personally known to the vendor the vendor shall sign the entry as witness as well as vendor.

(3) Notwithstanding anything contained in the foregoing provisions of this section, a sale and purchase of any such poison may be made by correspondence if the 35
purchaser's signature is known to the vendor or, if not so known, is witnessed or purports to have been witnessed by a Justice of the Peace, or Police Officer, or by some person whose signature is known to the vendor. In such case the letter or letters ordering the poison shall 40
be kept by the vendor and a reference thereto shall be made in the entry in the Sale of Poisons Book in the columns provided for the signatures of the purchaser and the witness.

19. Every person who sells by retail any poison for the time being included in the *Second* or the *Third* Schedule hereto shall keep a record of every such sale, showing the name and address of the purchaser and the name and amount of the poison sold to him.
20. (1) Nothing in any of the *three last preceding* sections shall apply with respect to any poison dispensed or supplied as medicine by a medical practitioner or to the sale of any package to which subsection *four* of section *sixteen* hereof applies.
- (2) Where a chemist or veterinary surgeon dispenses or supplies as medicine mixtures containing poison or any poisonous compound a record thereof in a prescription-book shall be deemed to be sufficient compliance with the provisions of the *two last preceding* sections if such record shows the date of sale, the name and amount of the poison or poisonous compound contained in the mixture dispensed or supplied, and the name of the purchaser.
21. (1) Every vendor of poisons shall keep in some place of security at his place of business every record required to be kept by any of the *four last preceding* sections, and shall keep every such record for a period of not less than three years from the date of the making of such record, or the date of the last entry in any book containing more than one such record.
- (2) Every such record shall be open to inspection at all times by any officer of police or any officer of the Department of Health, who may make such copies thereof as he thinks fit.
- 30 (3) Every person who commits a breach of any of the foregoing provisions of this section or who obstructs any inspection as aforesaid shall be liable to a fine of *twenty* pounds.
22. Every person commits an offence and is liable to a fine of *fifty* pounds who has any poison or poisonous substance in his charge or possession (whether for purposes of sale or otherwise howsoever), otherwise than in a package complying with the relevant requirements of this Act or any regulations thereunder as to packages.

Record of sales of poisons included in *Second* and *Third* Schedules hereto.

Exemptions from *three last preceding* sections.

Custody and inspection of records of sale.

Custody of poisons.

PART II.

IMPORTATION AND CARRIAGE OF POISONS.

Interpretation.

23. In this Part of this Act—

“Carrier” includes every person engaged in carrying goods for hire or reward by any means and whether by land, water, or air: 5

“Minister” means the Minister of Customs:

“Proper officer of Customs” means any person employed in the service of the Customs:

“Ship” means any vessel used in navigation not propelled by oars, and includes aircraft: 10

“Warehouse-owner” includes every person owning, managing, or controlling any warehouse, store, wharf, quay, airport, or other place or premises in or on which goods are deposited. 15

Packing of imported poisons, &c.

24. Any poison or poisonous substance imported into New Zealand by any person shall be strongly and securely packed to the satisfaction of the Minister or as prescribed by regulations in that behalf, and the obligation to comply with the requirements of this section shall lie on the person importing or causing to be imported such poison or poisonous substance. 20

Provisions as to ships arriving with certain poisons on board.

25. (1) This section relates only to such poisons or poisonous substances as may for the time being be prescribed in that behalf by regulations under this Act. 25

(2) When any ship arrives in New Zealand having on board any poison or poisonous substance to which this section relates the following provisions shall apply:—

(a) It shall be the duty of the master of the ship when reporting her arrival to the Customs, as required by law, to inform the Collector at the port or place of arrival in writing how many and what such packages are on board, and the place or position in which they are stowed: 30 35

(b) It shall not be lawful for the master or any person to remove any such package from the ship until the proper officer of Customs has viewed and examined the same in the position where it is stowed: 40

- (c) Such officer may inspect every such package, and for that purpose, if any such package is contained in any other case or covering of any kind, he may require such case or covering to be opened :
- (d) If on such inspection it appears to such officer that any package has not been stowed apart from goods of any kind suitable for the food of man or animals, and that by reason thereof or of breakage or leakage or from any other cause there is reasonable ground in his judgment, or in that of any skilled person whom he calls to his assistance, for believing that in any manner whatsoever the contents of any such package may have become mixed with or may have contaminated or injuriously affected any such goods, he shall refuse to allow such goods to be landed :
- (e) For the purposes of this section every officer of Customs shall have and may exercise all such powers and authorities as he could or might exercise under the provisions of the Customs Act, 1913, in respect of goods imported into New Zealand from beyond the seas.
- (3) If the master or any other person commits or suffers to be committed any breach of this section, he shall be liable to a fine of *fifty* pounds.
- 26.** (1) The Minister may direct such steps as he thinks fit to be taken for the valuation of any goods which, under the *last preceding* section, are not allowed to be landed ; and the value so ascertained together with all costs and expenses of such valuation, including the cost of the assistance of any skilled person, shall be a debt jointly and severally due to the Crown by the master and owners of the ship, and may be recovered in accordance with the provisions of the Crown Suits Act, 1908.
- (2) All such goods shall be forfeited to His Majesty, and may be disposed of in such manner as the Minister directs, whether any person is liable to be convicted of a breach of this Act or not.
- (3) The value of such goods, if and when ascertained and recovered as hereinbefore provided, shall be paid by the Minister to the owner of the goods or other person lawfully entitled thereto.

Valuation and forfeiture of goods not allowed to be landed.

Sending or carrying poison under false description.

27. Every person is liable to a fine of *one hundred* pounds who knowingly sends or attempts to send by or carries or attempts to carry in any ship, or sends or delivers to any warehouse-owner or carrier, any poison or poisonous substance under a false description, or falsely describes the sender or carrier thereof, or who knowingly causes or assists in the commission of any such act. 5

PART III.

GENERAL.

Penalty for false statement.

28. Every person who for the purpose of obtaining, 10 whether for himself or any other person, the grant or renewal of any license under this Act, or for any other purpose in relation to this Act, makes any declaration or statement which to his knowledge is false in any particular, or utters, produces, or makes use of any 15 such declaration or statement or any document containing the same, or knowingly utters, produces, or makes use of any document which is not genuine, is guilty of an offence against this Act, and shall be liable to a fine of *one hundred* pounds, or to imprisonment for *three* 20 months, or to both such fine and imprisonment.

Failure to answer questions.

29. Every person who fails or refuses to answer any question properly put to him for the purposes of this Act by any officer of Customs, Health, or Police, or who does not truly answer the same is guilty of an 25 offence against this Act.

General penalty.

30. Every person who commits any breach of any of the provisions of this Act for which no other penalty is elsewhere provided in this Act commits an offence and is liable to a fine of *ten* pounds. 30

Minimum fines.

31. On conviction for an offence against this Act a penalty shall be imposed in every case, and the minimum fine shall be one-fourth the maximum fine which can be imposed for that offence.

Liability of principal for sales by agent, &c.

32. (1) Where any person sells any poison or poisonous 35 substance as the agent or servant of any other person such other person shall be under the same liability as the agent or servant for any offence against this Act committed in respect of such sale.

(2) Where a company is convicted of an offence against this Act every director and every officer concerned in the management of the company shall be guilty of a like offence unless he proves that the offence
5 was committed without his knowledge or consent.

33. (1) All proceedings in respect of offences against this Act shall be taken in a summary way, and shall be heard before a Stipendiary Magistrate alone. Offences punishable summarily.

(2) Section fifty of the Justices of the Peace Act, 1927, shall have no application to prosecutions for offences
10 against this Act.

34. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes, namely:— Regulations.

- 15 (a) Prescribing all forms in connection with licenses under this Act and the conditions that may be inserted in any such license:
- (b) Prescribing the registers to be kept under this Act, the matters to be entered therein, and
20 the form of such registers:
- (c) Prescribing records of poisons and poisonous substances to be kept by persons having the same in possession for sale, or for industrial, manufacturing, or laboratory purposes, and the
25 form of such records, and providing for the inspection of such records and the furnishing of information respecting such poisons and poisonous substances:
- (d) Prescribing all such other forms and such notices as may be deemed necessary for any purpose
30 under this Act:
- (e) Providing for the custody, production, and cancellation on revocation of licenses under this Act, and providing for and requiring the return
35 of licenses that have been revoked or have expired or otherwise ceased to have effect:
- (f) Regulating the sale (whether by wholesale or retail), custody, and carriage of poisons and poisonous substances, and excluding any poison
40 included in the *First* or the *Second* Schedule hereto from the operation of a storekeeper's extended poison license:
- (g) Prohibiting, subject to the *next succeeding* subsection, the sale of any poison for the time being

- included in the *First* or the *Second* Schedule hereto otherwise than pursuant to the order or prescription of a medical practitioner :
- (*h*) Regulating the packing and labelling of poisons or poisonous substances, and for that purpose, 5
but without restricting the generality of the power conferred by this paragraph, prescribing the shape, size, colour, and material of any package in which any poison or poisonous substance intended for sale may be packed : 10
- (*i*) Exempting packages of particular poisons or poisonous substances from any of the requirements of section *fifteen* of this Act, and prescribing in accordance with subsection *four* of section *sixteen* of this Act the amount of any 15
poisons or poisonous substances which shall be deemed to constitute a poisonous dose if taken by an adult :
- (*j*) Prescribing the method of treatment or disposal of any package, container, or vessel that has 20
been used to convey, hold, or store any poison or poisonous substance :
- (*k*) Prescribing the manner in which any portion of the contents of a package containing a poison or poisonous substance if extracted for 25
immediate use shall be conveyed, handled, or treated, including provisions as to the kind of container or vessel to be used for the quantity so extracted :
- (*l*) Prescribing the method or methods to be used 30
for the colouring of any poison or poisonous substance :
- (*m*) Prescribing the poisons and poisonous substances to which section *twenty-five* of this Act relates :
- (*n*) Imposing conditions to be complied with by 35
medical practitioners, dentists, and veterinary surgeons in respect of the issue of prescriptions containing any poison or poisonous substance :
- (*o*) The dispensing and compounding of poisons and 40
poisonous substances :
- (*p*) Prescribing fees to be payable under this Act and the persons liable to pay the same :

- (q) Prescribing what shall be deemed to be whole-sale purposes :
- (r) Prescribing fines, not exceeding *fifty* pounds, for the breach of any such regulations :
- 5 (s) Prescribing all such other matters as may be necessary or expedient for the purpose of giving full effect to this Act or for which regulations may be contemplated by this Act.
- (2) Any regulations under paragraph (g) of the *last*
- 10 *preceding* subsection shall be made only on the recommendation of the Pharmacy Board of New Zealand.
- (3) All regulations made under the authority of this section shall be published in the *Gazette*.
- (4) The operation of any such regulations may, if
- 15 so provided therein, be wholly suspended until they are applied by the Minister of Health by notice in the *Gazette*. Any such notice may at any time in like manner be revoked.
- (5) Notwithstanding anything contained in any
- 20 regulation under this Act, it shall be lawful for any person, at any time within twelve months after the date of the gazetting of such regulation, to sell any poison or poisonous substance the sale of which by him is otherwise lawful, if at the said date such poison
- 25 or poisonous substance was part of the stock in trade in New Zealand of any person lawfully carrying on business there, and that since the said date no act has been done whereby such poison or poisonous substance fails to comply with the requirements of such regulation. For
- 30 the purpose of this subsection any goods purchased before the said date for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand.
- (6) In any proceedings for any offence against any
- 35 regulation in which the *last preceding* subsection is pleaded in defence the burden of proof that the provisions of that subsection are applicable shall lie on the person charged.
- (7) Any such regulations may for the purpose of
- 40 giving full effect to any of the provisions of this Act which come into force before the first day of April, nineteen hundred and thirty-five, be made to take effect before that date, but not earlier than the first day of January, nineteen hundred and thirty-five.

Regulations, &c.,
to be laid before
Parliament.

35. All regulations under this Act and all Orders in Council under section *three* hereof shall be laid before both Houses of Parliament within fourteen days after the gazetting thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session. 5

Repeal and
savings.

See Reprint
of Statutes,
Vol. V, p. 725

36. (1) The Poisons Act, 1908, is hereby repealed, but all penalties and forfeitures which have heretofore been incurred under that Act may be enforced in the same manner as if this Act had not been passed. 10

(2) All regulations made under the said Act and in force at the commencement of this Act shall, so far as they are consistent with this Act, continue in full force and effect as if made under this Act, and shall enure for the purposes of this Act accordingly until they are revoked. 15

(3) References in any other Act to the Poisons Act, 1908, or to any particular provision of that Act, shall hereafter be read as references to this Act, or as the case may be, to the corresponding provision (if any) of this Act. 20

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ACONITE, aconitine, and their preparations.

Alkaloids: All poisonous alkaloids not specifically named in this Schedule and their salts, and all poisonous derivatives of alkaloids, not being in any case substances which are dangerous drugs within the meaning of the Dangerous Drugs Act, 1927.

Antimony tartrate and all preparations or admixtures containing one part per centum or more of antimony tartrate (tartar emetic).

Arsenic and arsenical salts and their preparations, including arsenates and arsenites.

Atropine and its salts and preparations.

Belladonna and all preparations or admixtures (except belladonna plasters) containing one-tenth of one part per centum or more of belladonna alkaloids.

Cantharides and its poisonous derivatives.

Corrosive sublimate.

Cyanide of potassium and all other poisonous cyanides and their preparations.

- Diethyl barbituric acid and other alkyl, aryl, or metallic derivatives of barbituric acid, whether described as veronal, proponal, medinal, or by any other trade name, mark, or designation; and all poisonous urethanes and ureides.
- Digitalin and all other poisonous constituents of digitalis.
- Dinitrophenols, dinitrocresols, and preparations or admixtures containing any such substances.
- Ergot of rye and preparations of ergot, including ergotin citrate, ergotinine, ergotoxine, and its preparations.
- Lead in combination with oleic acid or other higher fatty acids, whether sold as diachylon or under any other designation (except machine-spread plasters).
- Nux vomica, strychnine and its salts, and all preparations or admixtures containing two-tenths of one part per centum or more of strychnine.
- Picrotoxin.
- Prussic acid and all preparations containing one-tenth of one part per centum or more of prussic acid.
- Savin and its oil and all preparations or admixtures containing savin or its oil.
- Strophanthin and all other poisonous constituents of strophanthus.
- Tobacco and preparations or admixtures containing the poisonous alkaloids of tobacco but not tobacco prepared or intended to be prepared for smoking or snuff.
- Any substance not specifically mentioned in this Schedule which if taken in a single dose of 6 centigrams (1 grain) or less will produce a dangerous or deadly effect on an adult.

SECOND SCHEDULE.

- ALMONDS, essential oil of (unless deprived of prussic acid).
- Antimonial wine.
- Antimony tartrate in all preparations or admixtures containing less than one part per centum of antimony tartrate (tartar emetic).
- Barium, salts of, except barium sulphate.
- Belladonna in all preparations or admixtures containing less than one-tenth of one part per centum of belladonna alkaloids; belladonna plasters.
- Cantharides tincture and all vesicating liquid preparations or admixtures of cantharides.
- Carbolic acid and cresylic acid.
- Chloral hydrate and syrup.
- Chloroform and all preparations or admixtures containing more than twenty parts per centum of chloroform.
- Digitalis.
- Mercuric iodide, mercuric sulphocyanide, and preparations and mixtures containing any of those two substances.
- Nux vomica and strychnine in all preparations or admixtures containing less than two-tenths of one part per centum of strychnine.
- Oxalic acid (salt of lemon, salt of sorrel).
- Precipitate, white (ammoniated mercury).

Precipitate, red, and all oxides of mercury.
 Prussic acid in all preparations or admixtures containing less than one-tenth of one part per centum of prussic acid.
 Strophanthus.
 Sulphonal and its homologues, whether described as trional, tetronal, or by any other trade name, mark, or designation.
 Yellow phosphorus.
 Zinc chloride and liquid preparations of zinc chloride, except as included in the *Fourth* Schedule to this Act.

THIRD SCHEDULE.

PREPARATIONS and admixtures of tobacco, arsenic, or of any of the poisons included in the *First* and *Second* Schedules to this Act if labelled and described as for use exclusively in agriculture and horticulture for the destruction of animal and insect pests, internal parasites of animals, fungi, and bacteria, for use as a sheep-dip or sheep-wash, or as a weed-killer.

FOURTH SCHEDULE.

POISONOUS SUBSTANCES.

AMMONIA in liquid preparations containing more than five parts per centum of free ammonia.
 Liquid preparations of carbolic acid and its homologues and all preparations of the phenol and cresol groups sold as disinfectants and containing more than 3 per centum of those substances.
 Hydrochloric acid (spirits of salts, muriatic acid).
 Nitric acid.
 Oxalic acid, soluble salts of.
 Potassium hydroxide (caustic potash).
 Sodium hydroxide (caustic soda).
 Sulphuric acid.
 All liquid preparations of zinc chloride intended to be used for soldering or other purely industrial purpose.
 Photographic chemicals (other than cyanide of potassium) included in the *First* and *Second* Schedules to this Act when sold for the purposes of photography.

FIFTH SCHEDULE.

Form 1.]

Poisons Act, 1934.

SALE OF POISONS BOOK.

Day of Sale.	Name of Purchaser.	Place of Abode.	Occupation.	Quantity and Name of Poison.	Purpose for which required.	Purchaser's Signature.	Signature of Witness.