

Hon. Sir P. A. Buckley.

SALE OF POISONS ACT AMENDMENT.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Repeal of Act of 1871. 3. Articles named in First Schedule to be deemed poisons within the meaning of this Act. 4. Sale of poisons by unregistered persons prohibited. 5. Registrars to be appointed. 6. Sellers of poisons to be registered. 7. Form of register. 8. Duty of Registrar to make and keep register. 9. Notice of death of registered person to be given by Registrars of Deaths.</p>	<p>10. Annual register to be published and be evidence. 11. Protection of titles and restrictions on the sale of poisons. 12. Regulations to be observed in the sale of poisons. 13. Book to be produced to police officer. Penalty. 14. Provision for colouring arsenic. 15. Registration under Medical Act. 16. Adulteration of Food or Drink Act to extend to medicines. Schedules.</p>
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A BILL INTITULED

Struck out.

AN ACT in further Restriction of the Indiscriminate Sale of Poisons.

5 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 Sale of Poisons Act Amendment Act, 1893." It shall be read together with "The Sale of Poisons Act, 1871" (herein referred to as "the said Act").

10 2. Section twelve of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New title, preamble, and clauses.

AN ACT to make further and better Provision for regulating the Title.
Sale and Keeping of certain Poisons.

15 WHEREAS it is expedient for the safety of the public that further and better provision should be made for regulating the sale of poisons, and that persons keeping open shop for the retailing, dispensing, or compounding of poisons should be registered in the manner herein provided: Preamble.

20 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 Sale of Poisons Short Title.
Act, 1893."

25 2. "The Sale of Poisons Act, 1871," shall, from and after the thirty-first day of December, one thousand eight hundred and ninety-three, be repealed; but this repeal shall not interfere with the insti- Repeal of Act of 1871.
No. 19—2.

tution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the said Act, but the same may be instituted and prosecuted as if this Act had not been passed.

Articles named in First Schedule to be deemed poisons within the meaning of this Act.

3. The several articles named or described in the *First* Schedule hereto shall be deemed to be poisons within the meaning of this Act; and the Governor, by Order in Council, may from time to time declare that any article in such Order named shall be deemed a poison within the meaning of this Act, and be included in the First or Second Part of such Schedule as such Order may direct, and such Order shall be advertised in the *New Zealand Gazette*; and on the expiration of three months from such advertisement the article named in such Order shall be deemed to be a poison within the meaning of this Act. 5 10

Sale of poisons by unregistered persons prohibited.

4. From and after the thirty-first day of December, one thousand eight hundred and ninety-three, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons in any part of New Zealand, unless such person shall be registered under this Act in the register kept under this Act for the provincial district or other division in which he so sells or keeps open shop, and conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time to time be prescribed by the Governor in Council, which regulations the Governor in Council is hereby authorised from time to time to make, and to vary or rescind, as may seem expedient. 15 20

Registrars to be appointed.

5. The Governor may from time to time, by warrant under his hand, appoint for each provincial district or other division of the colony a person to be Registrar under this Act, and may at any time remove any person so appointed and appoint another in his place. Each Registrar shall have an office at such town or place as the Governor may from time to time direct, and at such office he shall keep the register for the provincial district or other division for which he is appointed. 25 30

Sellers of poisons to be registered.

6. Any person who wishes to sell or keep open shop for retailing, dispensing, or compounding poisons in any provincial district or other division of the colony for which a Registrar has been appointed under this Act may be registered under this Act, without fee or reward, on application to the Registrar personally or by registered letter. 35

Form of register.

7. The register to be kept under this Act for each provincial district or other division shall be in accordance with the form set forth in the *Second* Schedule to this Act, and such register shall be called "The Register of Vendors of Poisons for the Provincial District of (naming it) [or for the of (naming it)]." 40

Duty of Registrar to make and keep register.

8. It shall be the duty of the Registrar of the provincial district or division to make and keep a correct register, in accordance with the provisions of this Act, of all persons required to be registered under this Act in the register for such provincial district or other division, on application, without fee or reward, and to erase the names of all registered persons who shall have died or removed from the provincial district or other division, or ceased to carry on business, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act. 45 50

To enable the Registrar duly to fulfil the duties imposed upon him, it shall be lawful for the Registrar to write a letter to any registered

person, addressed to him according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter according to the Post Office regulations for the time being; and if
 5 no answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner, and, if no answer be given thereto within three months from the date thereof, it shall be lawful to erase the name of such person from the register: Provided always that the
 10 same may be restored by the Registrar.

9. Every Registrar of Deaths in New Zealand, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post to the Registrar under this Act for the provincial district or other division in which such death took place, a certificate
 15 under his own hand of such death, with the particulars of the time and place of death; and on the receipt of such certificate the said Registrar under this Act shall erase the name of such deceased person from the register, if such deceased person shall be registered in his register, if not, he shall send the certificate to the Registrar in whose
 20 register such deceased person is registered, and on the receipt thereof the last-named Registrar shall erase the name of the deceased person from the register.

Notice of death of registered person to be given by Registrars of Deaths.

10. The Registrar for each provincial district or other division shall, in the month of January in every year, cause to be printed,
 25 published, and authorised to be sold, a correct register of all persons registered in his register; and in such register the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in the *Second* Schedule to this Act or to the like effect, of all persons appearing on the Register of Vendors
 30 of Poisons on the thirty-first day of December last preceding; and such printed registers shall be called "The Register of Vendors of Poisons for the Provincial District of
 of (naming it)" as the case may be; and a printed
 35 copy of any such register for the time being, purporting to be so printed and published as aforesaid, or any certificate under the hand of the said Registrar, shall be 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 the absence
 40 of the name of any person from such printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of this Act.

Annual register to be published and be evidence.

11. From and after the thirty-first day of December, one thousand eight hundred and ninety-three, any person who shall sell
 45 or keep an open shop for the retailing, dispensing, or compounding poisons, not being registered under this Act, or shall fail to conform with any regulation as to the keeping or selling of poisons made by the Governor in Council in pursuance of this Act, shall for every such offence be liable, on summary conviction before any two or more Justices of the Peace, to a penalty not exceeding *five* pounds.

Protection of titles and restrictions on the sale of poisons.

50 (4.) 12. It shall be unlawful to sell any poison unless the box, bottle, vessel, and wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word

Regulations to be observed in the sale of poisons.

"Poison," and with the name and address of the seller of the poison.

(2.) It shall be unlawful to sell any poison, of those which are specified in the First Part of the First Schedule ~~to the said of this Act~~, or may hereafter be declared to be poisons within the meaning of the ~~said this Act~~ by Order in Council under the third section of the ~~said this Act~~, to any person, whether known or unknown to the seller, except in the presence of two adult witnesses, *one of whom must be known to the seller*; and on every sale of any such article the seller shall before delivery make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in the *Third Schedule* to this Act the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signatures of the purchaser and of the witnesses to the purchase, with their respective addresses, shall be affixed.

(3.) No apprentice, servant, or other person who is not registered under ~~the said this Act~~ as a registered vendor of poisons shall sell any poison as aforesaid on behalf of a duly-registered person under ~~the said this Act~~:

(4.) Any person selling poison otherwise than is herein provided shall, upon a summary conviction before two Justices of the Peace, be liable to a penalty not exceeding *five* pounds for the first offence and to a penalty not exceeding *ten* pounds for the second or any subsequent offence.

(5.) The provisions of this section which are solely applicable to poisons in the First Part of the First Schedule ~~to the said of this Act~~, or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from New Zealand by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing; nor shall any of the provisions of this section apply to any medicine supplied by a legally-qualified medical practitioner to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under ~~the said this Act~~, provided such medicine be labelled in the manner aforesaid with the name and address of the seller, and the ingredients thereof be entered with the name of the person to whom it is sold or delivered in a book to be kept by the seller for that purpose, nor to the sale of arsenic *and its preparations and cyanide of potassium* by wholesale dealers in quantities not less than one hundredweight.

~~3. The Third Schedule to the said Act is hereby repealed, and the Schedule to this Act substituted in lieu thereof.~~

New clauses and Schedules.

13. Every person registered under this Act, and every seller of poison, shall produce to any police officer whenever requested to do so the book required to be kept as aforesaid, and if requested so to do a copy of any entries made therein. For any act or default contrary to the provisions of this section done or made by any such registered person, or any seller of poisons, he shall be liable to a penalty on summary conviction of not less than *twenty* shillings and not exceeding *five* pounds.

14. No person shall sell any arsenic unless the same be before the sale thereof mixed with soot, lamp black, or indigo, in the pro-

Book to be produced to police officer.

Penalty.

Provision for colouring arsenic.

portion of one ounce of soot or lamp black or half an ounce of indigo at the least to one pound of arsenic, and so in proportion for any greater or less quantity, on pain of forfeiture of a penalty not exceeding *five* pounds, to be recovered in a summary way: Provided always that where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold without such admixture.

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15. Persons registered under the "The Medical Practitioners Registration Act, 1869," shall not be registered under this Act.

Registration under Medical Act.

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16. The provisions of "The Adulteration Prevention Act, 1880," and "The Adulteration Prevention Act 1880 Amendment Act, 1883," shall extend to all articles usually taken or sold as medicines.

Adulteration of Food or Drink Act to extend to medicines.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PART I.

- Aconite and its preparations.
- Arsenic and its preparations.
- Belladonna and its preparations.
- Cantharides.
- Chloroform.
- Chloral.*
- Corrosive Sublimate.
- Cyanides of Potassium and all metallic Cyanides.
- Digitalis (commonly known as foxglove).*
- Emetic Tartar.
- Ergot of Rye and its preparations.
- Laudanum.
- Opium.
- Prussic Acid.
- Savin and its Oil.
- Strychnine and all poisonous vegetable Alkaloids and their Salts.

PART II.

- Almonds, Essential Oil of (unless deprived of its Prussic Acid).
- Ammoniated Mercury (commonly known as white precipitate of mercury).
- Cantharides, The Tincture and all vesicating Liquid Preparations of.
- Carbolic Acid.*
- Chlorodyne.*
- Corrosive Sublimate, Preparations of.
- Every Compound containing any of the Poisons mentioned in this Schedule when prepared or sold for the destruction of vermin.
- Morphine, Preparations of.
- Nitric Acid.*
- Opium or Poppies, All preparations of.
- Oxalic Acid.
- Red Oxide of Mercury (commonly known as red precipitate of mercury).
- Sulphuric Acid.*

SECOND SCHEDULE.

REGISTER OF VENDORS OF POISONS FOR THE PROVINCIAL DISTRICT OF

Name.	Residence.
A.B.	Street.
C.D.	Street.

THIRD SCHEDULE.

BOOK OF SALES OF POISONS.

Date.	Name and Address of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature and Address of Purchaser.	Signatures and Addresses of Persons witnessing Purchase.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1893.
