Hon. Mr. Fowlds.

SALE OF POISONS.

ANALYSIS.

Title.
1. Short Title.
2. Interpretation.
3. Governor may declare any article to be a poison.
4. No person to sell poisons unless he holds certificate.
5. Vendors of poisons to be registered.
6. Register of Vendors of Poisons. Particulars to be entered therein.
7. Death of person registered to be notified.
8. Annual registration fee.
9. Name to be erased from register if fee not paid.
10. List of persons registered to be gazetted annually.
11. Particulars to be entered before sale of any poison.
12. "Poison" to be printed conspicuously on bottle, &c.
13. Arsenic or strychnine to be mixed with proof.
14. When witness to sale required.
15. Poison not to be left about unless marked.
16. Penalty on person opening bottle, &c., for sale.
17. Morphia to be sold only on prescription.
18. Offences against Act.
19. Governor may cancel certificate of vendor.
20. Articles to which Act not to apply.
22. Power to constable to enter.
23. Proceedings to be in a summary way.
24. Fees and fines to be paid into Public Account.
25. Regulations.

A BILL INTITULED

An Act to regulate the Sale and Use of Poisons.

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, 1906"; and it shall form part of and be read together with "The Public Health Act, 1900."

2. In this Act, if not inconsistent with the context,—

"Poison" means any article mentioned in the First Schedule hereto:

"Registrar" means the Chief Health Officer.

3. The Governor may from time to time, by Order in Council gazetted, declare any article to be a poison within the meaning of this Act; and on the expiration of three months after the gazetting thereof every such Order shall have effect.

4. From and after the thirty-first day of December, one thousand nine hundred and six, every person other than a legally qualified medical practitioner or a registered pharmaceutical chemist who sells any poison is liable, unless he holds a certificate from the Governor, to sell poisons unless he holds certificate.
Registrar that he is a fit and proper person to sell poisons, to a fine not exceeding twenty pounds.

5. Every person who produces a certificate from a legally qualified medical practitioner and a Magistrate that he is a fit and proper person to be allowed to sell poisons shall be entitled to receive from the Registrar a certificate, and be registered as a vendor of poisons on payment to the Registrar of a fee of five shillings per annum.

6. (1.) The Registrar shall keep a register called the “Register of Vendors of Poisons.”

(2.) In such register the Registrar shall keep a correct record of all persons registered under this Act, and shall erase therefrom the names of all registered persons who die or cease to carry on business, and shall from time to time make the necessary alterations in the addresses of the persons registered.

(3.) For the purposes of keeping a correct record of the addresses of persons registered under this Act the Registrar may from time to time, by letter addressed to any registered person at his last known address, inquire whether he has changed his place of business, and if no answer is returned to such letter within the period of six months from the sending thereof, the Registrar may erase his name from the register, and may subsequently restore the same upon his personal application, and the production of his certificate or satisfactory proof of his former registration.

(4.) Every person registered under this Act shall, on changing his place of business, intimate the same to the Registrar, and the Registrar shall correct the entry in the register accordingly.

7. Every Registrar of Births and Deaths, on receiving information of the death of any person registered under this Act, shall forthwith transmit notice thereof by post to the Registrar, and on receipt of such notice the Registrar shall erase the name of such person from the register.

8. Every person registered under this Act shall pay to the Registrar on the first day of January in each year an annual registration fee of five shillings.

9. (1.) It shall be lawful for the Registrar to erase from the register the name of any person who fails to pay such annual fee within twelve months after the same becomes due.

(2.) If at any time after such erasure the person whose name was so erased applies to the Registrar to be reinstated, his name shall be re-entered on the register on payment by him of a reinstatement fee of five shillings, together with all annual registration fees due at the time of such erasure.

10. (1.) The Registrar shall, in the month of January in every year, cause to be gazetted a correct and complete list of the names of persons registered under this Act in alphabetical order, with their business addresses, as appearing in the register on the date named in such list.

(2.) A copy of the Gazette containing any such list shall, until the contrary is shown, be sufficient evidence in all legal proceedings that the persons specified in the list are duly registered under this Act, and the absence of the name of any person from the list for the time being shall, until the contrary is shown, be sufficient evidence that such person is not so registered.
11. (1.) Every person who sells any poison specified in the first part of the First Schedule hereto shall, before delivery thereof to the purchaser, inquire his name, place of abode, and occupation, and the purpose for which the poison is required or stated to be required, and shall thereupon make a faithful entry of such sale, specifying the poison and the quantity thereof, and all such particulars so given by the purchaser, together with the day of the month and year of such sale, in a book to be kept by the vendor for that purpose in the form in the Second Schedule hereto.

(2.) Every such entry shall be signed by the person making the same, and also by the purchaser, and whenever a witness to the sale is required by this Act such entry shall be signed by such witness, together with his place of abode.

(3.) When sales and purchases of poisons are made by correspondence, the letter ordering the same shall be preserved by the vendor, and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the poison therein ordered shall be entered in the said book; and no person shall sell poison so ordered to any person with whose signature he is not acquainted, unless such signature is witnessed or purports to have been witnessed by a Magistrate, Justice, clergyman, or public officer, or is authenticated by some person known to the vendor.

12. No person shall sell any poison unless the bottle or other vessel, wrapper or cover, box or case immediately containing the same bears thereon the word "Poison" printed conspicuously, together with the name of the article and the name and address of the seller thereof.

13. No person shall sell any arsenic or strychnine, or any preparation of the same respectively, unless, in the case of arsenic strychnine to be mixed with soot.

and any uncoloured preparation thereof, such poison is mixed before delivery with soot in the proportion of one ounce of soot at least to one pound of arsenic, and so in proportion for any greater or less quantity; and unless, in the case of strychnine or any uncoloured preparation thereof, such poison is coloured with armenian bole or other red colouring-matter before delivery:

Provided that where the purchaser states that such arsenic or strychnine, or preparation thereof respectively, is required not for any pastoral or agricultural use, but for some other purpose for which such admixture would according to the representation of the purchaser render it unfit, such poison may be sold without the admixture hereinafore specified.

14. No person shall sell any poison specified in the first part of the First Schedule hereto to any person who is under eighteen years of age, or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor, and to whom the purchaser is known, and such witness signs his name, together with his place of abode and occupation, to the required entry before delivery of the poison to the purchaser.

15. Every person whatsoever in charge or possession of any poison who leaves it in any place (whether ordinarily accessible to others or not), unless the bottle or package of whatever kind in which the poison is contained is marked as "Poison" in Gothic type,
and is otherwise duly labelled in the manner provided by section twelve hereof, is liable to a fine not exceeding twenty pounds.

16. Every person other than a legally qualified medical practitioner or registered pharmaceutical chemist who for the purpose of sale opens, unstopps, tears, or breaks open any bottle or other vessel, wrapper or cover, box or case immediately containing any poison is liable to a fine not exceeding ten pounds.

17. No person shall sell any morphia or preparation containing morphia except in cases wherein the same shall be specified or included in a prescription or order of a legally qualified medical practitioner known to the seller.

18. (1) Every person is liable to a fine not exceeding ten pounds who—
   (a.) Sells any poison contrary to the provisions of this Act; or
   (b.) Delivers any poison on the sale thereof without having made and signed the entry required by this Act on such sale, or without having obtained such signature to such entry as required by this Act; or
   (c.) On purchasing any poison gives false information in answer to inquiries to the person selling the same in relation to the particulars which he is by this Act authorised to inquire into of such purchaser; or
   (d.) Signs his name as a witness to the sale of any such poison to a person unknown to such witness; or
   (e.) Fails to comply with any of the provisions of this Act for offending against which no specific penalty is provided.

(2) For the purposes of this section the person on whose behalf any sale is made by an assistant or apprentice shall be deemed to be the person who sells, and such assistant or apprentice shall be liable to the like penalties as the person on whose behalf he makes any sale.

19. The Governor may at any time by Order in Council direct the cancellation of the certificate as a vendor of poisons held by any person who is convicted of any offence against this Act which renders him unfit, or who shall be deemed unfit through habitual intoxication or otherwise, to continue to sell poisons.

20. The provisions of this Act which are solely applicable to poisons in the first part of the First Schedule, 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 the provisions of this Act apply to any medicine supplied by a legally qualified medical practitioner to his patient, nor to any poison when made up or compounded by a registered pharmaceutical chemist as a medicine according to the prescription of a duly qualified medical practitioner (provided such medicine is labelled as required by this Act with the name and address of the seller, and the ingredients thereof are 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 by wholesale dealers in quantities not less than one hundredweight:

Provided that nothing in this section shall in any way affect the provisions of section seventeen hereof.
21. (1.) Every person registered under this Act, and every person authorised to sell poisons, shall produce to any constable 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.

(2.) Every person who commits a breach of this section is liable to a fine of not less than one pound and not exceeding five pounds.

22. (1.) Any constable may at all reasonable times enter any shop or place for the purpose of ascertaining whether any poisons are being sold or exposed for sale therein contrary to the provisions of this Act, or whether in any other respect a breach of this Act is being or has been committed.

(2.) Every person who wilfully obstructs or hinders any constable in the execution of his duty under this section is liable to a fine not exceeding ten pounds.

23. All proceedings in respect of offences under this Act shall be taken in a summary way on the information or complaint of any officer appointed under "The Public Health Act, 1900," or of any constable, and shall be heard and determined before any two or more Justices.

24. (1.) All fines recovered and all fees received under this Act shall be paid into the Public Account and shall form part of the Consolidated Fund.

(2.) The expenses of administering this Act shall be paid out of moneys from time to time appropriated for that purpose by Parliament.

25. The Governor may from time to time, by Order in Council gazetted, make regulations for the purpose of carrying this Act into effect.


SCHEDULES.

FIRST SCHEDULE.

PART I.

ARSENIC and its preparations.
Cantharides, its tincture, and all vesicating liquid preparations.
Chloral hydrate.
Chloroform.
Corrosive sublimate.
Cyanide of potassium and all metallic cyanides.
Ergot of rye and its preparations.
Essential oil of almonds unless deprived of prussic acid.
Opium and its preparations.

Poisonous alkaloids and their salts and preparations, including aconitine, apomorphine, atropine, cantharidin, cocaine, codein, digitaline, heroin, homatropine, hyoscine, hyoscyamine, morphine, physostigmine, pilocarpine, strychnine, and veratrine.
Prussic acid.
Savin and its oil.
Sulphonol.
Tartar eunetic.
Vermin-killers (poisonous).
PART II.

Aconite and its preparations.
All corrosive acids, including glacial acetic, hydrochloric, nitric, sulphuric, and fluoric.
Belladonna and its preparations.
Bisulphide of carbon.
Butter of antimony.
Carbolic acid and strong solution.
Chloral hydrate, Preparations of.
Chlorodyne.
Chloride of zinc.
Colocynth.
Creosote.
Croton oil.

Digitalis and its preparations.
Indian hemp and its preparations.
Iodine and its preparations.
Mercury and its salts.
Nux vomica and its preparations.
Oxalic acid and all oxalates.
Phosphorus.
Poisonous disinfectants.
Preparations of chloroform.
Strophanthus tincture.
Sulphate of zinc.
Sugar of lead.
Tartar emetic, Preparations of.

SECOND SCHEDULE.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name and Address of Purchaser</th>
<th>Name and Quantity of Poison sold</th>
<th>Purpose for which it is required</th>
<th>Signature of Purchaser</th>
</tr>
</thead>
</table>

By Authority: JOHN MACKAY, Government Printer, Wellington.—1906.