



1950

c 276 Pharmacy Act

Ontario

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CHAPTER 276

The Pharmacy Act

1. The Ontario College of Pharmacy, herein called "the College", is continued. R.S.O. 1937, c. 228, s. 1. Ontario College of Pharmacy.

2. The College may purchase, take and possess for the purposes of the College, but for no other purpose, and after acquiring the same, may sell, mortgage, lease or dispose of any real estate. R.S.O. 1937, c. 228, s. 2. Powers as to real estate.

3.—(1) There shall be a council of the College to be called the Pharmaceutical Council, herein called "the Council", which shall consist of 13 members, who shall be elected as herein provided, and shall hold office for two years, from and including the third Monday in November next following such election. Council, composition;

(2) The Council shall, subject to the by-laws thereof, have sole control of the real and personal property of the College, and authority to grant certificates of competency to conduct the business of a chemist or druggist, and to be registered subject to this Act. powers;

(3) The members of the Council shall be elected from among those members of the College who are entitled to vote at the election of the members of the Council. R.S.O. 1937, c. 228, s. 3. qualification.

4.—(1) Ontario shall, for the purposes of this Act, be divided into the 13 electoral districts described in Schedule A. Electoral districts;

(2) The Council may re-arrange the geographical boundaries of the electoral districts by by-law, approved of by the Lieutenant-Governor in Council, but such re-arrangement shall not be made more often than once in 10 years. R.S.O. 1937, c. 228, s. 4. re-arrangement.

5. An election of members of the Council shall be held on the first Wednesday in August in every second year and the persons qualified to vote in any electoral district at the election shall be every member of the College who on the 1st day of June in such election year resides in Ontario and who is carrying on the business of a retail chemist in such electoral district as a proprietor thereof or as a registered Election of members of Council.

manager of a retail incorporated company carrying on such business and who is liable to pay and has paid on or before the last-mentioned date the annual fee under this Act. R.S.O. 1937, c. 228, s. 5.

Local
qualifica-
tion.

6.—(1) One member of the Council shall be elected for each electoral district.

Manner of
election.

(2) The manner of holding such election, with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Council, and in default of such by-law may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 228, s. 6.

Resig-
nations,
vacancies.

7. A member of the Council may at any time resign by notice in writing to the registrar of the College, and in the event of such resignation or in the event of a vacancy occurring, the remaining members of the Council shall appoint a member of the College carrying on business in the electoral district in the representation of which the vacancy occurs, to fill the same. R.S.O. 1937, c. 228, s. 7.

President
and officers.

8. The Council shall, at their first meeting, elect from among themselves a president and a vice-president, and shall appoint a registrar and such other officers as the Council may consider necessary. R.S.O. 1937, c. 228, s. 8.

Meetings of
the Council.

9.—(1) The Council shall hold at least two meetings for the transaction of general business in every year, on the first Monday in June and the first Monday in November, at such place as they may by resolution appoint. R.S.O. 1937, c. 228, s. 9 (1); 1946, c. 70, s. 1.

Notice of
meetings.

(2) Unless otherwise provided by by-law of the Council, notice of such two meetings shall be given once a week for at least four weeks in *The Ontario Gazette*, and in at least two newspapers published in the city of Toronto. R.S.O. 1937, c. 228, s. 9 (2).

Powers of
Council as
to school of
instruction.

10.—(1) The Council may establish and carry on a school of instruction and appoint such professors, lecturers, instructors, officers, servants and employees therefor as may be deemed necessary.

School
continued.

(2) The school now established and carried on by the Council in the city of Toronto may be continued. R.S.O. 1937, c. 228, s. 10.

11.—(1) Subject to the disallowance thereof by the Lieu-^{Students.}tenant-Governor in Council, the Council may prescribe the subjects upon which candidates for certificates of competency shall be examined, and a curriculum of studies to be pursued by the students, establish a scale of fees, not to exceed \$25, to be paid by persons applying for examination, make by-laws, rules and orders for the regulation of its own meetings and proceedings and those of the College, and for the discipline, suspension or expulsion for cause of any student, and for suspension for cause of any apprentice from serving under his contract of apprenticeship for a period not exceeding one year, and for the remuneration and appointment of examiners and officers of the College, for defining the duties of such examiners and officers, for the payment of remuneration or indemnity to the members of the Council for attending its meetings or upon the business of the College, and in respect to any other matters which the Council may deem requisite for the carrying out of the provisions of this Act. R.S.O. 1937, c. 228, s. 11 (1).

(2) Not more than five cents per mile for travelling ex-^{Allowances}penses, or more than \$20 per diem for such days as a member ^{to members.}is in actual attendance at a meeting of the Council, or at any meeting mentioned in subsection 3 or upon the business of the College including going to and returning therefrom, shall be allowed to him for such expenses and remuneration. R.S.O. 1937, c. 228, s. 11 (2); 1946, c. 76, s. 2.

(3) The Council may appoint, from time to time, one or ^{Appointment}more representatives to attend meetings of inter-provincial ^{of}or other pharmaceutical associations, and may pay out of ^{representa-}the College funds to any one or more of such associations ^{tive to}such sums as it may deem proper. R.S.O. 1937, c. 228, s. 11 (3). ^{attend inter-}
^{provincial}
^{associations.}

12. The examinations of the College may be conducted ^{Who may}by the members of the Council, or by persons appointed by ^{examine.}the Council. R.S.O. 1937, c. 228, s. 12.

13.—(1) Subject to the rules, regulations and by-laws, the ^{Qualifica-}following persons and no others may be admitted as candidates ^{tion of}for certificates of competency: ^{candidates}
^{for certifi-}
^{cates of}
^{competency.}

- (a) Any person who has registered as an apprentice prior to the 23rd day of March, 1889, and who furnishes to the Council satisfactory evidence of having, in pursuance of a binding contract in writing for that purpose, approved of by the Council, served as an apprentice to a regularly qualified pharmaceutical chemist for a term of not less than three years.

(b) Any person of the full age of 21 years registered as an apprentice on or after the 23rd day of March, 1889, who furnishes to the Council satisfactory evidence of having so served as an apprentice for such term as may be prescribed by the regulations made under section 17 and who has completed the courses of studies prescribed by such regulations. R.S.O. 1937, c. 228, s. 13 (1); 1950, c. 52, s. 1 (1).

Provision for death, etc., of employer.

(2) If any person, by reason of the death, failure in business, or removal of his employer, or from any other cause satisfactory to the Council, is unable to complete his term of apprenticeship, he may enter into a new contract to complete the remainder of his unfulfilled term with any other regularly qualified pharmaceutical chemist.

Case of apprentices prior to 25th March, 1884.

(3) Nothing in this section shall apply to any person who had, prior to the 25th day of March, 1884, begun his apprenticeship with a regularly qualified pharmaceutical chemist without such binding contract in writing. R.S.O. 1937, c. 228, s. 13 (3, 4).

Matriculation, requirements as to.

14.—(1) Every person desirous of becoming apprenticed shall before the term of his apprenticeship begins send to the registrar the sum of \$1 together with a certificate showing that the applicant has passed the examination required for Ontario university matriculation, or possesses academic qualifications in the opinion of the Council equal to that of Ontario university matriculation.

Applicant to be entitled to be registered.

(2) Upon complying with the provisions of this section the applicant shall be entitled to be registered as an apprentice. R.S.O. 1937, c. 228, s. 14.

Register, how kept.

15. The registrar shall keep a register (Form 1) of all persons entitled to be registered as pharmaceutical chemists under this Act, and shall enter opposite the names of all registered persons who have died a statement of that fact, and shall make all necessary alterations in the addresses of persons registered, and shall cause to be printed and published, on or before the 15th day of June of each year, an alphabetical list of the members who were on the 1st day of June of that year entitled to carry on business as pharmaceutical chemists. R.S.O. 1937, c. 228, s. 15.

Who may be entered on register.

16. Notwithstanding the other provisions of this Act, any person,

(a) who,

(i) has been granted the degree of Bachelor of Science in Pharmacy by the University of

Toronto, or such other degree by such other university or other institution of learning as may be prescribed by the regulations made under section 17, or

- (ii) who has completed such courses of studies and has passed such examinations as may be prescribed by the regulations made under section 17; and
- (b) who has served as an apprentice for such length of term and in accordance with such terms and conditions as may be prescribed by the regulations made under section 17; and
- (c) who has paid the sum required to be paid under clause *a* of subsection 1 of section 21,

shall be entered upon the register and shall become a member of the College. 1950, c. 52, s. 2, *part.*

17. The Council, with the approval of the Lieutenant-Governor in Council, may make regulations,

- (a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (b) providing for the registration of apprentices with the Council;
- (c) prescribing the qualifications of, and the courses of studies to be completed by candidates for certificates of competency and candidates for registration under this Act;
- (d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act;
- (e) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration. 1950, c. 52, s. 2, *part.*

18. All persons approved of by the Council who hold diplomas from the Pharmaceutical Society of Great Britain, or certificates from any pharmaceutical college in Canada or elsewhere, may be registered as members of the College without the examination prescribed by this Act. R.S.O. 1937, c. 228, s. 17.

Idem.
Diplomas
from other
societies.

Appeals, etc. **19.** No name shall be entered in the register unless the registrar is satisfied by proper evidence that the person claiming is entitled to be registered, and any appeal from the decision of the registrar shall be decided by the Council, and any entry proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from or amended in the register by order of the Council. R.S.O. 1937, c. 228, s. 18.

Certificate of registration. **20.** Upon a person being registered he shall be entitled to receive a certificate (Form 2) under the corporate seal of the College, and signed by the registrar, and such certificate shall be *prima facie* evidence in all courts, and upon all proceedings of whatever kind of its execution and contents. R.S.O. 1937, c. 228, s. 19.

Fees. **21.**—(1) There shall be payable to the Registrar for the use of the College,

(a) by every person before he is entered upon the register, such sum not exceeding \$25 as may be determined by the by-laws of the Council;

(b) on such day in each year as the Council may fix by by-law by every person registered and practising his profession as a pharmaceutical chemist as owner or manager of the business of a pharmaceutical chemist or as manager of a dispensary, such sum not exceeding \$15 as may be determined by by-law of the Council; and

(c) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist, who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sum paid under clause *b*, such sum not exceeding \$15 as may be determined by by-law of the Council.

Fees for additional stores. (2) Where a person or incorporated company carries on business in more than one shop, such person or such incorporated company shall pay at the same time a further sum not exceeding \$15 as provided by by-law of the Council for each additional shop.

Certificate. (3) Every person and incorporated company upon payment of the above fees shall be entitled to receive a certificate of such payment in the form prescribed by the Council. 1946, c. 70, s. 3.

Business to be managed by registered chemist. (4) Every place of business of a retail druggist or chemist and every branch thereof shall be personally managed by a

pharmaceutical chemist registered under this Act. R.S.O. 1937, c. 228, s. 20 (2).

22. Any person registered under section 16, and no other person, shall be entitled to be called a pharmaceutical chemist, and no person except a pharmaceutical chemist, or his registered apprentice, shall compound prescriptions of medical practitioners; but no person shall be entitled to any of the privileges of a pharmaceutical chemist, or of a member of the College, who is in default in respect to any fees payable by him by virtue of this Act. R.S.O. 1937, c. 228, s. 21.

Who may act as pharmaceutical chemist.

23.—(1) Upon a resolution of the Council being passed declaring that any person in consequence of his conviction of a crime, or of an offence against *The Opium and Narcotic Drug Act, 1929* (Canada) or an offence against *The Liquor Control Act*, or an offence against this Act, is in the opinion of the Council unfit to be on the register, the Council may direct that the name of such person shall be erased therefrom and the registrar shall erase the same accordingly, and his certificate authorizing him to carry on the business of a pharmaceutical chemist shall *ipso facto* be void and be of no force or effect for such period not exceeding two years in the case of a person convicted of a crime or an offence against *The Opium and Narcotic Drug Act, 1929* (Canada) and not exceeding one year in the case of a person convicted of an offence against *The Liquor Control Act*, or this Act, as the Council shall determine by such resolution or until the Council of the College sees fit at its discretion after the expiration of such period to reinstate such pharmaceutical chemist who shall not in the meantime be appointed or act as the employee, clerk, manager or director of, or vote or otherwise interfere as a shareholder in the business of any incorporated company dealing in drugs or medicines under this Act; provided, however, that during the period between the Council meetings a committee of the Council consisting of the president, the chairman of the by-laws and legislation committee and the chairman of the infringement committee thereof may suspend the certificate of registration of such person so convicted until the next meeting of the Council when the same may be considered by the Council and dealt with as in this section provided, and during such suspension the person so convicted shall not be entitled to carry on the business of a pharmaceutical chemist nor shall he be appointed or act as the employee, clerk, manager or director of, or vote or otherwise interfere as a shareholder in the business of any incorporated company dealing in drugs or medicines under this Act.

Erasing name of member on conviction of offence. 1929, c. 49 (Canada). Rev. Stat., c. 210.

(2) The Council may by resolution declare any apprentice convicted of any of the offences hereinbefore mentioned in

Suspension of service of apprentice.

this section unfit to serve under a contract of apprenticeship and that such apprentice be barred for a period of time not exceeding one year as the resolution provides, from service under his contract of apprenticeship; provided, however, that during the period between the Council meetings a committee of the Council consisting of the president, the chairman of the by-laws and legislation committee and the chairman of the infringement committee thereof may suspend from service under a contract of apprenticeship any apprentice so convicted until the next meeting of the Council when the same may be considered by the Council and dealt with as in this section provided.

Person convicted not to bring action against Council.

(3) No action or other proceeding shall be brought or taken by or on behalf of any person convicted of any of the crimes or offences mentioned in subsection 1 against the Council or any committee thereof for anything done or attempted in good faith under this section notwithstanding any want of form in the proceedings of the Council or of the committee. R.S.O. 1937, c. 228, s. 22.

Certificate to be publicly displayed.

24. Every pharmaceutical chemist carrying on business on his own account and every manager of each place of business shall display his certificate in a conspicuous position in such place of business, or the place of business which he manages. R.S.O. 1937, c. 228, s. 23.

Retirement from business.

25. Every person registered as a pharmaceutical chemist shall, on retiring from business, give the registrar notice in writing of the same, and his name shall be erased from the register, and he shall cease to enjoy any of the privileges of the College, and in default of such notice he shall remain liable for his annual registration fee; but any such person may resume business at any time after retiring therefrom upon giving notice in writing to the registrar of his intention so to do, and upon payment of the annual registration fee for the then current year. R.S.O. 1937, c. 228, s. 24.

Executors, etc., carrying on business of deceased chemist, etc.

26. Nothing in this Act shall prevent the executor or administrator or the trustee of the estate of any person legally authorized to carry on and actually carrying on the business of a pharmaceutical chemist at the time of his death from continuing the business so long only as it is *bona fide* conducted by a pharmaceutical chemist registered under this Act if such executor, administrator or trustee continues to pay the annual registration fee. R.S.O. 1937, c. 228, s. 25.

How compounds are to be prepared.

27. Unless the label distinctly shows that the compound is prepared according to another formula, every compound named

in the British Pharmacopœia shall be prepared according to the formula directed in the latest edition published "by authority" until the College of Physicians and Surgeons of Ontario selects another standard and thereafter according to such standard. R.S.O. 1937, c. 228, s. 26.

28. No person shall,

Restriction on sale of poisons, drugs or medicines.

(a) sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines, except patent or proprietary medicines within the meaning of section 44, and except turpentine, Epsom salts, senna, alum, borax, castor oil, sulphur, Glauber's salt, cream of tartar, carbonate of soda, bi-carbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, Rochelle salts, blue stone, copperas, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor, quinine, hydrogen peroxide, or chloride of lime, or sell or attempt to sell any of the articles mentioned in Schedule C; or

(b) assume or use the title of "Chemist and Druggist", or "Chemist", or "Druggist", or "Pharmacist", or "Apothecary", or "Dispensing Chemist", or "Dispensing Druggist", or use the designation "Drug Store", "Pharmacy", "Drugs" or "Medicines", or any sign, title or advertisement implying or calculated to lead the public to infer that he is registered under this Act,

Assumption of title of "Chemist", etc.

unless such person is registered under this Act and has a certificate under section 20. R.S.O. 1937, c. 228, s. 27.

29. No incorporated company shall do any of the acts prohibited by section 28 unless the majority of the directors thereof are duly registered under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others. R.S.O. 1937, c. 228, s. 28; 1946, c. 70, s. 4.

Shops kept by incorporated companies.

30.—(1) Nothing in this Act shall prevent the sale by persons not registered of Paris green, hellebore, tincture of iodine, arsenate of lead, carbolic acid, not exceeding a five per cent solution, formaldehyde and London purple, if such articles are sold in well secured packages distinctly labelled

what poisons may be sold by any person and when.

with the name and address of the person preparing or putting up such packages and marked "poison".

Entry of
sale of car-
bolic acid.

(2) A record shall be kept by the vendor in a book for that purpose of the name and address of each person to whom carbolic acid is sold. R.S.O. 1937, c. 228, s. 29.

Names and
addresses of
directors.

31. Every incorporated company dealing in drugs or medicines under this Act shall before commencing business furnish the registrar with the name and address of each of its directors and thereafter if any change is made in such directors shall forthwith furnish the registrar with the names and addresses of any new directors. R.S.O. 1937, c. 228, s. 30.

Certain
articles to
be deemed
poisons.

32. The articles mentioned in Schedule C shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council, and if approved, and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act*, the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 228, s. 31; 1946, c. 70, s. 5.

Rev. Stat.,
c. 337.

Certain
poisons
to be sold
only in a
certain
manner.

33.—(1) No person or incorporated company shall sell any poison, either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word "poison", and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold, and no person shall sell any poison of those which are in the first part of Schedule C, or may be added thereto under section 32, to any person unknown to the seller unless introduced by some person known to the seller, and on every sale of any such article the person actually selling the same shall, before delivery, make an entry (Form 3) in a book to be kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person who introduced him, to which entry the signature of the purchaser shall be affixed.

Sale of car-
bolic acid
by retail.

(2) In addition to the requirements of subsection 1, carbolic acid, above a five per cent solution, shall not be sold by retail except,

- (a) in a glass bottle of light blue colour having six sides, the front being of plain surface, upon which the label shall be placed, and two opposite sides having blown on them the words "poison", "use with caution", and prominent points on the other portion of the surface thereof in such a manner as to render the bottle distinguishable to the touch from ordinary bottles; or
- (b) in such other bottle as may be authorized by the Council from time to time by regulation approved of by the Lieutenant-Governor in Council; and
- (c) subject to such other regulations as may be enacted by by-law of the Council approved of by the Lieutenant-Governor in Council.

(3) Nothing in this section shall apply to any article when Exceptions. forming part of the ingredients of any medicine prescribed by a legally qualified medical practitioner if the medicine is labelled 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 for that purpose. R.S.O. 1937, c. 228, s. 32.

34.—(1) No person or incorporated company shall sell by Sale of articles in Sched. D. retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon. R.S.O. 1937, c. 228, s. 33 (1); 1939, c. 34, s. 1.

(2) The Lieutenant-Governor in Council may amend Amendment of Sched. D. Schedule D by adding any article thereto or striking any article therefrom, but no such amendment shall come into force until 30 days after the publication thereof in accordance with *The Regulations Act*. R.S.O. 1937, c. 228, s. 33 (2); 1946, c. 70, Rev. Stat., c. 337. s. 6.

35.—(1) The Minister of Health may require any medical Reports to the Minister of Health. practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed. R.S.O. 1937, c. 228, s. 34 (1); 1939, c. 34, s. 2 (1).

(2) Every pharmaceutical chemist shall keep a record of Record to be kept by chemist. every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been purchased or to whom it has been

sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold. 1939, c. 34, s. 2 (2).

Reports by the registrar. (3) The Minister may require the registrar of the College to report from time to time to him any information in the possession of the registrar or the College with respect to any article mentioned in Schedule D.

Disciplinary action. (4) Where it appears to the Minister that any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist has sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D, or has failed or neglected to make a proper and complete report as mentioned in subsection 1, the Minister may report such matter to the disciplinary body of the College of Physicians and Surgeons of Ontario, the Royal College of Dental Surgeons of Ontario, the Ontario Veterinary Association or the Ontario College of Pharmacy, as the case may be. R.S.O. 1937, c. 228, s. 34 (2, 3).

Power to discipline. (5) Every such disciplinary body shall have the power to inquire into the matter and to reprimand, or suspend or cancel the licence to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D.

Appeal. (6) No action shall be brought against any such disciplinary body or any member thereof for anything done *bona fide* under this section, notwithstanding any want of form in the proceedings, but any member of the profession who is reprimanded or whose licence to practise is suspended or cancelled under this section may appeal from the decision of the disciplinary body to the Court of Appeal, at any time within six months from the date of any order made by the disciplinary body, and the court may, upon the hearing of the appeal, make such order as to quashing or confirming the reprimand, or the suspension or cancellation of the licence to practise, or for further inquiry by the disciplinary body into the facts of the case and as to costs as the court may deem just. 1939, c. 34, s. 2 (3).

Inspection of books. **36.** Any book by this Act required to be kept shall be open to inspection by any police officer or constable, or any authorized agent of the College. R.S.O. 1937, c. 228, s. 35.

Selling to include giving, furnishing or disposing of poisons. **37.** The prohibitions, restrictions and provisions in this Act as to selling poisons shall extend to exhibiting or offering for sale, or giving, furnishing or otherwise disposing of them. R.S.O. 1937, c. 228, s. 36.

38. No person shall wilfully or knowingly sell any article under the representation or pretence that it is a particular drug or medicine which it is not, and any person so doing, in addition to any other penalty to which he may be liable, shall be liable to the penalty described by section 39. R.S.O. 1937, c. 228, s. 37. Penalties on wrongful sales.

39.—(1) Every person or incorporated company who contravenes any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable for the first offence to a penalty of not less than \$20 and not more than \$100, and for each offence committed subsequent to conviction for such first offence to a penalty of not less than \$50 and not more than \$200, and the amounts recovered shall be paid over to the registrar for the use of the College. Penalties.

(2) The College shall forthwith refund so much of the penalty as has been received by the registrar in any case upon an order to that effect being passed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 228, s. 38. Application of penalties.

40. In any prosecution under this Act the burden shall rest on the defendant to prove that he is registered and holds a certificate under this Act, and to give evidence sufficient *prima facie* to prove that no unregistered person who personally takes any part in selling or dispensing drugs or medicines is interested with him in his sales thereof. R.S.O. 1937, c. 228, s. 39. Onus of proof.

41. A person who sells any article in violation of the provisions of this Act shall not be entitled to recover any charges in respect thereof. R.S.O. 1937, c. 228, s. 40. Price of articles sold contrary to this Act not to be recovered.

42. Nothing in this Act shall affect or interfere with the rights and privileges conferred upon a legally qualified medical practitioner by *The Medical Act*, and where such medical practitioner desires to carry on the business of a pharmaceutical chemist as defined by this Act, he shall not be required to pass the examination prescribed by the College, but he shall register as a pharmaceutical chemist and comply with all other requirements of this Act. R.S.O. 1937, c. 228, s. 41. Saving as to qualified medical practitioners, etc. Rev. Stat., c. 228.

43. Nothing in this Act shall prevent any person from selling goods of any kind to a pharmaceutical chemist or to a legally qualified medical practitioner or to a veterinary surgeon, or shall prevent a legally qualified medical practitioner or a veterinary surgeon from supplying such medicine as he may prescribe, or, except as provided by section 31, shall interfere with the business of wholesale dealers in supplying Sales to chemists, etc., not affected.

poisons or other articles in the ordinary course of wholesale dealing. R.S.O. 1937, c. 228, s. 42.

Selling
patent
medicines.

44.—(1) Nothing in this Act shall interfere with or affect the making or dealing in any proprietary or patent medicine.

Interpre-
tation.
R.S.C. 1927,
c. 151.

(2) The words "proprietary or patent medicine" in this Act shall have the meaning and be defined as in the *Proprietary or Patent Medicine Act* (Canada). R.S.O. 1937, c. 228, s. 43.

Honorary
membership.

45. The Council may elect as honorary members of the College such persons as they may deem eminent for scientific attainments, but no such honorary member shall be entitled to vote at elections or carry on the business of pharmaceutical chemist unless registered as a pharmaceutical chemist. R.S.O. 1937, c. 228, s. 44.

Division
associations
and electoral
districts.

46. In each of the electoral districts there may be established a division association, which may be called the Division Association of such district, of which every member of the College residing in such district shall be a member, and each representative in the Council shall be *ex officio* chairman of such division association. R.S.O. 1937, c. 228, s. 45.

SCHEDULE A

(Section 4 (1))

ELECTORAL DISTRICTS

No. 1 Division—The Counties of Glengarry, Prescott, Stormont, Russell, Renfrew, Dundas, Carleton, Lanark, and Grenville.

No. 2 Division—The Counties of Leeds, Frontenac, Lennox and Addington, Prince Edward, and Hastings.

No. 3 Division—The Counties of Northumberland, Durham, Peterborough, Victoria, Haliburton, and Ontario.

No. 4 Division—That portion of the City of Toronto east of Spadina Avenue and Spadina Road.

No. 5 Division—That portion of the City of Toronto west of Spadina Avenue and Spadina Road.

No. 6 Division—The Counties of Simcoe and York and the Districts of Parry Sound and Muskoka.

No. 7 Division—The Counties of Wellington, Halton, Peel, Dufferin, and Perth.

No. 8 Division—The Counties of Wentworth, Lincoln, and Welland.

No. 9 Division—The Counties of Brant, Waterloo, Haldimand, and Norfolk.

No. 10 Division—The Districts of Rainy River, Thunder Bay, Algoma, Nipissing, Sudbury, Temiskaming, Kenora, and Manitoulin.

No. 11 Division—The Counties of Elgin, Middlesex, and Oxford.

No. 12 Division—The Counties of Huron, Grey, and Bruce.

No. 13 Division—The Counties of Lambton, Kent, and Essex.

R.S.O. 1937, c. 228, Sched. A.

SCHEDULE B

FORM 1

(Section 15)

REGISTER

| Name | Residence | Qualifications | Remarks |
|-------|-----------|--|---|
| A. B. | Kingston. | In business for three years prior to (date). | Dead. |
| C. D. | Toronto. | Examined and Certified (date). | Erased by order of the Lieut.-Gov., (date). |
| E. F. | London. | Served apprenticeship and as assistant. | |

R.S.O. 1937, c. 228, Sched. B, Form 1.

FORM 2

(Section 20)

CERTIFICATE OF REGISTRATION

I hereby certify that *C. D.*, having complied with the requirements of *The Pharmacy Act*, was on the.....day of....., 19....., duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario from the.....day of....., 19....., to the.....day of....., 19.....

R. F.,
Registrar of the Ontario College of Pharmacy.

[Corporate Seal]

R.S.O. 1937, c. 228, Sched. B, Form 2.

FORM 3

(Section 33)

ENTRY OF SALE

| Date | Name of purchaser. | Name and quantity of poison, sold. | Purpose for which it is required. | Signature of purchaser. | Address of purchaser. | Name of person introducing purchaser. | Name of medical practitioner or whose prescription furnished. |
|------|--------------------|------------------------------------|-----------------------------------|-------------------------|-----------------------|---------------------------------------|---|
| | | | | | | | |

R.S.O. 1937, c. 228, Sched. B, Form 3.

SCHEDULE C

(Sections 28, 32, 33)

PART I

| | |
|---|--|
| Acid, Hydrocyanic (Prussic), Aconite, and preparations and compounds thereof, Antimony, Tartarated (Tartar Emetic), Arsenic, and preparations and compounds thereof, except Paris Green, Atropine, Carbolic Acid, exceeding a five per cent solution, Chloral Hydrate, Cocaine, and its salts or any admixture thereof, Digitalin, Ergot, and preparations and compounds thereof, | Eucaïne, and its salts or any admixture thereof, Heroin, Indian Hemp, Mercury Bichloride (Corrosive Sublimite), Morphine, and its salts, or any admixture thereof, Nux Vomica, Oil of Cedar, Opium, including crude opium, powdered opium, or opium prepared or in course of preparation for smoking, Savin, and all preparations thereof, Strychnine, and its salts, Veratrine. |
|---|--|

PART II

| | |
|-----------------------------------|---------------------------------|
| Acetanilide (Antifebrin), | Mercury, and preparations, |
| Acid, Oxalic, | Oil of Bitter Almonds, |
| Antimony, preparations of, | Oil of Pennyroyal, and prepara- |
| Antipyrine, | tions, |
| Belladonna, and preparations and | Oil of Tansy, |
| compounds thereof, | Phenacetin, |
| Calabar Beans, | Phosphorous in a free state. |
| Cantharides, | Pink Root, |
| Chloroform, | Podophyllin, |
| Columbian Spirits, | (Resin Podophyllin), |
| Conium, and preparations thereof, | Potassium Bromide, |
| Cotton Root, and preparations | Potassium Cyanide, |
| thereof, | Potassium Iodide, |
| Cocculus Indicus (Fish Berry), | Rue, and all preparations, |
| Creosote, | St. Ignatius Beans, |
| Croton Oil and Seeds, | Santonin, |
| Elaterium, | Sabadilla Seeds, |
| Ether, | Scammony, |
| Euphorbium, | Sulfonal, |
| Formaldehyde (Formalin), | Trional, |
| Goulard's Extract, | Valerian, |
| Hyoxyamus, and preparations, | Verdigris, |
| Iodine, and preparations, | Zinc Sulphate. |
| Laudanum, but not paregoric, | |

R.S.O. 1937, c. 228, Sched. C.

SCHEDULE D

(Sections 34, 35)

Codeine and its salts in any form, except when combined with other medicinal ingredients and not exceeding one-half of one grain of codeine or its salts and not less than the amount set by the British Pharmacopoeia as a minimum dose of one of the other medicinal ingredients in each maximum dose of the combination, but where the combination contains two or more such ingredients having a similar action the minimum dose of each ingredient may be reduced to one-half the Pharmacopoeial dose where two ingredients are used and to one-third where three ingredients are used, and where the combination contains less than one-half of one grain of codeine or its salts in a maximum dose of the combination the minimum dose of such ingredients may be reduced in proportion to the reduction in codeine.

Amidopyrine and barbituric acid (malonylurea) and derivatives or chemical combinations, except when combined with other medicinal ingredients and not exceeding one-half of one grain of amidopyrine or barbituric acid or the said derivatives or combinations and not less than the amount set by the British Pharmacopoeia as a minimum dose of one of the other medicinal ingredients in each maximum dose of the combination and when the combination contains less than one-half of one grain of amidopyrine or barbituric acid or the said derivatives or combinations in a maximum dose of the combination the minimum dose of such ingredients may be reduced in proportion to the reduction in the above drug.

Sulphanilamide, para amino benzene sulphonamide or any derivative thereof or any combination thereof with other substances, and whether sold under the proper name or under any trade name, mark or designation.

R.S.O. 1937, c. 228, Sched. D; O. Regs. 38/44, 39/44.

