

Bill No. 75 of 1945.

A BILL TO AMEND AND CONSOLIDATE THE
ALBERTA PHARMACEUTICAL ASSOCIATION ACT,
BEING CHAPTER 288 OF THE REVISED STATUTES
OF ALBERTA, 1942.

NOTE.

This Bill amends and consolidates *The Alberta Pharmaceutical Association Act*, being chapter 288 of the Revised Statutes of Alberta, 1942. The major portion of this Bill is a re-enactment of the existing Act and only the more important changes are referred to in this note.

The method of election of councillors and qualifications of voters is set out in sections 5 to 9. By section 8 for the purpose of representation on the council, the Province is divided into seven districts and each district is to be represented by a councillor. Only the members resident in a district are entitled to vote for a representative of that district, subject to an exception in the cases of members residing outside the Province. A councillor must reside in the district he represents.

Sections 10 to 17 deal with the procedure to be followed in making nominations and voting.

Important changes are made in the provisions relating to the registrations of members of the Association in the future.

Section 24 (2) sets out the qualification necessary, namely, attending courses in pharmacy at the University of Alberta, and obtaining the degree of Bachelor of Science in Pharmacy and serving such a period of pharmaceutical internship not exceeding twenty-four months as may be required by the council in the actual practice of pharmacy. Internship is dealt with in section 26. This takes the place of apprenticeship and clerkship in the old Act.

There are also some changes in the Schedules to the Act.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 75 of 1945.

An Act to amend and consolidate The Alberta Pharmaceutical Association Act, being chapter 288 of the Revised Statutes of Alberta, 1942.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Alberta Pharmaceutical Association Act, 1945*".

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Council" means the Council of The Alberta Pharmaceutical Association;
- (b) "Drug" means any substance, whether or not produced in whole or in part by synthetic process, and either alone or in conjunction with another substance, the definition and composition of which is found in the British Pharmacopoeia or other Pharmacopoeia approved by the Minister of National Health for the Dominion of Canada, or in the Canadian Formulary or other Formulary approved and accepted by the Minister of National Health for the Dominion of Canada;
- (c) "Drug Store" or "Pharmacy" means a place where prescriptions, drugs, chemicals and poisons are sold by retail or compounded;
- (d) "Medicine" includes all drugs for internal or external use of man or animal and any substance or mixture of substances intended to be used for treatment, mitigation or prevention of disease or pain in man or animal;
- (e) "Pharmaceutical Chemist" means any person duly qualified and registered under the terms of this Act;
- (f) "Pharmaceutical Interne" means a student in Pharmacy who has been duly registered for training in pharmacy pursuant to the provisions of this Act;
- (g) "Poison" means drugs, chemicals or compounds thereof which are dangerous to human or animal life; and in particular the several articles named or

described in Schedule I, Parts 1 and 2 of this Act shall be deemed to be poisons within the meaning of this Act;

- (h) "Prescription" means a direction given by a duly qualified medical practitioner, a registered dentist, or a registered veterinary surgeon of a remedy for a disease or disorder, prescribing the ingredients with or without the method of using;
- (i) "Proprietary or Patent Medicine" has the same meaning as in *The Proprietary or Patent Medicine Act (Dominion)*;
- (j) "Sell" includes advertising for sale, or exposing or keeping for sale or directly or indirectly upon any pretense or by any device selling or offering for sale or offering or attempting to sell or barter.

INCORPORATION.

3.—(1) The Alberta Pharmaceutical Association heretofore constituted and all persons registered and in good standing as members of the Alberta Pharmaceutical Association on the day this Act comes into force are hereby continued as a body corporate and politic under the name of "The Alberta Pharmaceutical Association" (hereinafter called "The Association"), and shall have perpetual succession and a common seal, and may sue and be sued, contract and be contracted with, and may acquire by gift, purchase or otherwise, and may sell, mortgage, lease or otherwise dispose of real and personal property for the purpose of carrying into effect and of promoting the objects of the Association.

(2) The Association shall have power to assist any organization having for its objects or some of them, the protection, advancement or promotion of the interests or welfare of the members of the Association in such manner and in such amount as the Council may from time to time determine.

MEETINGS.

4.—(1) A general meeting of the members of the Association shall be held at least once in each calendar year to be convened by the Council at the time and place and in the manner provided from time to time in the by-laws of the Association.

(2) The procedure to be followed at all general meetings shall be as provided from time to time in the by-laws of the Association.

ELECTION OF COUNCIL.

5.—(1) The Association shall be governed by a Council composed of seven members of the Association (hereinafter called Councillors) elected by the members in the manner hereinafter provided.

(2) The term of office of a councillor shall be two years, but the office of councillor shall be vacated if the Councillor,—

- (a) By notice in writing to the President or Registrar of the Association resigns his office; or
- (b) ceases to reside in the district of the Province of Alberta which he was elected to represent; or
- (c) ceases to be actively engaged in practicing his profession of Pharmacy, or
- (d) Ceases to be a member of the Association; or
- (e) dies, or is found lunatic or becomes of unsound mind.

(3) If the office of a councillor is vacated, the remaining members of the council shall appoint, subject to the approval of the majority of the members of the district eligible to vote, some other person being a member of the Association and otherwise eligible to fill the vacancy so created, the appointment to be effective for the unexpired term of the council or whose office was vacated, subject always to the provisions of subsection (2) hereof.

(4) A retiring councillor shall be eligible for re-election.

(5) No person shall be eligible to be elected a member of the council unless he is registered in accordance with the provisions of this Act, and unless he resides within the Province of Alberta and carries on the business of a pharmaceutical chemist within the Province of Alberta.

6. The persons entitled to vote at elections of councillors shall be such persons as are at the time of voting registered and in good standing as members of the Association, and the time, place and manner of such elections shall be provided by the by-laws of the Association subject to the provisions of this Act.

7. The charge and conduct of elections shall be under the management of the Registrar of the Association.

8.—(1) For the purpose of representation on the Council, the Province of Alberta shall be divided into seven districts and one councillor shall be elected for each district.

(2) The boundaries of the said districts shall be defined from time to time in the by-laws of the association.

9. Only such persons as actually reside in a district shall be entitled to vote in the election of a councillor for that district. Provided, however, that any person who does not reside in the Province of Alberta and who otherwise is entitled to vote shall vote in the election of a councillor for the district assigned to him by the Registrar of the Association, such assignment to be made pursuant to the provisions of the by-laws of the association.

10. The time and place for receiving nominations for councillors and the form of nominating papers shall be as provided in the by-laws of the association, and every nomination shall be in writing and signed by at least two persons entitled to vote in the election in the district for which the nomination is made, and shall be accompanied by the written consent of the person nominated and a statement by him in the form provided in the by-laws indicating that he is eligible for election under the provisions of this Act.

11. In the event of only one nomination being received within the time allowed for receiving nominations for any district the person so nominated shall be deemed elected and in such case no voting papers shall be sent out to persons entitled to vote in that district.

12. In every case where a poll is required the registrar shall, at least twenty days prior to the day of election, mail to each person entitled to vote in the election at his last known place of residence, a ballot in Form B in Schedule II hereto, or to the like effect.

13. The vote of each elector shall be given by a signed ballot in Form B in Schedule II hereto or to like effect which shall be mailed in a sealed envelope prepaid addressed to the Registrar or delivered to him at his office so as to be in his hands prior to or on the day of election before the hour prescribed for the opening of the ballots.

14. The ballots shall be opened by the registrar of the association in the presence of at least two other members of the association at the hour of nine o'clock in the evening of the day of election and the registrar shall then scrutinize and count the votes in the presence of the other members and keep a record thereof.

15. The candidate in each district receiving the highest number of votes shall be declared elected as councillor for that district by the registrar.

16. Any person entitled to vote at any election shall be entitled to be present at the opening and counting of the ballots at such election.

17.—(1) In case of an equality of votes between two or more candidates in any district, the registrar shall, in the presence of the scrutineers, forthwith put into a box a number of papers with the names of the candidates having such equality of votes written thereon one for each candidate, and shall draw by chance from such ballot box one of such papers.

(2) The person whose name is upon the paper so drawn shall be deemed elected to the council.

OFFICERS AND POWERS OF THE COUNCIL

18.—(1) The Council shall elect from among its members a president, a vice-president and such other officers as the Council may from time to time decide are necessary.

(2) The Council shall appoint a registrar-treasurer, or a registrar and a treasurer, any of whom may or may not be a member of the Council, but who must be a member in good standing of the Association, at such salary or other remuneration and for such term of office as the Council may decide.

(3) The election of the president and of the vice-president shall be effective for a period of two years but any such office shall forthwith be vacated upon the incumbent ceasing to be a councillor.

19. The Council shall have the sole control and management of the real and personal property of the Association subject always to the provisions of this Act and of the by-laws of the Association.

20.—(1) The Council shall have power to fix such fees and make such by-laws, rules and regulations not inconsistent with the provisions of this Act as it deems necessary for the carrying out of the objects of the Association, and in particular by such by-laws, in addition to any other powers it may have, may,—

- (a) fix the examination fee, registration fee, annual fees or other fees to be paid by internes or members of the Association;
- (b) provide that the annual fee of any member which remains unpaid for a period to be specified in such by-laws shall on the expiration of such period be increased to an amount specified in such by-law;
- (c) provide that the annual fees of non-resident or non-practising members shall be on a different basis from those of active members;
- (d) provide for the depositing and disbursement of the funds of the Association;
- (e) provide that each active member be supplied with and keep prominently displayed in his place of business a certificate showing that he is a member of the Association;
- (f) provide for the striking off the register and suspension from practice as a member of the Association of any member for non-payment of fees due the Association, and for the reinstatement of such member upon such terms as the Council may decide;
- (g) from time to time amend, revoke or substitute other by-laws in their stead.

(2) Such by-laws, rules and regulations may also be amended, altered or repealed in whole or in part at any

annual general meeting of the Association, provided notice be given of the intention so to do in accordance with the by-laws in force for the time being.

21.—(1) The council may by resolution declare that any person is, in the opinion of the Council, unfit to be a member of the Association, in consequence of his conviction for an offence against an Act of the Parliament of Canada or the Legislature of the Province of Alberta, and if any member of the legislature of the Province of Alberta, and if any member of the Association after due enquiry by the Council is adjudged by them to have been guilty of infamous or unprofessional conduct in any respect or of professional incompetence, negligence, or misconduct, so gross as to disqualify such person in the opinion of the Council from practising under this Act, the Council may, if it so decides, give a written order to the registrar of the Association to erase the name from the register, and a true copy of any such order shall be mailed to the member by fully prepaid registered post addressed to him at his last known address.

(2) When the Council has so removed the name of such person from the register the name of that person shall not again be entered thereupon except under authority of a resolution of the Council of the Association, or an order of a judge of the Supreme Court.

(3) A person whose name has been directed to be erased from the register may appeal from the decision of the Council to a judge of the Supreme Court at any time within six months after the date of the order, and a judge may, upon hearing the appeal, make such order as to the restoration of the name so erased or confirming such erasure or for further enquiry by the Council into the facts of the case and as to costs as shall be just.

(4) The appeal may be by motion, notice of which shall be served upon the registrar, and the registrar shall, upon request of any person desiring to appeal, furnish to him a certified copy of all proceedings, reports, orders and papers upon which the Council has acted in making the order complained of.

(5) No action shall lie against the Council or its members for any proceedings taken or any judgments given or in force under the provisions of this Act.

22. The registrar shall make and keep a correct register in accordance with the provisions hereof of all persons who are registered hereunder, and shall enter their qualifications opposite the names of all registered persons who file a statement thereof, and from time to time shall make the necessary alterations in the addresses of persons so registered.

23. No name shall be entered in the register except in pursuance of a resolution of the Council unless the registrar of the Association is satisfied by proper evidence that the person applying is entitled to be registered, and any appeal

from the decision of the registrar may be decided by the Council, and any entry proven 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.

24. Upon any person being registered as aforesaid, he shall be entitled to receive a certificate in Form A in Schedule II, or to like effect, under the corporate seal of the Association and signed by the president and registrar, and shall be entitled to receive an official receipt annually upon the payment of a fee to be determined by the Council.

25.—(1) All persons registered as pharmaceutical chemists under the provisions of *The Alberta Pharmaceutical Association Act*, being chapter 288 of the Revised Statutes of Alberta, 1942, on the day this Act comes into force shall be deemed to be registered as such under the provisions of this Act.

(2) Any candidate who produces to the registrar of the Association satisfactory evidence that he has attained the age of twenty-one years and has, after he has been declared eligible to do so, entered and attended the course in pharmacy at the University of Alberta and received from the said University the degree of Bachelor of Science in Pharmacy certifying the successful completion of the minimum course of studies as prescribed by the said University and approved by the Council of the Association, shall be entitled to be registered as a pharmaceutical chemist on producing evidence that he has served such period of pharmaceutical internship, not to exceed twenty-four months, as may be required by the Council of the Association in the actual practice of pharmacy in the dispensary of an approved hospital or in a drug store of a duly registered pharmaceutical chemist *bona fide* carrying on business as such, and upon the payment of the registration fee.

(3) Any candidate who produces to the registrar of the Association satisfactory evidence that he was a registered apprentice prior to the fifteenth day of June, one thousand nine hundred and forty-four and subsequent to being so registered has served with His Majesty's Armed Forces, may be granted special permission by the Council of the Association to enter upon a two-year course in pharmacy as an alternative to the course prescribed in subsection (2), and shall be entitled to be registered as a pharmaceutical chemist upon receiving a certificate from the University of Alberta showing he has successfully completed such course of studies and after having served such additional period, not to exceed twenty-four months, as the Council of the Association may direct in the actual practice of pharmacy in the dispensary of an approved hospital or in a drug store of a duly registered pharmaceutical chemist *bona fide* carrying on business as such and upon the payment of the registration fee.

(4) Any other candidate who produces to the registrar of the Association satisfactory evidence that he was a registered apprentice prior to the fifteenth day of June, one thousand nine hundred and forty-four, and who may at the discretion of the Council of the Association be granted special permission to enter upon the alternate two-year course in Pharmacy if he has satisfactorily completed the then prescribed period of apprenticeship prior to September thirtieth, one thousand nine hundred and forty-six shall be entitled to be registered as a pharmaceutical chemist upon presentation of a certificate from the University of Alberta showing that he has successfully completed such course of studies and upon the payment of the registration fee.

(5) On the consent and at the will of the Council of the Association, any British subject who is a registered member of any pharmaceutical association, society or college of pharmacy approved by the Council of the Association in Great Britain or Ireland, the Dominion of Canada or the United States of America, may be registered as a member of the Association on producing to the Registrar of the University of Alberta satisfactory evidence that at the time such person became a member of such association, society or college of pharmacy the educational requirements for such membership were in all respects equivalent to those of The Alberta Pharmaceutical Association in respect of its own members at the time such person applies for membership in the Association and upon the payment of the registration fee.

(6) At the request of the Council of the Association the University of Alberta may prescribe such courses and examinations as it deems necessary for any registered member of any pharmaceutical association or society or college of pharmacy, applying for membership in the Association who may not otherwise be entitled to be registered under this Act, in order to place the educational standing of such applicant on an equality with the requirements of the said University at the time of such application, and on such applicant producing to the registrar of the Association a certificate from the registrar of the University showing that he has fulfilled such educational requirements and upon otherwise complying with the by-laws of the Association and upon the payment of the registration fee he shall be entitled to be registered as a member of the Association.

(7) The Council of the Association shall be entitled to refuse to approve for the purpose of the subsections (5) and (6) of this section any applicant from any pharmaceutical association, society or college of pharmacy which does not admit registered members of The Alberta Pharmaceutical Association on terms as favourable as those provided for the admission to the said Association of registered members from other pharmaceutical associations, societies or colleges of pharmacy.

INTERNESHIP.

26.—(1) The Council of the Association shall from time to time formulate rules and regulations with respect to the qualifications, training and discipline of pharmaceutical internes not inconsistent with the provisions of this Act.

(2) The registrar shall maintain a register of pharmaceutical internes which register shall contain all details required by the provisions of this Act and by the rules and regulations formulated from time to time by the Council of the Association.

(3) Before any candidate shall be entitled to be registered as a Pharmaceutical Interne he shall produce to the Registrar of the Association satisfactory evidence that he has,—

- (a) attained the age of sixteen years and is of good character; and
- (b) such educational qualifications as the University of Alberta may from time to time require as the minimum standard for admission to the study of Pharmacy at the said University of Alberta; and
- (c) entered into an agreement with a registered Pharmaceutical Chemist actively engaged in the practice of his profession in such form as may be required by the rules and regulations formulated from time to time by the Council of the Association.

(4) Any registered pharmaceutical chemist shall only be entitled to an agreement with one pharmaceutical interne at a time and shall not enter into an interne agreement with any person while any previous interne agreement to which he is a party is still in force and effect and binding upon him.

COMPOUNDING AND SALE OF POISONS.

27.—(1) No person who is not registered under this Act and the holder of a valid and subsisting certificate of registration shall, save as herein provided, sell or keep open shop for the retailing, dispensing, or compounding of poisons, drugs or medicines, except patent or proprietary medicines as defined by *The Proprietary or Patent Medicine Act*, being chapter 151 of the Revised Statutes of Canada, 1927, and except aspirin, tincture of iodine 2½%, creolin, carbolic acid solutions not exceeding ten per centum (10%), paris green, turpentine, epsom salts, copperas, senna, borax, castor oil, sulphur, glauber's salt, cream of tartar, carbonate of soda, bicarbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, rochelle salts, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor and chloride of lime:

Provided that nothing in this section contained shall prevent any person selling poisons, drugs or medicine at any point in the Province of Alberta more than fifteen miles from the nearest place of business operated by a member of the Association:

Provided further that all other provisions of this Act in regard to the sale of poisons shall apply to any sale by any such person.

(2) No person who is not registered under this Act and the holder of a valid and subsisting certificate of registration shall dispense any prescription, recipe or formula, or compound any drugs or medicines unless the dispensary, pharmacy, drug store, hospital dispensary or place of business is in charge and under the supervision of a person who is registered under this Act.

(3) No person shall employ any other person who is not registered under this Act and the holder of a valid and subsisting certificate of registration to dispense any prescription, recipe or formula or to compound drugs and medicines unless the dispensary, pharmacy, drug store, hospital dispensary or place of business is in charge and under the supervision of a person who is registered under this Act.

(4) No person shall assume or use the title of chemist and druggist, or chemist, or druggist, or pharmacist, or pharmaceutical chemist, or apothecary, or dispensing chemist, or dispensing druggist, or display any sign bearing the words drugs, drug store, drug dispensary, drug sundries, or other words of like import, or display any fixture, title or advertisement implying or calculated to infer that he is registered under this Act, unless such person has taken out a certificate under the provisions of this Act for the time during which he is selling or keeping open shop for retailing, dispensing or compounding poisons, drugs or medicines, or using such title.

(5) No person shall open or carry on any branch, second or other shop or place of business for retailing, dispensing or compounding of any poisons, drugs or medicines without first paying the annual fee and otherwise complying with the requirements of the Association in relation thereto and without placing and keeping such shop or place of business under the immediate personal supervision of and *bona fide* managed and conducted by a pharmaceutical chemist duly registered under this Act.

(6) The person or persons opening such branch, second or other shop or place of business shall, upon opening the same, notify the registrar of the Association of the name of the manager of such branch, second or other shop or place of business, and from time to time thereafter forthwith as such changes occur, he shall notify the registrar of any change in the management thereof.

(7) Notwithstanding the provisions of subsection (4) of this section, a body corporate, a firm or partnership may keep open shop at any place or places for the purposes specified in subsection (4) of this section provided,—

(a) the business or corporate body, firm or partnership, so far as it relates to the retailing, dispensing or compounding of drugs, medicines and poisons is at

every such place under the actual control and management of a duly registered pharmaceutical chemist; and

- (b) The name of each registered pharmaceutical chemist having such control and management, together with a description of the premises at which such business is carried on and the name of the body corporate, firm or partnership carrying on such business is forthwith forwarded to the registrar to be entered in a register to be kept for that purpose; and
- (c) the registered pharmaceutical chemist having such control and management as aforesaid does not act in a similar capacity for any other body corporate, firm or partnership, and does not carry on business as a pharmaceutical chemist on his own account.

(8) Any person who is registered under this Act and who owns, operates or is in charge of any dispensary, pharmacy, drug store or hospital dispensary and who ceases to own, operate or be in charge of such dispensary, pharmacy, drug store or hospital dispensary, shall within five days from such cessation notify the registrar of the Association in writing of such cessation.

(9) Any person who owns or operates a dispensary, pharmacy, drug store or hospital dispensary which is in charge of a person registered under this Act shall within five days after such person has ceased to be in charge of the said dispensary, pharmacy, drug store or hospital dispensary notify the registrar in writing of such cessation.

28.—(1) The Council of the Association may from time to time by resolution declare that any article specified in such resolution ought to be deemed a poison within the meaning of this Act, and such resolution shall specify whether such article should be included in Part 1 or Part 2 of Schedule I.

(2) Upon passing such resolution the Council of the Association shall submit the same to the Lieutenant Governor in Council for approval, and if approval is given the resolution, such approval shall be advertised in *The Alberta Gazette*, and on expiration of one month from the date of the publication of such advertisement, the article named in the resolution shall be deemed to be included in Part 1 or Part 2, as the case may be, of Schedule I.

29. No person selling any article in violation of the provisions of this Act shall recover any charges in respect thereof in any Court.

30.—(1) Every place in which drugs or medicines are compounded, or manufactured, or where manufacturers' original packages are subdivided or broken up for the purpose of repackaging into either larger or smaller quantities, for sale either by retail or wholesale, shall be under the

immediate supervision of and shall be *bona fide* managed and conducted by a duly qualified and registered pharmaceutical chemist under this Act:

Provided that nothing in this section contained shall apply to those drugs named in subsection (1) of section 27, except *paris green*.

(2) All drugs and medicines, including those named in subsection (1) of section 27, shall be properly labelled by wholesale dealers and retailers before being offered for sale to the general public.

31.—(1) No person shall sell any of the poisons listed in Part 1 of Schedule I to any persons unknown to the seller unless introduced by some person known to the seller, and on every sale of such poison the person actually selling the same shall before delivery make an entry in a book to be kept for the purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the drug sold, and the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed.

(2) No person shall sell any of the poisons named in Part 1 or Part 2 of Schedule I, 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 poison and the word "Poison," and with the name and address of the proprietor or the name of the establishment in which the poison is sold.

(3) Failure to provide such record book or failure to record each and every sale of such poison as is required by subsection (1) of this section, or refusal to permit the inspection of such records when demanded by any officer duly appointed to make inspections either by the authority of the Legislature of the Province of Alberta or by authority of the Council of the Association shall be deemed an offence within the meaning of this Act.

32.—(1) Nothing in this Act shall prevent any person in any place, who has received a permit so to do from the Department of the Attorney General of the Province or from the Royal Canadian Mounted Police or any officer or officers authorized by the Department of the Attorney General from selling any branded line of Gopher Poison duly licensed, labelled and registered in conformity with *The Agricultural Pests Control Act* of the Government of the Dominion of Canada, provided that the seller shall make an entry in a book of the sale, the name and address of the purchaser, the name and quantity of the article sold and the purpose for which it was stated by the purchaser to be required, to which entry the signature of the purchaser shall be affixed.

(2) The provisions of subsection (2) of section 31, shall also apply to sales made pursuant to subsection (1) of this section.

33. Any person violating any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction for the first offence to a penalty of not less than fifty dollars and costs, and in default of payment to imprisonment for a term of not less than fifteen days, and for each subsequent offence to a penalty of not less than one hundred dollars and costs, and in default of payment to imprisonment for a term of not less than sixty days.

34. In any prosecution where it is shown that any person has sold or otherwise disposed of or offered to sell or otherwise dispose of any article which purports to be or contain, or the container of which is marked to indicate that the contents are, or include, or which the person selling or disposing of has represented to be or contain any of the poisons set out in Schedule I hereto, it shall not be necessary for the prosecution to prove that such article is or contains such poison, but the onus shall be on the accused to establish that such article is not or does not contain such poison.

35.—(1) In any prosecution under this Act the onus shall be upon the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of pharmaceutical chemist or other title calculated to convey the impression that he is registered under this Act, and to prove that any unregistered person who personally takes any part in selling or dispensing drugs or medicines is authorized by this Act to do so, and the production of a certificate purporting to be under the hand of the registrar and under the seal of the Association, showing that any person named therein is entitled as aforesaid shall be *prima facie* evidence that such person is so entitled.

(2) Several charges of contravention of this Act committed by the same person may be included in the one information and complaint, provided such information and complaint and summons or warrant issued thereon contains the time and place of each contravention.

GENERAL.

36. A certificate under the hand of the registrar and under the seal of the Association to the effect that any person, firm or company is, or is not registered under this Act shall be *prima facie* evidence of such fact without proof of the signature to such certificate or without proof of the fact that the person signing the same occupies the position he purports to occupy.

37. Upon the decease of any person legally authorized to carry on the business of a pharmaceutical chemist at the time of his death, it shall be lawful for the executor, administrator or trustee of the estate of such person to continue the business, if any, so long as such business is *bona fide* conducted by a pharmaceutical chemist registered under this Act, provided such executor, administrator or trustee continues to pay the annual registration fee as provided by the by-laws of the Association.

38. The registrar whenever required by order of the Lieutenant Governor in Council shall transmit to the Minister of Health a return under oath setting forth all such information and particulars relating to the Association as may from time to time be required.

39.—(1) Nothing in this Act shall extend to or interfere with the privileges conferred upon legally qualified medical practitioners by *The Medical Profession Act*, or prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an apothecary chemist or druggist, or the professions of doctor of medicine, physician or surgeon, dentist or veterinary surgeon, or shall prevent the members of such professions supplying to their patients such medicine as they may require.

(2) Medical practitioners duly qualified in the Province of Alberta may register under this Act upon passing the examinations prescribed by the University of Alberta in the subjects of pharmacy, *materia medica* and dispensing.

(3) Notwithstanding any provisions of this Act, any duly qualified medical practitioner may, in any place where there is no pharmaceutical chemist registered under this Act, other than a town or city, compound or dispense any drug or medicine upon the prescription of any other legally qualified medical practitioner.

(4) Nothing in this Act shall extend to or interfere with the handling or administration of necessary drugs or medicines by district nurses operating with the approval and under the supervision of the Department of Public Health of the Province.

(5) Nothing in this Act shall extend to or interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing provided the poisons or other articles are in sealed manufacturers' packages.

40. *The Alberta Pharmaceutical Association Act*, being chapter 288 of the Revised Statutes of Alberta, 1942, is hereby repealed.

41. This Act will come into force on the day upon which it is assented to.

SCHEDULE I.

PART 1.

(Sections 2, 28 and 31.)

EXPLANATORY NOTE—*The sale of drugs in this schedule is subject to the following restrictions:*

1. *To be sold only in drug stores unless the place of sale is over 15 miles from the nearest drug store.*
2. *To be sold only to persons known to the seller.*
3. *Sale must be registered in the "poison book" and the book must be signed by the purchaser.*
4. *The package must be properly labelled with the name of the drug, the word poison, and the name of the store where it is sold.*

Acid Hydrocyanic,
Acid Chromic,
Aconite and preparations and compounds,
Antimony Tartrate,
Apiol,
Arsenic and preparations and compounds (except Paris Green),
Atropine and Salts thereof,
Barium Chloride,
Barium Sulphide,
Belladonna and preparations and compounds thereof,
Bromoform,
Butyl Chloral Hydrate,
Chloral Hydrate,
Chloroform,
Conium and preparations thereof,
Cottonroot fluid extract,
Croton Oil,
Emetine and Salts thereof,
Ergot and preparations and compounds thereof,
Hyoscyamus and preparations and compounds thereof,
Lobella and preparations thereof,
Mercury Bichloride,
Nux Vomica and preparations thereof,
Oil of Tansy,
Oil of Pennyroyal,
Picrotoxin,
Paraldehyde,
Potassium Cyanide,
Strychnine and its Salts and solutions,

SCHEDULE I.

PART 2.

(Sections 2, 28 and 31.)

EXPLANATORY NOTE—*The sale of drugs in this schedule are subject to the following restrictions:*

1. *To be sold only in drug stores unless the place of sale is more than 15 miles from a drug store.*
2. *To be sold only to persons known to the seller.*
3. *The package must be properly labelled with the name of the drug, the word poison and the name of the store where the sale is made.*

Acetanilid,
Acid Acetic (over 30%.),
Acid Carbolic,
Acid Oxalic,
Acid Hydrochloric,
Acid Nitric,
Acid Picric,
Acid Sulphuric,
Calabar Beans,
Cantharides and preparations thereof,
Derris Root and preparations thereof,
Digitalis and preparations thereof,
Dinitrophenol and preparations thereof,
Ether,
Creosote,
Hellebore,
Iodine and preparations thereof,
Liquor Cresolis Saponatus—Lysol, Cresylone, Cresol Compound Solution, Creofectant, Cresoleum, West's Disinfectant, Izal, Krelol, Phenoco, Microbene, or any other compounds containing Cresolis or Cresylic acid,
Mercury and preparations,
Mercurochrome and preparations,
Methyl Salicylate,
Lead and Salts and preparations,
Oil of Cedar and Oil of Bitter Almonds,
Nicotine Sulphate,
Paris Green,
Potassium Hydroxide,
Phosphorus,
Potassium Permanganate,
Sabadilla Seeds,
Santonin,
Savin and preparations,
Sodium Fluoride,
Sodium Hydroxide,
Silver Nitrate,
Sodium Metallic,
Zinc Acetate,
Zinc Chloride,
Zinc Sulphate.

SCHEDULE II.

FORM A.

(Section 24.)

THE ALBERTA PHARMACEUTICAL ASSOCIATION.

This is to certify that

.....
having complied with the provisions of The Pharmaceutical Association of Alberta has been duly registered a member of the association and is entitled to be styled a pharmaceutical chemist and to enjoy all the privileges of such as set forth in an Act of the Province of Alberta, Canada intituled "An Act Respecting Chemists and Druggists."

.....
President,

.....
Registrar.
SEAL.

SCHEDULE II.

FORM B.

(Sections 12 and 13.)

THE ALBERTA PHARMACEUTICAL ASSOCIATION.

Voting Ballot Form.

For election to the Council of The Alberta Pharmaceutical Association to represent District No.....

I, a registered Pharmaceutical Chemist, vote for one of the members hereinafter named, as a member of the Council of the Alberta Pharmaceutical Association, to represent my interests on the Council for the next two years.

Use an **X** opposite the candidate of your choice.
Any other marking will render the Ballot void.

Name of Candidate, Pharmaceutical Chemist, City or Town, Alberta.	
Name of Candidate, Pharmaceutical Chemist, City or Town, Alberta.	

Closing date for voting March 31st, 19.....

This ballot must be returned to the Registrar's office on
or before March 31st, 19.....

I declare that I am entitled to vote at this election, and
that I am not in default in payment of my dues to the
Association.

.....
Member's Signature.

Dated this..... day of.....
19.....

Bill No. 75.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

A Bill to amend and consolidate The
Alberta Pharmaceutical Association Act, being Chapter 288 of The
Revised Statutes of Alberta, 1942.

Received and read the

First time.....

Second time.....

Third time.....

MR. BERG.

EDMONTON:
A. Shnitka, King's Printer
1945