

BILL NO. \_\_\_\_\_ of 1910.

An Act respecting Chemists and Druggists.

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

1. The Act may be cited as "The Alberta Pharmaceutical Association Act."

2. In this act "person" shall include partnerships, or incorporated companies

3. All persons now registered as members of the Pharmaceutical Association of the North-West Territories who comply with the by-laws of The Pharmaceutical Association of Alberta, and all persons hereafter registered under the provisions of this Act shall constitute the association called "The Alberta Pharmaceutical Association," and the said association shall be deemed a body politic and corporate, with power to sue and be sued, and with power to hold real estate not exceeding in annual value Twenty Thousand Dollars, and with power to alienate, transfer and deal with such real estate, exchange, mortgage, lease or otherwise charge or dispose of both real and personal property or any part thereof; and with power to erect buildings for the purpose of accommodating lecturers on Chemistry or Pharmacy, and for a library, pharmaceutical museum or specimen room for the use of members of the association.

4. There shall be general meetings of the said association held from time to time as hereinafter mentioned and there shall also be a council to direct and manage the affairs

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of the said corporation; and the said general meetings and the council shall have the entire direction and management of the said corporation in the matter and subject to the regulations hereinafter mentioned; and at all general meetings and meetings of the council the majority of the members present and having a right to vote thereat respectively shall decide upon the matters propounded to such meetings, the person presiding in case of an equality of votes to have the casting vote.

5. The first council shall be appointed by the Lieutenant Governor in Council, three to serve one year and four for two years, and shall continue in office until their successors are elected or appointed;

6. The second and all subsequent councils shall be elected or appointed by the members of the association in the manner herein provided and shall be elected or appointed as the case may be for a period of two years but any member may resign his appointment at any time by letter addressed to the president or the registrar of the council; and upon the death, resignation or removal of any member of the council it shall be lawful for the council to elect and appoint some other person being a member of the association and otherwise eligible to supply the vacancy so made; and the person so appointed shall be taken in all respects as regards his duration of office to represent the person in whose stead he has been appointed.

7. The Association may hold general meetings once in the year, at a time and place to be determined by the Council and also such special meetings as the Council may from time

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to time think proper; the annual general meeting shall be held on the second Tuesday in the month of July in each year, or such other day near thereto as shall be determined by the Council; and further upon the recommendation in writing of six members of the association entitled to vote requesting the Council to convene a special general meeting for the purpose specified in the requisition; such meeting shall be convened by the president within such reasonable time as the council shall see fit--they first giving such notice thereof as may be required by the by-laws of the corporation and the purpose for which the same is convened.

8. The persons qualified to vote at elections of members of the Council shall be such persons as are at that time members of the Association, and the time, place and manner of such elections shall be laid down by the by-laws of the corporation subject to the provisions of this Act.

9. 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.

10. The charge and conduct of elections shall be under the management of the registrar-treasurer of the Council.

11. Every person entitled to vote may vote for as many members as there are vacancies to be filled.

12. Such votes shall be given by closed ballots to be issued by the registrar-treasurer at least twenty days prior to the day of the election, and shall be in Form "A" in

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Schedule I hereto or to the like effect, and signed by the voter and delivered to the registrar-treasurer on any of the twenty days preceding the election. Any ballots mailed to the said registrar-treasurer by post in time to reach him before the date of election shall be deemed delivered to him.

13. The three or four candidates as the case may be who have the highest number of votes shall be the members of the council for the two years following the date of such election and until their successors are elected or appointed.

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

15. In case of an equality of votes between two or more persons which leaves the election of one or more of the members of the Council undecided, 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 the registrar in the presence of the scrutineers shall draw by chance from such ballot box one or more of such ballot papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such members.

16. If the Association at any time desire to divide the Province into electoral divisions for the purpose of election of members of the Council under this Act, the Association may, by by-law, make such division and make provision for the holding of elections in accordance therewith varying if nec-

essary the provisions regarding elections abovæ set forth.

17. The Council of the Association for the time being shall at their first meeting after their election or appointment elect from among their members a President, Vice-President, and a Registrar-Treasurer, and such Registrar-Treasurer need not be a member of the Council nor a member of the Association.

18. The Council of the Association shall have the sole control and management of the real and personal property of such Association subject to the by-laws thereof;

Provided always that no sale or mortgage of any such property shall be made except with the approbation and concurrence of a general meeting of the members of the Association specially called for such purpose.

19. ~~The~~ <sup>The</sup> 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 they shall deem necessary for carrying out the objects of the Association, and by such by-laws may particularly, and in addition to any other powers they may have, fix the examination, registration or annual fees to be paid by apprentices or members of the Association, and may provide that the annual fees of non-resident or non-practicing members shall be on a different basis to those of active members, and may 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 and may provide for the depositing and disbursement of the funds of the Assoc-

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iation, and may provide that all active members shall be supplied with, and shall keep exposed in their places of business certificates showing that their annual fees for the year then current are paid, and may provide for the striking off the register or suspension from practice or business as a member of the Association of any member for non-payment of fees due to the Association and for the reinstatement of such member upon such terms, as the Council think fit, and may from time to time amend, revoke or substitute other by-laws in their stead; and such fees, 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 previous notice be given of the intention so to do, such notice to be given in accordance with the by-laws in force for the time being.

20. It shall be the duty of the Registrar to make and keep a correct register in accordance with the provisions hereof of all persons who are registered under provisions hereof, and to enter their qualifications opposite the names of all registered persons who shall have filed a statement of such and from time to time make the necessary alterations in the address of persons so registered.

21. Every person before he is taken as an apprentice by a pharmaceutical chemist shall produce satisfactory evidence of good moral character and pass a preliminary examination or otherwise satisfy the Council of his proficiency, after which he shall be registered as a "certified apprentice."

Provided, however, that it shall not be necessary for any person who has been engaged as apprentice to any member of the Pharmaceutical Association of the North-West Territories prior to this Act becoming law, to furnish evidence of educational proficiency; but upon the Registrar-Treasurer being satisfied by Statutory Declaration of the employer that such apprentice is entitled to be registered, he shall register such apprentice as a "certified apprentice", and any time served by such apprentice prior to such registration shall be counted as a part of his actual service.

22. On payment of the prescribed fees the following may be registered as members of The Alberta Pharmaceutical Association.

(a) Any person who complies with the provisions of this Act as to registration and passes the examinations herein prescribed.

(b) All persons who are members of the Pharmaceutical Association of the North-West Territories and who comply with the by-laws of The Alberta Pharmaceutical Association.

(c) All persons approved of by the Council of the Association who hold diplomas from the Pharmaceutical Association of Great Britain or certificates from any Pharmaceutical College in the Dominion of Canada or elsewhere may be registered as members of The Alberta Pharmaceutical Association without the examinations provided by this Act, provided such Association or College accepts without further examination certificates of the Alberta Pharmaceutical Association.

furnishes to the council satisfactory evidence of identification and passes an examination satisfactory to and set by the Council of the Association on subjects appertaining to the business of a Pharmaceutical Chemist .

23. No name shall be entered in the register except of persons authorized by this Act to be registered, nor unless the Registrar-Treasurer is satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the Registrar-Treasurer may 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 and 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 B in Schedule I hereto, or to the like effect, under the corporate seal of the Association and signed by the president and registrar-treasurer, and shall be entitled to receive a similar certificate annually upon the payment of a fee to be determined by the Council.

25. Every candidate for examination shall produce evidence that he has served at least four years in a drug store, and shall pass an examination which shall embrace, chemistry, pharmacy, botany, materia medica, reading and translating prescriptions and practical dispensing, and after passing this examination and producing the required certificates shall be registered a pharmaceutical chemist.

26. The examination referred to shall take place and



be regulated by such rules, regulations or by-laws as may be in force at the time such examination is held, and all candidates for the same shall pay such fees as may be imposed by any such rules, regulations or by-laws.

27. The Council of the Association shall have the authority, notwithstanding anything contained in this Act, to prescribe the subjects upon which candidates for competency shall be examined, and to establish a scale of fees to be paid by persons applying for examination.

28. Any person registered under this Act, and no other person, shall be entitled to be called a pharmaceutical chemist and no person except a pharmaceutical chemist as aforesaid or his employee or employees shall be authorized to compound prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a pharmaceutical chemist, or member of the Association, who is in default in regard to any fees payable by him by virtue of this Act or by any by-law of the Association.

29. Upon a resolution of the Council being passed declaring that any person in consequence of his conviction for any offence or offences against this Act is in the opinion of the Council unfit to be in the Register under this Act. The Lieutenant Governor may direct that the name of such person shall be erased from the register, and it shall be the duty of the Registrar-Treasurer to erase the same accordingly.

30. No person shall sell or keep open shop for retailing, dispensing or compounding any of the poisons, drugs or medicines, mentioned in schedule "A" to this Act, or assume or

use the title of Chemist and Druggist, or Chemist or Druggist, or Pharmaceist, or Apothecary, or Dispensing Chemist, or Dispensing Druggist, or any sign, title or advertisement implying or calculated to lead people to infer that he is registered under this Act in any part of the Province of Alberta unless such person is registered under this Act and 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 or assuming or ~~using~~ such title. And no company incorporated under any of the Acts in force, regulating Joint Stock Companies shall sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines, as aforesaid, or sell or attempt to sell any of the articles mentioned in Schedule "A" to this Act, unless a majority of the Directors thereof are duly registered as Pharmaceutical Chemists or Chemists and Druggists under this Act, and unless one of such directors shall personally manage and conduct such shop, and shall have his name and certificate posted up in a conspicuous position in the shop, and no person not so registered as a pharmaceutical chemist or chemist and druggist shall in any way interfere with or take part in the management and conduct of such shop, and anything which would be an offence under this Act if committed by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of either of them shall not be a bar to the prosecution of the other.

31. The several articles named or described in Schedule

"A" shall be deemed to be poisons within the meaning of this Act, and the Council of The Alberta Pharmaceutical Association hereinbefore mentioned may from time to time by resolution declare that any article in the resolutions named ought to be deemed a poison with the meaning of this Act, and thereupon the said Council shall submit the same for the approval of the Lieutenant-Governor in Council, and if approval is given then such resolution and approval shall be advertised in the Alberta Gazette, and on the expiration of one month from the advertisement the article named in the resolution.

32A. No person shall sell by retail, furnish or dispose of alkaloid, cocaine or its salts or alpha or beta cocaine or their salts or any admixture of cocaine or eucaïne except upon the written prescription of a legally qualified medical practitioner, which shall be retained by the person who sells, furnished or disposes of the same and such prescription shall not be filled more than once, and no copy thereof shall be taken by or given to any person.

32B. Alkaloid cocaine or its salts and alpha and beta eucaïne or their salts shall not be sold or disposed of by wholesale except upon the written order of a pharmaceutical chemist a legally qualified medical practitioner, a licensed veterinary surgeon or a licentiate of dental surgery and unless the person so selling or disposing by wholesale affixes or causes to be affixed to the bottle, box, vessel or package containing the articles sold and also upon the outer wrapper of the package as put up by the manufacturer, a label distinctly displaying the name and quantity of cocaine or its salts or alpha or beta eucaïne of its salts, sold or disposed of and the word "poison" with the name, address and place of business of such person, all printed in red

part of Schedule "A", 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 mentioned in the first part of Schedule "A" to any person unknown to the seller unless introduced by some person known to the seller, and on every sale of such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, in the form set forth in Schedule "b" to this Act, 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, if any, who introduced him, to which entry the signature of the purchaser shall be affixed.

35. 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 chemist and druggist, or other title mentioned in Section of this Act, and to prove that any unregistered person who personally takes any part whatever in selling or dispensing drugs or medicines is authorized by this act so to do, and the production of a certificate purporting to be under the hand of the Registrar, and under the seal of the ~~College~~, showing that any person named therein is entitled as aforesaid shall be prima facie evidence that such person is so entitled.

36. A certificate under the hand of the ~~Registrar or~~ registrar-treasurer and under the seal of the Pharmaceutical Association to the effect that any person, firm or incorporated 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 which he purports to occupy.

37. Upon the decease of any person legally author-  
business of chemist and

~~38A.~~ Nothing in this Act contained shall extend to or interfere with the privileges conferred upon legally qualified medical practitioners by The Alberta Medical Act. Provided that 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 of Pharmacy, but he shall register as a pharmaceutical chemist and comply with all other requirements of this Act and nothing in this Act contained shall 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 profession of a doctor of medicine, physician or surgeon, or veterinary surgeon, or shall prevent the members of such profession supplying to their patients such medicine as they may require, or shall interfere with the business of wholesale dealers in supplying <sup>^</sup>poisons or other articles in the ordinary course of whol