

BILL

No. 93 of 1921.

An Act to amend The Liquor Act.

(Assented to , 1921.)

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

1. Section 2 of *The Liquor Act*, being chapter 4 of the Statutes of Alberta, 1916, is amended by adding as paragraph (o) thereof the following:

“(o) The expression ‘drug store’ shall mean any premises whereon a chemist or druggist carries on business as such by filling prescriptions issued by medical practitioners or otherwise.”

2. Section 7 of the said Act is amended by adding as a proviso thereto the following:

“Provided that from and after the first day of June, 1921, no physician shall be furnished with more than one hundred forms in any one calendar month unless he makes application in writing for further forms, giving reasons for requiring the same.”

3. Section 12 of the said Act is amended by adding as subsections 2, 3, 4 and 5 thereof the following:

“(2) After the first day of May, 1921, every chemist and druggist shall upon his first order receive a reasonable quantity of liquor under the provisions of this section, but no chemist or druggist shall thereafter purchase thereunder a greater quantity of liquor than has been dispensed by him since the date of his last preceding purchase, as shown by original prescriptions delivered by him to the vendor.

“(3) All such prescriptions shall be cancelled by the vendor in such a way that they cannot again be used for the purpose of obtaining liquor.

“(4) Notwithstanding any provisions of this section the vendor may furnish a reasonable quantity of alcohol for the purposes of the druggist’s business as such.

“(5) Notwithstanding the amount of liquor called for by any prescription, only one sealed bottle

as supplied by a vendor to the druggist shall be sold by a druggist upon any prescription and no bottle supplied by a vendor to a druggist for sale under the provisions of this Act shall be opened by the latter save for the purpose of filling a prescription for twelve ounces of liquor or less, and in such case no other bottle shall be opened until the liquor remaining in the first mentioned bottle is exhausted by filling in whole or in part a like prescription."

4. Section 14 of the said Act is amended by adding thereto the following proviso:

"Provided that no veterinary surgeon shall be entitled to purchase under the provisions of this section any liquor in excess of one gallon as a total of his purchases during any one month."

5. Section 18 of the said Act is amended by adding thereto the following:

"other than the prescriptions which, under the provisions of this Act, have been sent by a druggist to the vendor."

6. Section 23 of the said Act is amended—

(a) As to subsection 2 thereof by striking out all words after the word "penalty," and inserting in lieu thereof the following:

"of not less than four hundred dollars nor more than one thousand dollars and costs and in default of payment thereof to imprisonment for a period of not less than three months, and shall moreover be disqualified from selling or purchasing liquor as a privileged person for the period of six months and upon conviction for any offence committed subsequently to a first conviction under this section shall be liable to imprisonment for a period of six months and without the option of a fine and in addition shall be disqualified from selling liquor or purchasing the same as a privileged person, for a period of two years from the conviction";

(b) By adding as subsection 3 thereof the following:

"(3) Any person in the employ of a chemist or druggist who commits any act which if he were such chemist or druggist would render him liable to a penalty as such under the provisions of the previous subsection shall be liable to the said penalty."

7. Sections 23a, 23b, 23c and 23d are added to the said Act as follows:

"**23a.** When any person has been convicted of an offence committed in a drug store under the immediately preceding section, then in addition to all other penalties no liquor shall thereafter be sold by any person whatsoever upon the premises whereon the offence was committed for a period of six months in the case of a first conviction and for a period of one year in the case of a conviction for a subsequent offence.

"**23b.** All convictions made before the passing of *An Act to amend The Liquor Act*, in the Session of the Legislature, 1921, shall be reckoned as convictions for the purpose of ascertaining whether any conviction made after such passing is a subsequent, second or third offence, within the meaning of this Act, excepting as to the new penalties herein provided prohibiting the sale of liquor upon conviction obtained.

"**23c.** Where any person is convicted under either subsection 2 or 3 in connection with a sale of liquor in a drug store, then all liquor found thereon shall by force of such conviction be forfeited to His Majesty and may be taken possession of by any officer or constable of the Alberta Provincial Police, or of the police force of any municipality and forwarded to the premises of the nearest vendor to be disposed of upon order of the Attorney General.

"**23d.** No chemist or druggist shall have in his possession any liquor other than that supplied by a vendor under the provisions of this Act, and in the event of the inspector of drug stores having reason to believe that any liquor in the possession of a chemist or druggist was not purchased from a vendor he may forthwith take possession of the same and retain it in his possession so long as such retention may be necessary for the purposes of evidence.

"(2) The possession by any chemist or druggist or the presence in any drug store of any liquor other than liquor purchased from a vendor shall be conclusive evidence that such liquor is kept for sale contrary to the provisions of this Act by such chemist or druggist and by the person, firm or corporation operating the said drug store."

8. Section 23e is added to the said Act as follows:

"**23e.** In any city, town or village where more drug stores than one are doing business prior to the twentieth day of April, 1921, any new drug store established therein shall not be entitled to fill

prescriptions for liquor until after such store has been in operation for the period of six months."

9. Section 23*f* is added to the said Act as follows:

"**23*f*.** Any person conducting a retail mercantile business in any town, village or hamlet where there is no drug store may sell such patent medicines as a druggist is permitted to sell under the provisions of this Act."

10. Section 40 of the said Act is amended by striking out the figures "\$100" where they occur in paragraph 1(*a*) thereof, and substituting therefor the figures "\$200"; and by striking out the figures "\$200" where they occur therein, and substituting therefor "\$1,000."

11. Section 40*a* of the said Act is amended—

- (*a*) As to subsection 1 thereof by striking out the figures "\$10" and "\$100" where they occur therein, and substituting therefor "\$20" and "\$200" respectively;
- (*b*) As to subsection 2 thereof by striking out the figures "\$100" and "\$300," and substituting therefor "\$200" and "\$500."

12. Section 69 of the said Act is hereby struck out, and the following substituted therefor:

"**69.** All fines levied under this Act shall go to the general revenue fund of the province except as provided in this section:

"Provided, however, in the case of offences against this Act occurring in any municipality and prosecuted to a conviction by the police or any official of the municipality in which the offence was committed, that—

- "(*a*) A separate account of all the fines received by reason of such offences shall be kept, together with the name and office of the prosecutor;
- "(*b*) Such account shall be kept by such person or persons as the Attorney General may direct, and in the event of no such direction being given shall be kept by the clerk of the court of the convicting justice or justices, or police magistrate, and in the event of there being no clerk shall be kept by the convicting justice or justices, or police magistrate;
- "(*c*) A statement thereof shall be forwarded to the Attorney General on the first day of June and on the first day of December in each year and at such other time or times as the Attorney General shall direct;

“(d) Upon receipt of the statement the Attorney General shall upon being satisfied by the certificate of the justice or justices, or police magistrate, imposing the fines, or by such further or other evidence as he may require, that the fines mentioned in the statement were for the offences in this section described, forward a copy of the same to the Provincial Treasurer;

“(e) Upon the receipt of a copy of such statement and of the amount of the fines, the Provincial Treasurer shall pay to each of the said municipalities all the moneys derived from the fines set out in its statement.

“(2) The first of such accounts shall include all fines imposed and paid between the first day of February, 1921, and the date of such account.

“(3) For the purposes of this section ‘municipality’ means a city, town, village, municipal district or improvement district.”

13. Section 79 of the said Act is amended by adding after the word “magistrate” wherever it occurs therein the words “or justice of the peace.”

14. Section 80 of the said Act is amended by adding after the word “magistrate” wherever it occurs therein the words “or justice of the peace.”

15. Section 81 of the said Act is amended by adding after the word “magistrate” wherever it occurs therein the words “or justice of the peace.”

No. 93.

FOURTH SESSION
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11 GEORGE V
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BILL

An Act to amend The Liquor Act.

Received and read the

First time

Second time

Third time

HON. MR. BOYLE.

EDMONTON:
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