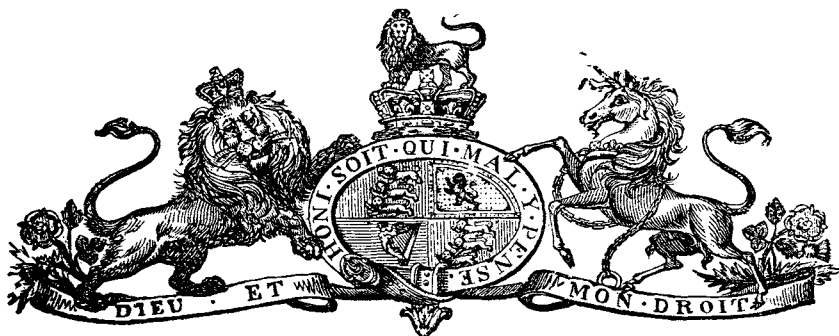


T A S M A N I A.



1886.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ,

No. 13.



AN ACT for regulating the Sale and Use of A.D. 1886.
Poisons. [8 December, 1886.]

WHEREAS it is expedient for the safety of the Public to regulate PREAMBLE.
the sale of Poisons, and to make provision for the exercise of proper
precautions in the use of the same :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Sale and Use of Poisons Act, Short title.
1886.”

2 The several articles mentioned in the Schedule (1.) shall be deemed Articles to be
poisons within the meaning of this Act ; and on the recommendation of deemed poisons.
the Court of Medical Examiners the Governor in Council may, by
Proclamation duly published in the *Hobart Gazette*, from time to time
declare that any other article specified in such Proclamation shall be
deemed a poison within the meaning of this Act.

3 Every person other than a legally qualified medical practitioner, or Unqualified
a person who has obtained a licence to vend any medicine or drug as persons not
provided in the Sixth Section of the Act of Council of the 6th *Victoria*, allowed to sell
No. 2, who shall sell any poison, shall, unless he hold a certificate from poisons.
the Court of Medical Examiners that he is a fit and proper person to
sell poisons, be liable to a penalty not exceeding Fifty Pounds.

4 In places distant at least Four miles from any city or town and Dealers in
in which no person who has obtained a licence to vend any medicine or poisons.

Sale and Use of Poisons.

A.D. 1886.

drug hereinbefore mentioned has an open shop, any person who shall produce a certificate from a legally qualified medical practitioner and a Police or Stipendiary Magistrate that he is a fit and proper person to be allowed to sell poisons in such place may receive from the Court of Medical Examiners a certificate as a dealer in poisons on payment of a fee of Twenty Shillings per annum to such Court. Such dealer to sell poisons only in unopened packages bearing the name and address of a qualified person under *The Medical Act*, (6 Vict. No. 2).

Every dealer in poisons shall keep all poisons in a cupboard of such dimensions and containing such shelves as the Court of Medical Examiners may direct. The word "Poisons" shall be conspicuously printed or written on such cupboard, and no articles other than such poisons shall be placed or kept therein.

On sale of poisons specified in the First part of Schedule (1.), entry thereof to be made in a book.
First part Schedule (1.)

5 Every person who shall sell any poison specified in the First part of the Schedule (1.) shall, before the delivery thereof to the purchaser, inquire his name, place of abode, and occupation, and the purpose for which such poison is required or stated to be required, and shall thereupon make a faithful entry of such sale, specifying the poison and the quantity thereof and all such particulars so given by the purchaser, together with the day of the month and year of such sale, in a book to be kept by the vendor for that purpose in the form set forth in the Schedule (2.); and every such entry shall be signed by the person making the same, and also by the purchaser, unless he shall declare himself unable to write (in which case the person making the entry shall add thereto the words "Purchaser cannot write"); and whenever a witness to the sale is required by this Act, such entry shall be signed by such witness, together with his place of abode. When sales and purchases of poisons are made by correspondence, the letter ordering the same shall be preserved by the vendor, and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the poison therein ordered shall be entered in the said book, and, if the poison be transmitted by post, the letter or packet containing the same shall be registered; and no person shall sell poison so ordered to any person with whose signature he is not acquainted, unless such signature shall have been witnessed by a Justice or Clergyman, or be authenticated by some person known to the vendor.

How vessels or wrappers containing poison to be marked.

6 No person shall sell any poison either by wholesale or retail unless the bottle or other vessel, wrapper or cover, box or case immediately containing the same bears printed thereon the name of the poison, the name and address of the seller thereof, and the simple antidote, if any, and also the word "Poison" printed conspicuously in red letters on a separate label.

Arsenic and strychnine must be coloured.

7 No person shall sell any arsenic or strychnine, or any preparation of the same respectively, unless, in the case of arsenic and any uncoloured preparation of the same, such poison shall be mixed before the sale or delivery thereof with soot in the proportion of One ounce of soot at least to One pound of arsenic, and so in proportion for any greater or less quantity; and unless, in the case of strychnine or any uncoloured preparation of the same, such poison shall be coloured with Armenian bole or other red colouring matter before the sale or delivery thereof: Provided always, that whenever the purchaser states that such arsenic or strychnine, or any preparation thereof respectively, is required not for any pastoral or agricultural use, but for some other purpose for which such admixture would, according to the representation of the

Sale and Use of Poisons.

purchaser, render it unfit, such poison may be sold without the admixture hereinbefore specified. A.D. 1886.

8 No person shall sell any poison specified in the First part of the Schedule (1.) to any person who is under Eighteen years of age, or who is unknown to the vendor, unless the sale be made in the presence of some witness who is known to the vendor, and to whom the purchaser is known, and which witness signs his name, together with his place of abode, to the required entry before the delivery of the poison to the purchaser. Restrictions as to the sale of any poisons specified in the First part of Schedule (1.)

9 It shall not be lawful to buy or to sell any poison for the avowed purpose of destroying rats or other vermin infesting houses unless the purchaser be a householder. Sales of poisons for destruction of vermin to be made only to householders.

10 Any owner or other person whatsoever in charge or possession of any poison who shall leave it in any place (whether the same be ordinarily accessible to others or not) unless the bottle or package of whatever kind in which such poison may be contained shall be marked as "Poison," and be otherwise duly labelled in the manner provided by Section Six, shall be liable on summary conviction thereof before any Two Justices to a penalty not exceeding Twenty Pounds. Owners of poisons not to leave them about unlabelled, under a penalty.

11 If any person shall sell any poison contrary to the provisions of this Act, or if on any sale thereof he shall deliver the same without having made and signed the entry required by this Act on such sale, or without having obtained such signature to such entry as required by this Act; or if any person purchasing such poison shall give false information in answer to enquiries to the person selling the same in relation to the particulars which he is by this Act authorised to inquire into of such purchaser; or if any person shall sign his name as a witness to the sale of any such poison to a person unknown to such witness; or if any person fail to comply with any of the provisions of this Act for offending against which no specific penalty is provided, every such person so offending shall for every such offence, upon summary conviction thereof before Two Justices, be liable to a penalty not exceeding Twenty Pounds. Penalties for offences under this Act.

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

12 The Governor in Council may, on the recommendation of the Court of Medical Examiners, by order direct the cancellation of the certificate as a dealer in poisons held by any person who is convicted of any offence against this Act which renders him unfit, or who shall be deemed unfit through habitual intoxication or otherwise, to continue to sell poisons. Governor in Council may direct cancellation of certificate of unfit person.

13 The Governor in Council may, on the recommendation of the Court of Medical Examiners, from time to time make any Regulations as to the colouring of any poisons, or as to the sale or custody of the same, or otherwise as to carrying into effect the objects of this Act. Such Regulations, after publication in the *Hobart Gazette*, shall have the same force and validity as if the same formed part of this Act; and a copy of the same shall be laid before both Houses of Parliament without unnecessary delay. The Governor in Council may make Regulations for sale of poisons.

Sale and Use of Poisons.

A.D. 1886.

Sales of any
poison or
medicines by
wholesale dealers
excepted.

14 This Act shall not extend to the sale of any poison when made up or compounded as a medicine according to the prescription of a legally qualified medical practitioner, or in the form of allopathic or homœopathic medicine unless in the crude state or mother tincture; nor to the sale of medicines dispensed by veterinary surgeons for animals under their treatment; nor to the sale of patent and proprietary medicines; nor to the sale of fly-poison papers or packets of poisonous mixtures, (save and except poisoned seed for the destruction of vermin) when duly marked as such; nor shall it extend to any sales by wholesale dealers in the ordinary course of wholesale dealing, if an order in writing signed by the purchaser shall be given for the supply of the same: Provided, that all such sales shall be entered in a book, and that the bottle or other vessel, wrapper or cover, box or case immediately containing the poison be labelled as required by this Act.

SCHEDULE.

(1.)

LIST OF POISONS.*First Part.*

Cyanide of Potassium and all Metallic Cyanides.
Arsenic and its preparations.
Prussic Acid and its preparations.
Strychnine and its preparations.
Savin and its Oil.
Ergot of Rye and its preparations.
Chloral Hydrate.
All poisonous vegetable Alkaloids and their Salts
Aconite and its preparations.
Tartar Emetic.
Corrosive Sublimate.
Cantharides.

Second Part.

Oxalic Acid.
Chloroform.
Belladonna and its preparations.
Laudanum.
Opium and all preparations of Opium or of Poppies.
Arsenical preparations, except green and other coloured Paints and Pigments.
Essential Oil of Almonds, unless deprived of its Prussic Acid.
Aquafortis.
Oil of Vitriol.
Phosphorus.
Carbolic Acid.

(2.)

FORM OF ENTRY IN BOOK ON SALE OF POISON.

Day of sale.	Name of purchaser.	Place of abode.	Occupation.	Quantity and Names of Poison.	Purpose for which it is required.	Purchaser's Signature.	Witness.	Vendor's Signature.