

UNITED NATIONS NATIONS UNIES

RESTRICTED

ECONOMIC CONSEIL
AND ECONOMIQUE
SOCIAL COUNCIL ET SOCIAL

E/NL.1947/3
30 April 1947,

ORIGINAL: ENGLISH

CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE
DISTRIBUTION OF NARCOTIC DRUGS OF 13 JULY 1931 AS AMENDED
BY THE PROTOCOL OF 11 DECEMBER 1946

LAW COMMUNICATED BY THE GOVERNMENT OF CANADA

Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to forward to the Members of the United Nations and to the other parties to the Convention the following law communicated by the Government of Canada.

OFFICE CONSOLIDATION

OF

**THE OPIUM AND NARCOTIC
DRUG ACT, 1929**

(With Amendments made by Chapter 20, 1932, and Chapter 9,
1938, and Chapter 11, 1946.)

AND

REGULATIONS MADE THEREUNDER

(Passed by Order in Council of July 23, 1946.)

NOTE

Amendments made by Chapter 11 of the 1946 Statutes are shown in heavy type

DEPARTMENT OF NATIONAL HEALTH AND WELFARE
September, 1946

An Act to amend and Consolidate the Opium and Narcotic Drug Act

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE

1. This Act may be cited as *The Opium and Narcotic Drug Act*, Short title.
1929.

INTERPRETATION

2. In this Act, and in any order or regulation made hereunder, Definitions.
unless the context otherwise requires,—

- (a) “dentist” means a person licensed and in good standing as “Dentist,” such under the Act or ordinance governing the practice of dental surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;
- (b) “Department” means the Department of **National Health and Welfare**; “Department.”
- (c) “Dominion Analyst” means any analyst designated for the “Dominion Analyst.” purposes of this Act or of the *Food and Drugs Act*, or any other Dominion statute, and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;
- (d) “drug” means and includes any substance mentioned in the schedule to this Act whether or not the same be produced in whole or in part by a synthetic process, and whether it be alone or in conjunction with any other substance mentioned in the schedule to this Act, or which may be added to such schedule under the authority of this Act; “Drug” defined.
- (e) “export” or “exporting” means and includes the taking “Export” or or conveying, or causing to be taken or conveyed, out of “Exporting.” Canada of any drug;
- (f) “imports” or “imported” means and includes the bringing “Imports” or or conveying, or causing to be brought or conveyed, into “Imported.” Canada of any drug;
- (g) “magistrate” means and includes any judge of the sessions “Magistrate.” of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace;
- (h) “Minister” means the Minister of **National Health and Welfare**; “Minister.”
- (i) “opium” means and includes crude opium, powdered opium “Opium” and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be; defined.
- (j) “physician” means a person registered as a medical practitioner and in good standing under the Act or ordinance governing the practice of medicine and surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature; “Physician.”

"Prepared
opium" or
"Smoking
opium."

(k) "prepared opium" or "smoking opium" means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption; and "prepared opium" includes dross and all other residues remaining when opium has been smoked;

"Provincial
analyst."

(l) "provincial analyst" means any analyst appointed by the Government of any province and having authority to make any analysis for any public purpose;

"Veterinary
surgeon."

(m) "veterinary surgeon" means a person licensed and in good standing as such under the Act or ordinance governing the practice of veterinary surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;

"Retail
druggist."

(n) "retail druggist" means a person registered and licensed to carry on business as such, who is carrying on such business, or is in charge of a dispensary in any hospital, in the province in which such person is so licensed.

LICENCES

3. (1) With the approval of the Governor in Council, the Minister may

Minister
may issue
licences,
make
regulations
therefor and
prescribe fees.

(a) issue licences for the import, export, sale, manufacture, production and distribution at a stated place of any drug;

(b) name the ports or places in Canada where any drug may be exported or imported;

(c) prescribe the manner in which any drug is packed and marked for export;

(d) prescribe the record that shall be kept by any person in connection with the export, import, receipt, sale, disposal and distribution of the drug or drugs mentioned in the schedule to this Act; and

(e) make all convenient and necessary regulations with respect to the issue and duration and the terms and forms of the several licences that may be issued hereunder and to the payment of fees for such licences.

(2) Such fees shall not exceed,—

For each exportation or importation, the sum of \$5;

For each licence for a manufacturer or dealer other than a retail druggist, the sum of \$25;

For a licence for a retail druggist, who manufactures any drug, the sum of \$5;

and no such licence shall continue in force for a longer period than one year.

(3) No licence shall be granted to any person to import or export "prepared opium" or "smoking opium."

OFFENCES AND PENALTIES

4. (1) Every person who

- (a) imports into or exports from Canada any drug, or not being a common carrier, takes or carries, or causes to be taken or carried from any place in Canada to any other place in Canada, any drug without first obtaining a licence therefor from the Minister; Importing or exporting drug without licence.
- (b) imports into or exports from Canada any drug at any port or place in Canada which has not been named by the Minister as a port or place into or from which any drug may be imported or exported; Importing or exporting at unauthorized port.
- (c) exports any raw opium or any drug which is not packed and marked in such manner as may be prescribed by the Minister; Export of drug not packed, etc., as prescribed.
- (d) has in his possession any drug save and except under the authority of a licence from the Minister first had and obtained, or other lawful authority; Unlawful possession.
- (e) unlawfully sells, gives away or **administers** any drug to any minor; Sale, etc., to minor.
- (f) manufactures, sells, gives away, delivers or distributes or makes any offer in respect of any drug, or any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister; or without other lawful authority; Manufacture, sale, etc., without licence.
- (g) cultivates, gathers or produces any opium poppy (*Papaver Somniferum*) or *Cannabis Sativa*, except under the authority of a licence from the Minister first had and obtained Opium poppy or Cannabis Sativa, cultivation, etc.

shall be guilty of an offence, and shall be liable

- (i) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars, and, in addition, at the discretion of the judge, to be whipped, or Penalty.
- (ii) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

(2) Notwithstanding the provisions of the *Criminal Code*, or of any other statute or law, the court shall have no power to impose less than the minimum penalties herein prescribed, and shall, in all cases of conviction, impose both fine and imprisonment; and any person who commits an offence under paragraph (e) of this section shall be proceeded against by indictment, and not summarily. Court shall not impose less than minimum penalties.

5. Except as provided in section eight of this Act every person licensed under this Act to deal in any drug, who gives, sells or furnishes any drug to any person, other than a duly authorized and practising physician, veterinary surgeon or dentist, or to a *bona fide* wholesale druggist, or to a retail druggist, or who gives, sells or furnishes any drug to any such physician, veterinary surgeon, dentist, wholesale Persons to whom drugs may be sold.

A written order required in all cases.

Penalty.

or retail druggist, without a written order therefor, signed and dated; and any retail druggist who gives, sells or furnishes any drug to any person, except upon a written order or prescription signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the said druggist or if unknown duly verified before such order or prescription is filled, or who uses any prescription to sell any drug on more than one occasion, shall be guilty of an offence, and shall be liable upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding eighteen months, or to both fine and imprisonment.

Unlawful for physician, veterinary surgeon or dentist to prescribe, give or sell drug except for medicinal purpose.

Penalty.

6. (1) Every physician who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes, or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, shall be guilty of an offence, and shall be liable upon indictment to imprisonment for any term not exceeding five years and not less than three months, or upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment with or without hard labour for a term not exceeding eighteen months, or to both fine and imprisonment.

Court shall not impose less than minimum penalties.

Physicians, etc., excepted but must make prescribed declaration.

(2) Notwithstanding the provisions of the *Criminal Code*, or of any other statute or law, the court shall have no power to impose less than the minimum penalties herein prescribed.

7. The provisions of paragraphs (a), other than those relating to importations into or exportation from Canada of any drug, (d) and (f) of section four and of section thirteen shall not apply to a physician, veterinary surgeon, dentist, or retail druggist who does not manufacture any drug; but every physician, veterinary surgeon, dentist and retail druggist, shall make to the Minister, as and when required, a declaration in the prescribed form, stating that he is engaged in the sale or distribution of opium, morphine, cocaine, and their respective salts or derivatives, or otherwise, as the case may be.

Preparations excepted.

8. (1) Notwithstanding the provisions of paragraphs (d), (e) and (f) of section four and of sections five, six and seven of this Act,

- (a) any retail druggist may have in possession or may sell or distribute preparations containing one-eighth grain or less of codeine per tablet or other solid form, or liquid preparations containing one-third grain or less of codeine per fluid ounce, when such preparations are combined with other medicinal ingredients and the maximum dose prescribed for the preparation contains

- (i) one such ingredient not less in quantity than the amount prescribed by the British Pharmacopoeia as a minimum dose for such ingredient;
- (ii) two such ingredients having a similar action, each not less in quantity than one-half the amount pre-

scribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively; or

- (iii) three such ingredients having a similar action each not less in quantity than one-third the amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively.

- (b) no retail druggist shall sell, or offer for sale except pursuant to direction of a physician, any preparation referred to in paragraph (a) of this subsection unless there is printed in a conspicuous place on an inseparable part of the main panel of the label and wrapper of the bottle, box, or other container, and in letters of the same size and visibility as the directions for the use of the preparation, the full formula or true list of medicinal ingredients, and the following words: "It is unlawful to administer this preparation to a child under two years of age as it contains **codeine** and is dangerous to its life."

Formula or true list of ingredients to be printed on label.

- (2) No person except a physician shall sell for administration to a child under two years of age, or administer to any such child any preparation containing **codeine** the sale of which is permitted by this section.

Sale for administration to child under two years of age.

- (3) Any person violating the provisions of this section shall be liable upon summary conviction to a fine not exceeding one hundred dollars, for the first offence; for each subsequent offence to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Penalty.

- (4) Nothing in this section shall repeal or affect any of the provisions of the *Proprietary or Patent Medicine Act* or any amendments thereto.

Proprietary or Patent Medicine Act. R.S., c. 151.

9. (1) any person who

- (a) manufactures, imports or exports any drug mentioned in the schedule to this Act or sells or distributes any drug mentioned therein, and neglects or refuses to keep the record required by any regulation made under this Act; or
- (b) neglects or refuses to produce such record for inspection at the request of any peace officer or any person authorized to inspect the same by the Minister or to furnish to the Department any information required by the Department;

Neglect to keep records.

Neglect to furnish information.

shall be guilty of an offence, and shall be liable, upon summary conviction, to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for any term not exceeding eighteen months, or to both fine and imprisonment.

Penalty.

- (2) The foregoing provisions of this section shall not apply to a duly authorized and practising physician, veterinary surgeon or dentist, but every such physician, veterinary surgeon or dentist, shall on request furnish the Minister with any information which he may require under any regulation made under this Act with respect to the drugs received, dispensed, prescribed, given away or distributed by such physician, veterinary surgeon or dentist.

Physicians, veterinary surgeons and dentists not required to keep record but must furnish information on request.

Penalty
for neglect
or refusal.

(3) Any physician, veterinary surgeon, dentist or retail druggist who neglects or refuses to make the declaration required by section seven hereof in the prescribed form, and any physician, veterinary surgeon or dentist who neglects or refuses to furnish any information required by the Minister under this section, shall be guilty of an offence and liable on summary conviction to the penalties provided in subsection one of this section.

Being supplied
with drugs or
prescription
by two or more
physicians
at same time.
Penalty.

10. Every person who, in the course of treatment, is supplied with drugs or a prescription therefor by the treating physician and who, without disclosing the fact to such physician, is supplied during such treatment with drugs or a prescription therefor by another physician, shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding fifty dollars.

Possession of
opium pipes,
opium lamps,
or other
device, with-
out permit,
forbidden.

11. (1) No person shall, without lawful authority or without a permit signed by the Minister or some person authorized by him in that behalf, import or have in his possession any opium pipe, opium lamp, or other device or apparatus designed or generally used for the purpose of preparing opium for smoking, or smoking or inhaling opium, or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus.

Penalty.

(2) Any person violating the provisions of this section shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

12. Every person who

Smoking
opium.
Being in
opium
resort.

- (a) smokes opium;
- (b) without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium;

Penalty.

shall be guilty of an offence and shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Enclosing
drugs in a
letter, etc.

13. (1) Every person who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any drug shall be guilty of an offence and shall be liable

Penalty.

- (a) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars; or
- (b) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

Evidence.

(2) In any prosecution under this section an affidavit of the postmaster or assistant postmaster in charge of any post office at which such drug was mailed, or to or through which it was sent by mail, shall be sufficient proof of the fact that such drug was enclosed in or with any letter, packet or other mailable matter sent by post, or was put into, transmitted through or received at such post office.

(3) Notwithstanding the provisions of subsection one of this section any licensed wholesale druggist may forward by post any preparation or remedy of which the sale by a retail druggist is permitted by subsection one of section eight of this Act and may forward by registered post any drug. Exception.

14. Where any person is convicted of an offence or an indictable offence under this Act, other than the offence under section ten, and the conviction adjudges payment of a fine, the sentence shall direct that in default of payment of the fine, the person so convicted shall be imprisoned until such fine, and any costs imposed by the said sentence, are paid or for a period not exceeding twelve months, to commence at the end of the term of imprisonment awarded by the sentence or forthwith as the case may require. Liable to imprisonment for non-payment of fine.

15. Where any person is charged with an offence under paragraphs (a), (d), (e), (f), or (g) of section four of this Act, it shall not be necessary for the prosecuting authority to establish that the accused had not a licence from the Minister or was not otherwise authorized to commit the act complained of, and if the accused pleads or alleges that he had such licence or other authority the burden of proof thereof shall be upon the person so charged. Onus of proof on charge of importing, exporting, manufacturing, selling, etc., without licence.

16. (1) If any person charged with an offence under section six of this Act pleads or alleges that the drug in question was required for medicinal purposes, or was prescribed for the medical treatment of a person under professional treatment by the accused, or was required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, as the case may be, the burden of proof thereof shall be upon the person so charged. Burden of proof on pleas of medicinal purposes or medical treatment.

(2) It shall be no defence to a physician charged with an offence under section six of this Act that he did give, sell, furnish or prescribe any drug to an habitual user for self-administration, unless such habitual user was suffering from a diseased condition caused otherwise than by excessive use of any drug. Burden of proof and defence.

17. Without limiting the generality of paragraph (d) of section four of this Act, any person who occupies, controls or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug or article mentioned in Section 11 is found, shall, if charged with having such drug or article in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug or article was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof. Burden of proof on charge of unlawful possession against persons occupying or in possession of premises, etc., where drug is found.

GENERAL

18. In any prosecution under this Act a certificate as to the analysis of any drug or drugs signed or purporting to be signed by a Dominion or provincial Analyst shall be *prima facie* evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. Certificate of Dominion or provincial analyst evidence of facts stated in certificate.

19. (1) Any constable or other peace officer who has reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act, in any store, shop, warehouse, outhouse, garden, yard, vessel, vehicle or other place, may search by day or night any Power of peace officer to search for drugs.

such place for such drug, and if necessary, by force, may search any person there found, and, if such drug is there found, bring it before a magistrate having jurisdiction in the matter. If any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

Magistrate may grant warrant to search for drugs.

(2) If it be proved upon oath before any magistrate that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act in any dwelling-house, such magistrate may grant a warrant to search by day or night any such place for such drug, and if such drug is there found, to bring it before him. If any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

Drugs to be delivered to the Minister.

(3) Any opium pipe or other article in the preceding subsections of this section mentioned and any drug or drugs so found under this section shall, unless otherwise required, be delivered by the magistrate to the Minister and shall at the expiration of three months from such finding be forfeited to His Majesty and shall be disposed of as the Minister may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith.

Drugs seized forfeited unless it is established that no offence was committed in connection therewith.

20. Any opium pipe or other article referred to in section nineteen and any drug seized under the provisions of this Act, or found, shall, at the expiration of three months from such seizure or finding, be forfeited to His Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith, provided, however, that the provisions of the *Customs Act* shall apply to any drug unlawfully imported into Canada.

Forfeiture of drugs, vehicles, moneys, etc., on conviction.

21. When any person is convicted of an offence against this Act, the opium pipe or other article or the drug in respect of which the offence was committed and all receptacles of any kind whatsoever found containing the same, and any vehicle, motor car, automobile, boat, canoe, aeroplane or conveyance of any description, proved to have contained such opium pipe or other article or drug or to have been used in any manner in connection with the offence for which such person has been so convicted, and any moneys used for the purchase of such drug, shall be forfeited to His Majesty, and shall be delivered to the Minister for disposition.

Judge to grant writ of assistance.

22. A judge of the Exchequer Court of Canada, or any judge of any of the superior courts in any province of Canada having jurisdiction in the province or place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by His Majesty's Attorney General of Canada, or by the Minister of **National Health and Welfare** or his Deputy, to any person named in such application.

23. (1) The Governor in Council may make such orders and regulations as are deemed necessary or expedient for carrying out the intention of this Act; for the seizure of any opium pipe or other article or drug that there is reason to believe is liable to forfeiture under this Act; for the use or sale of any drug for scientific purposes, and for the revocation of licences. Regulations.

(2) The Governor in Council may, from time to time, designate duly qualified analysts for the purposes of this Act. Analysts.

24. The Governor in Council may, from time to time, add to or subtract from or change from one Part to the other of the schedule to this Act any alkaloids, derivatives or preparations of drugs, or similar synthetic preparations, the inclusion or exclusion of which is by him deemed necessary in the public interest, and every order in council made in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. Additions to schedule.

Publication.

25. Except in cases tried before two justices of the peace, sections seven hundred and forty-nine to seven hundred and sixty, inclusive, and subsection two of section seven hundred and sixty-nine of the *Criminal Code* shall not apply to any conviction, order or proceedings in respect of any offence under paragraphs (a), (d), (e) and (f) of section four of this Act. Except in cases tried before two justices, no appeals in cases taken under section 4, (a), (d), (e) and (f).

26. Notwithstanding any provisions of the Immigration Act, or any other statute, any alien, whether domiciled in Canada or not, who at any time after his entry into Canada is convicted of an offence under paragraphs (a), (d), (e) or (f) of section four of this Act, shall, upon the expiration or sooner determination of the imprisonment imposed on such conviction, be kept in custody and deported in accordance with the provisions of the *Immigration Act* relating to enquiry, detention and deportation. Convicted alien subject to deportation.

R.S. c. 93.

27. The provisions of the *Identification of Criminals Act* shall apply to any person in lawful custody charged with, or under conviction of, an offence under paragraphs (a), (d), (e) or (f) of section four of this Act, where the proceedings are by way of summary conviction. Identification of Criminals Act.

R.S., c. 38.

28. The *Opium and Narcotic Drug Act*, chapter 144 of the Revised Statutes of Canada, 1927, is hereby repealed. Opium and Narcotic Drug Act, repealed.

SCHEDULE

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including apomorphine;

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives;

(3) Cannabis Sativa and its preparations;

(4) Eucaïne or any salts or compounds thereof;

And without in any way limiting the generality of paragraphs (1), (2), (3), and (4) of this schedule,

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including apomorphine;

(6) Diacetylmorphine and the other esters of morphine and their salts;

(7) Dihydrohydroxycodeinone (of which the substance registered under the name of eucodal is a salt),

Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt),

Dihydromorphinone (of which the substance registered under the name of dilaudide is a salt),

Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt),

Dihydromorphine (of which the substance registered under the name of paramorfan is a salt),

Their esters and the salts of any of these substances and of their esters,

Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives;

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts;

(9) Desomorphine (Dihydrodesoxymorphine);

(10) Ethyl 1-Methyl-4-Phenylpiperidine-4-Carboxylate hydrochloride, under whatever trade name it may be offered for sale or sold, for example, Demerol, Dolantin, Pethidine;

(11) Methylmorphine (codeine) and its salts;

(12) Dihydrocodeine (Paracodeine).

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of July, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General, on the recommendation of the Minister of National Health and Welfare, and pursuant to the provisions of The Opium and Narcotic Drug Act, 1929, as amended by Chapter 11 of the Statutes of 1946, is pleased to order as follows:

1. The regulations established under the Opium and Narcotic Drug Act, 1929, by Order in Council of the 6th July, 1938 (P.C. 1538) are hereby revoked as of and from the first day of September, 1946.

2. The annexed regulations entitled "The Opium and Narcotic Drug Act Regulations" are hereby made and established, effective the first day of September, 1946, in the place and stead of the regulations hereby revoked.

THE OPIUM AND NARCOTIC DRUG ACT REGULATIONS

1. In these Regulations, unless the context otherwise requires,
 - (a) "Act" means The Opium and Narcotic Drug Act, 1929;
 - (b) "Department" means the Department of National Health and Welfare;
 - (c) "Form" means and includes any form approved by the Minister.
2. An application for a licence for the sale, manufacture, production or distribution (other than by a retail druggist) of any drug mentioned in the Schedule to the Act, may be made to the Minister on Form M-1, and an application for a licence for a retail druggist to manufacture such drugs or preparations containing the same may be made to the Minister on Form M-2. Copies of these forms may be obtained on application to the above mentioned Department.
3. The following classes of licences may be granted upon payment of the fees hereinafter respectively set forth:
 - (1) A licence in Form M-3 or Form M-4, as the case may be, for each importation or exportation of any drug or drugs mentioned in the Schedule to the Act,
 - (a) where the value of the drug to be imported or exported exceeds \$25.00 \$ 5.00
 - (b) where the value of the drug to be imported or exported does not exceed \$25.00 no charge
 - (2) A licence in Form M-5 for a manufacturer or dealer, other than a retail druggist, to manufacture, distribute and sell any drug or drugs mentioned in the Schedule to the Act.. \$25.00
 - (3) A licence in Form M-7 for a retail druggist to manufacture any drug or drugs mentioned in the Schedule to the Act, or any preparations containing the same in accordance with the provisions of section eight of the Act..... \$ 5.00

- (4) A licence in Form M-7A to cultivate, gather or produce Cannabis Sativa under such conditions as are prescribed therein \$25.00
4. Licences issued under these Regulations are subject to cancellation at the discretion of the Minister.
5. (1) Licences issued under subsection one of section three of these Regulations are valid only for the particular importation or exportation with respect to which they are issued.
- (2) Licences issued under subsections two, three and four of section three of these Regulations are valid for one year commencing on the first day of January and expiring on the thirty-first day of December next.
6. Any drug mentioned in the Schedule to the Act may be imported or entered at any of the following Canadian Ports, viz.: Charlottetown, P.E.I.; Halifax, N.S.; Saint John, N.B.; Quebec, P.Q.; Montreal, P.Q.; Ottawa, Ont.; Kingston, Ont.; Toronto, Ont.; Hamilton, Ont.; Windsor, Ont.; Walkerville, Ont.; London, Ont.; Winnipeg, Man.; Regina, Sask.; Calgary, Alta.; Vancouver, B.C.; Victoria, B.C.; and no person shall import or enter any drug through any other port or place in Canada.
7. Any drug mentioned in the Schedule to the Act may be entered for export from Canada at any of the following Canadian Customs Ports, viz.: Sydney, N.S.; Halifax, N.S.; Saint John, N.B.; Quebec, P.Q.; Montreal, P.Q.; Highwater, P.Q.; Lacolle, P.Q.; Cornwall, Ont.; Windsor, Ont.; Walkerville, Ont.; Toronto, Ont.; Bridgeburg, Ont.; Sarnia, Ont.; Emerson, Man.; North Portal, Sask.; Vancouver, B.C.; Victoria, B.C.; and no person shall export any drug through any other port or place in Canada.
8. Raw Opium, or any drug mentioned in the Schedule to the Act, intended for exportation from Canada, shall be securely packed, and such package shall be sealed in such a manner as to prevent the contents of the package being opened without the seals being broken, and every such package containing such drug shall bear on the outside wrapper and in a conspicuous place, the following inscription, "THIS PACKAGE CONTAINS (Insert Name of Drug)."
9. (1) Every manufacturer or dealer licensed under this Act shall, in a suitable book kept for such purpose, make and preserve a record,
- (a) of the name and quantity of any drug mentioned in the Schedule to the Act that he receives, the date of receiving such drug, and the name and address of the person from whom the same was received, in accordance with Form M-8;
- (b) of the name and quantity of such drug used for manufacturing, and the name and quantity of the article or preparation manufactured in whole or in part from such drug, in accordance with Form M-9; and
- (c) the name and the address of the person to whom he gives, sells or furnishes any drug mentioned in the Schedule to the Act, the date of such sale and the name and the quantity of such drug, and the form in which sold, in accordance with Form M-10.
- (2) All such records shall be so kept that the quantity of drug or drugs on hand at the end of each calendar month shall be therein shown.
10. Every retail druggist carrying on a business in a bona fide shop or store
- (a) shall, in respect of each shop or store in which he carries on such business, make and preserve a record in a suitable book kept for such

purpose, of the name and the quantity of any drug mentioned in the Schedule to the Act that he receives, the date of receiving such drug and the name and address of the person from whom such drug was received, in accordance with Form M-11;

- (b) shall, except when requiring access to such drugs for the purposes of his said business, keep such drug (except the preparations mentioned in section eight of the Act) securely under lock and key;
- (c) shall not furnish any quantity of such drugs to any other shop or store;
- (d) shall, if he is licensed under the Act to manufacture any drug mentioned in the Schedule to the Act or any preparation containing any of the said drugs, keep a record of the name and quantity of the said drugs used for manufacturing, and the name and quantity of the article or preparation manufactured in whole or in part from any of the said drugs, in accordance with Form M-9; and, except with respect to a preparation mentioned in section eight of the Act, shall keep a record of the name and address of the physician, veterinary surgeon or dentist to whom he gives, sells or furnishes any drug or preparation so manufactured, the date of such giving, selling or furnishing and the name and quantity of the drug or preparation so given, sold or furnished;
- (e) shall, whenever he gives, sells or furnishes any drug mentioned in the Schedule to the Act (other than a preparation mentioned in section eight of the Act) upon a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon or dentist, keep a record of the name and address of the physician, veterinary surgeon or dentist who signed such order or prescription, the date of filling such order or prescription, the name and address of the person for whose use the order or prescription was granted, the name of the drug and the quantity furnished on such order or prescription, and the signature of the person making the entry, in accordance with Form M-12;
- (f) shall, if he carries on a business at more than one set of premises, make and preserve, with respect to each such set of premises, the records required by this section to be made and preserved, in separate and suitable books kept for such purposes, and each such record shall be kept in some part of the premises to which it relates so that it is available for inspection in accordance with the provisions of the Act.

11. Every authorized and practising physician, veterinary surgeon or dentist, shall on request furnish the Department with any information that may be required, in respect of any of the drugs mentioned in the Schedule to the Act, received, dispensed, prescribed, given away, sold or distributed by such physician, veterinary surgeon or dentist.

12. Every person (other than those mentioned in sections nine, ten and eleven of these Regulations) on whose premises any drug mentioned in the Schedule to the Act is kept, sold or distributed, shall make and preserve a record, in a suitable book kept for such purpose, of the name and the quantity of any such drug received by him, the date when and the name and address of the person from whom such drug was received, the name and quantity of drug used for manufacturing, the name and quantity of the article or preparation manufactured in whole or in part from such drug, the name and address of the physician, veterinary surgeon or dentist, if any, ordering or prescribing such drug, the date when the same was ordered or prescribed and the name and address of the person or persons to whom, and the date when such drug was sold or distributed.

FORM M—8

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD**RECEIPTS OF NARCOTIC DRUGS**

Date	Name of Drug	Quantity	From whom received	
			Name	Address

FORM M—9

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD**NARCOTIC DRUGS USED FOR MANUFACTURING**

Date	Name of Drug	Quantity	Name of preparation manufactured	Quantity of preparation manufactured

FORM M—10

WHOLESALE DEALERS' AND MANUFACTURERS' RECORD**RECORD OF SALES OF NARCOTIC DRUGS**

Date	Name of Drug	Form in which sold	Quantity	To whom sold Name	Address

FORM M—11

RETAIL DRUGGISTS' RECORD**RECEIPTS OF NARCOTIC DRUGS**

Date	Name of Drug	Quantity	From whom received	
			Name	Address

