United Nations

E/NL.1950/17-20
10 April 1950

87

LAWS AND REGULATIONS

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

JAMAICA

COMMUNICATED BY THE GOVERNMENT OF THE

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Lake Success,
New York, 1950

Note by the Secretary-General

In accordance with Article 21 of the Convention of 13 July 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 communicate hereafter the texts of regulations.

No. 77

The Governor in Executive Council on the 2nd of December, 1946, in exercise of the powers conferred by section 14 (2) of the Dangerous Drugs Law, Cap. 78, made the Dangerous Drugs Order, 1946, as set out.

THE DANGEROUS DRUGS LAW
(Cap. 78)

The Dangerous Drugs Order, 1946

In exercise of the powers conferred upon the Governor in Executive Council by sub-section 2 of section 14 of the Dangerous Drugs Law, the following Order is hereby made:-

1. This Order may be cited as the Dangerous Drugs Order, 1946.

2. Part III of the Dangerous Drugs Law shall apply to ethyl 1-methyl-4-phenylpiperidine-4-carboxylate hydrochloride in the same manner as it applies to the drugs mentioned in sub-section 1 of section 14 of that Law.

Dated at Kingston this 2nd day of December, 1946.

Clerk to the Executive Council.

THE DANGEROUS DRUGS LAW, 1942
(Law 22 of 1942)

The Dangerous Drugs Regulations, 1948

In exercise of the powers conferred upon the Governor in Executive Council by section 9 of the Dangerous Drugs Law, 1942, the following Regulations are hereby made:-

1. These Regulations may be cited as the Dangerous Drugs Regulations, 1948.

2. (1) In these Regulations, unless the context otherwise requires— "authority" means:

(a) any licence issued by the Director of Medical Services under section 19 of the Law;

(b) any authority granted by the Director of Medical Services under Regulations made under that section;

(c) any general authorisation conferred by these Regulations; and the expression "authorised" shall be construed accordingly;

"authorised Veterinary Surgeon" means a Veterinary Surgeon to whom an authority has been granted by the Director of Medical Services;

"Chemist and Druggist" means a person who is duly licensed under the provisions of the Sale of Drugs and Poisons Law;

"drug" means any drug, not being a preparation within the meaning of these Regulations to which Part IV of the Law applies;

"Preparation" means any preparation, admixture, extract, or other substance, containing such a proportion of a drug as is sufficient to make the preparation, admixture, extract or substance, a drug to which Part IV of the Law applies;

"the Law" means the Dangerous Drugs Law, 1942, and references in these Regulations to that Law shall be construed as references to that Law as amended by any subsequent enactments, or as extended by any Order made under sub-section (3) of section 10, or section 11, of that Law;

"register" means a bound book and does not include any form of loose leaf register or card index.

(2) The Interpretation Law, 1943, applies for the purpose of the construction of these Regulations as it applies for the purpose of the construction of a Law.

3. (1) A person shall not, unless he is duly authorised so to do or otherwise than in accordance with the terms and conditions of his authority, supply or procure or offer to supply or procure, to or for any person (including himself), whether in the Island or elsewhere, or advertise for sale a drug or preparation.

(2) Subject as hereinafter provided, a person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in the Island, unless that latter person is authorised to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the terms and conditions of that person's authority;

Provided that for the purpose of this paragraph of this Regulation the administration of a drug or preparation by, or under the direct personal supervision and in the presence of, a duly registered medical practitioner, or by, or under the direct personal supervision and in the presence of a duly registered dentist in the course of dental treatment, shall not be deemed to be the supplying of a drug or preparation.

4. (1) A person shall not be in possession of a drug or preparation unless he is duly so authorised.

(2) For the purposes of these Regulations:

(a) a person to whom a drug or preparation is lawfully supplied:

(i) by a duly registered medical practitioner or authorised veterinary surgeon who dispenses his own medicines;

(ii) on a prescription lawfully given by a duly registered medical practitioner, a duly registered dentist or a duly authorised veterinary surgeon, shall be deemed to be a person authorised to be in possession of the drug or preparation so supplied;

Provided that a person supplied with a drug or preparation by, or on a prescription given by a registered medical practitioner, shall not be deemed to be a person authorised to be in possession of the drug or preparation if he was then being supplied with a drug or preparation by, or on a prescription given by, another registered medical practitioner in the course of treatment and did not disclose the fact to the first-mentioned medical practitioner before the supply by him or on his prescription;

(b) a person shall be deemed to be in possession of a drug or preparation if it is in his actual custody or is held by any other person subject to his control or for him or on his behalf.

5. (1) Where a drug or preparation is to be lawfully supplied to any person (hereinafter referred to as "the recipient") otherwise than by, or on prescription given by, a duly registered medical practitioner, the person supplying the drug or preparation (hereinafter referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient, unless that person either –

(a) is a person authorised under these Regulations to be in possession of that drug or preparation; or

(b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorised by the recipient to receive the drug or preparation in question on behalf of the recipient and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a drug or preparation is lawfully delivered in the circumstances mentioned in paragraph 1 (b) of this Regulation shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

6. (1) The following persons, that is to say:

(a) duly registered medical practitioners;

(b) registered dentists;

(c) persons in charge of laboratories used for the purposes of research or instruction and attached to institutions, schools, or colleges, approved for the purpose of this Regulation by the Director of Medical Services.

(d) analysts within the meaning of the Food and Drugs Law;

(e) Government dispensers who are employed or engaged in dispensing medicines at a public institution;

(f) persons acting as sampling officers under section 14 of the Food and Drugs Law;

(g) persons duly authorised under section 26 of the Sale of Drugs and Poisons Law;

(h) the Island Chemist, the Government Chemist and the Government Pathologist; and

(i) an authorised veterinary surgeon,

are hereby authorised, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity as members of their respective classes, to be in possession of drugs or preparations.

(2) Persons who are members of the classes designated at (a), (e), (g) and (i) of paragraph (1) of this Regulation are hereby authorised, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity as members of their respective classes, to supply drugs or preparations.

(3) In this Regulation the expression "public institution" means a public hospital, public dispensary, prison, poor house or industrial school.

7. (1) Subject to the proviso hereinafter contained, persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Sale of Drugs and Poisons Law are hereby authorised –

(a) to manufacture at the shop in the ordinary course of their retail business any preparation; and

(b) subject to the provisions of these Regulations, to carry on at the shop the business of retailing, dispensing or compounding, drugs or preparations:

Provided that such persons have been granted an authority by the Director of Medical Services under the Dangerous Drugs (Authorisation Conditions) Regulations, 1948, and notice thereof given in the Gazette.

(2) Every drug or preparation in the actual custody of a person authorised by virtue of this Regulation shall be kept in a locked receptacle which can be opened only by him or by some assistant of his being a chemist and druggist.

8. (1) If any person, being an authorised person within the meaning of these Regulations is convicted of an offence against the Law, or of an offence against the Sale of Drugs and Poisons Law, the Governor, may, if he is of opinion that that person ought not to be allowed to remain an authorised person, by notice in the Gazette withdraw the authority of that person.

Provided that nothing in this paragraph of this Regulation shall be taken to prejudice any power otherwise vested in the Director of Medical Services of withdrawing any authority granted by him.

(2) Where the person whose authority is withdrawn under paragraph (1) of this Regulation is a duly registered medical practitioner, a registered dentist or an authorised veterinary surgeon, the Governor may by notice given in like manner, direct that it shall not be lawful for that person to give prescriptions for the purposes of these Regulations.

9. (1) For the purposes of these Regulations a prescription means a prescription directing the supply of a drug or preparation and given either by a duly registered medical practitioner for the purposes of medical treatment, or by a registered dentist for the purposes of dental treatment or by an authorised veterinary surgeon for the purposes of animal treatment.

(2) A person by whom a prescription is given shall comply with the following requirements: -

The prescription shall -

(a) be in writing and signed by the person giving it with his usual signature and dated by him;

(b) specify the address of the person giving it;

(c) specify the name and address of the person for whose treatment it is given or, if it is given by a veterinary surgeon of the person to whom the article prescribed is to be delivered;

(d) have written thereon, if given by a dentist, the words "For local dental treatment only", and, if given by a veterinary surgeon, the words "For animal treatment only";

(e) specify, if it prescribes a preparation contained or compound of preparations all of which are contained in the British Pharmacopoeia of the British Pharmaceutical Codex, the total amount of the preparation or of each preparation, as the case may be, and in any other case the total amount of the drug to be supplied;

(f) specify whether it is intended for internal or external use, and be restricted to not more than would be sufficient for fourteen days use.

10. (1) A person shall not supply a drug or preparation on a prescription -

(a) unless the prescription complies with the provisions of these Regulations relating to prescriptions; and

(b) unless he either -

i. is acquainted with the signature of the person by whom it purports to have been given and has no reason to suppose that it is not genuine; or

ii. has taken reasonably sufficient steps to satisfy himself that it is genuine.

(2) If a prescription expressly states that it may, subject to the lapse of a specified interval or of specified intervals, be dispensed a second or third time, the drug or preparation thereby prescribed may, as the case may be, be supplied a second or a third

time after the specified interval or intervals, and no more, but subject as aforesaid, a prescription shall not, for the purposes of these Regulations be taken to authorise the drug or preparation prescribed to be supplied more than once.

(3) The person dispensing a prescription shall, at the time of dispensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or a third time, the date of each occasion on which it is dispensed, and shall retain it and keep it on the premises where it is dispensed and so that it may be available at all times for inspection.

11. (1) Subject to the provisions of this Regulation, no person shall –

(a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or

(b) supply a preparation, unless the package or bottle in which it is contained is plainly marked –

i. in the case of a powder, solution, or ointment, with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution, or ointment; or

ii. in the case of tablets or other similar articles, with the amount of the drug in each article and the number of the articles in the package or bottle.

(2) This Regulation shall not apply in a case where a preparation is lawfully supplied in accordance with these Regulations by, or on a prescription lawfully given by, a duly registered medical practitioner.

12. (1) Every person authorised to supply drugs or preparations shall comply with the following provisions: –

(a) he shall, in accordance with the provisions of this Regulation, keep a register in the form set out in the First Schedule to these Regulations and enter therein true particulars with respect to every quantity of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him, whether to persons within or to persons outside the Island;

(b) a separate register or a separate part of the register shall be used with respect to each of the following classes of drugs and preparations –

i. Cocaine and ecgonine, and preparations containing cocaine and ecgonine;

ii. morphine, and preparations containing morphine;

iii. diacetylmorphine and preparations containing diacetylmorphine;

iv. medicinal opium;

v. extracts or tinctures of the plant cannabis sativa;

vi. dihydrohydroxycodeinone, (commonly known as eucodal) and preparations containing dihydrohydroxycodeinone;

vii. dihydrocodeinone (commonly known as dicodide), and preparations containing dihydrocodeinone;

viii. dihydromorphinone (commonly known as dilaudide), and preparations containing dihydromorphinone;

ix. Benzoyl-morphine and preparations containing Benzoyl-morphine;

(c) the required entry shall be made on the day on which the drug or preparation is received or on which the transaction with respect to the supply by him of the drug or preparation takes place, or if that is not reasonably practicable, on the day next following the said day;

(d) a separate register shall be kept in respect of each set of premises at which the authorised person carries on business, and for each department of the business carried on by him;

(e) no cancellation, obliteration or alteration shall be made of an entry in the register, and any correction of an entry must be made by way of a marginal note or footnote which must specify the date on which the correction is made;

(f) the authorised person shall, on demand by the Director of Medical Services or by any person empowered in that behalf by order in writing by the Director of Medical Services furnish to the Director of Medical Services or that person, as the case may be, such particulars as the Director of Medical Services or that person may require with respect to the obtaining or supplying by the authorised person of any drug or preparation or with respect to any stocks of drugs or preparations in the possession of the authorised person.

(g) the register may be used for the purpose of the entries required to be made under section 22 of the Sale of Drugs and Poisons Law, but save as aforesaid shall not be used for any purpose other than the purposes of these Regulations;

(h) the authorised person shall once in every three months balance his register by totalling the last columns of Parts I and II and by subtracting the total of Part II from that of Part I and by bringing down the balance in Part I as the stock on hand.

(2) So much of this regulation as requires a person to enter in the register particulars with respect to drugs or preparations supplied by him shall not apply to -

(a) a duly registered medical practitioner who enters in a day book particulars of every drug or preparation supplied by him to any person, together with the name and address of that person and the date of the supply, and enters in a separate book kept for the purposes of this regulation a proper reference to each entry in the day book which relates to the supply of any drug or preparation; or

(b) a person lawfully keeping open shop for the sale of drugs and poisons within the meaning of the Sale of Drugs and Poisons Law, who enters in a separate book kept for the purposes of this regulation a proper reference to each entry in a prescription book which relates to the supply of any drug or preparation.

(3) References in the separate book must be made in chronological order and the book must be kept in separate parts relating respectively to each of the several classes of drugs and preparations specified in paragraph (1) of this Regulation, and must not be used for any purpose other than the purposes of paragraph (2) of this Regulation.

(4) The entry in the day book or in the separate book must be made on the day on which, but for paragraph (2) of this Regulation, an entry would have been required to be made in the register, and sub-paragraph (e) of paragraph (1) of this Regulation shall apply as respects any such entry.

(5) Every register, every separate book kept under the provisions of paragraph (2) of this Regulation, every day book in which any entry with respect to the supply of a drug or preparation is made and every prescription book containing an entry which is referred to in the separate book shall be kept on the premises to which the register or book relates or where the prescription was dispensed, as the case may be, and so as to be at all times available for inspection.

(6) Every entry required to be made under this Regulation and every correction of such an entry must be made in ink or otherwise so as to be indelible.

(7) For the purposes of this Regulation "a proper reference" means a reference which is entered in the separate book under the same date as that on which the entry in the

day book or in the prescription book was made and is otherwise such as to enable that entry to be easily identified.

13. (1) Any medical practitioner carried as part of the complement of a ship in a port of the Island or, if there is no such practitioner, the master of that ship is hereby authorised –

(a) so far as is necessary for the purpose of compliance with the Imperial Acts relating to merchant shipping, to purchase and be in possession of drugs and preparations; and

(b) subject to and in accordance with any instructions issued by the Board of Trade, to supply drugs and preparations to members of the crew.

(2) The master of a foreign ship which is in a port in the Island is hereby authorised to purchase and to be in possession of such quantity of drugs and preparations as may be certified by the Director of Medical Services to be necessary for the equipment of the ship until it next reaches its home port.

(3) No drug or preparation shall be supplied to any master of any ship except on a written order signed by him and countersigned by the Director of Medical Services.

(4) Any person who supplies a drug or preparation in accordance with the provisions of this Regulation shall retain the written order and mark it with the date on which the drug or preparation was supplied and keep it on his premises so as to be at all times available for inspection.

(5) Where a drug or preparation is supplied to a member of the crew of a ship, an entry in the official log book of the medical treatment shall, notwithstanding anything in these Regulations, be a sufficient record of the supply, if that entry specifies the drug or preparation supplied.

14. (1) All registers, records, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements or for the purposes of these Regulations shall be preserved in the case of a register, book or other like record, for a period of two years from the date on which the last entry is made therein, and in the case of any other document for a period of two years from the date on which it is issued or made.

(2) Every signed order given by an authorised person for a drug or preparation shall be preserved for a period of two years from the date on which the last delivery under the order was made.

15. The Governor may, subject to such conditions as he may prescribe, exempt any hospital or other public institution from any provision of these Regulations.

16. Nothing in these Regulations shall apply to –

(a) any of the drugs or preparations mentioned in the Second Schedule to these Regulations or to a drug or preparation which has been denatured in manner approved by the Director of Medical Services;

(b) any prescription issued to a sampling officer for the purposes of the Food and Drugs Law.

FIRST SCHEDULE (Regulation 12)

Form of Register

PART I

Entries to be made in case of drugs or preparations obtained.

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Stock on hand	Date on which supply received	Name and Address of person or firm from whom obtained		Form in which obtained	Amount obtained	Total of stock and amount obtained

PART II

Entries to be made in case of drugs or preparations supplied.

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Date on which the transaction was effected	Name and Address of persons to whom supplied		Authority of person or Firm supplied to be in possession	Form in which supplied	Amount supplied

SECOND SCHEDULE (Regulation 16)

Drugs and Preparations exempted from these Regulations.

Pasta Arsenicalis, B.P.C. 1934
Pil. Ipecac. c. Scilla, B.P.C. 1934
Pil Digitalis et Opii Co., B.P.C. 1923
Pil Hydrarg. c. Cret. et Opii, B.P.C. 1934
Pulv. Cretae Aromat. c. Opio, B.P. 1932
Pulv. Ipecac. et Opii, B.P. 1932
Suppos. Plumbi c. Opio, B.P. 1932
Tabellae Plumbi c. Opio, B.P.C. 1934
Elixir Diamorphinae et Terpini c. Apomorphina, B.P.C. 1934
Linctus Diamorphinae Camphoratus, B.P.C. 1923 and 1934
Linctus Diamorphinae c. Ipecacuanha, B.P.C. 1934
Linctus Diamorphinae et Scillae, B.P.C. 1923 and 1934
Linctus Diamorphinae et Thymi, B.P.C. 1923 and 1934
Mixtures of Pulv. Ipecac. et Opii, B.P. 1932 with any of the following: –
- Hydrarg. c. Cret., B.P. 1914 and 1932
- Acetylsalicylic Acid
- Phenacetin
- Quinine and its Salts
- Sodium Bi-carbonate

Cocaine Eyedrops – a preparation consisting of an admixture of cocaine in castor oil with mercuric chloride in a proportion of not more than one part in 200 of cocaine and not less than one part in 3,000 of mercuric chloride.

Dated at Kingston this 22nd day of March, 1948.

Clerk to the Executive Council

E/NL.1950/19

THE DANGEROUS DRUGS LAW, 1942
(Law 22 of 1942)

The Dangerous Drugs (Authorisation Conditions) Regulations, 1948

In exercise of the powers conferred upon the Governor in Executive Council by section 19 of the Dangerous Drugs Law, 1942, the following Regulations are hereby made: –

1. These Regulations may be cited as the Dangerous Drugs (Authorisation Conditions) Regulations, 1948.

2. In these Regulations the term "drugs" means any drug or preparation to which Part IV of the Dangerous Drugs Law, 1942, applies, or may hereafter apply.

3. The Director of Medical Services may in writing authorise persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Sale of Drugs and Poisons Law to be in possession of and to supply drugs or preparations.

4. In such authorisation the Director of Medical Services may impose such

conditions as to –

i. the quantity of drugs such persons may have in their possession at any one time, and

ii. the quantity of drugs such persons may supply on any one occasion as the Director of Medical Services may, in his discretion, consider fair and reasonable.

5. The Director of Medical Services may in writing authorise a veterinary surgeon to be in possession of and to supply drugs.

6. The Director of Medical Services may in writing authorise any person to be in possession of drugs for any specified purpose, whether in respect of addiction or otherwise, and such authorisation shall specify the maximum quantity of any drug which such person may be in possession of at any one time:

Provided that a person authorised under this Regulation to be in possession of a drug shall be deemed not to be so authorised if at the time such authorisation was granted that person was being supplied with a drug by, or on a prescription given by, any registered medical practitioner other than the Director of Medical Services in the course of treatment and did not disclose this fact to the Director of Medical Services before the grant of the authorisation.

7. Every authorisation granted under regulation 3 of these Regulations shall remain in force until the 31st day of December next after it was granted but may be renewed by the Director of Medical Services subject to the conditions of these Regulations.

8. Every person to whom an authorisation has been granted under regulation 3 of these Regulations shall forward to the Director of Medical Services before the 31st day of January in any year a return of all drugs received, imported, exported and supplied, by him during the year immediately past.

9. The Director of Medical Services may refuse to grant an authorisation to any person under regulation 3 of these Regulations if, in his opinion, such person is not a fit person to obtain such an authorisation, but an appeal from such refusal shall lie to the Medical Appeal Tribunal constituted under section 27 of the Medical Law, the decision of which Tribunal shall be final.

10. (1) The Director of Medical Services may revoke any authorisation which he has granted if, in his opinion, the person to whom it is granted is not a fit person to continue to hold an authorisation, provided that in the case of an authorisation granted under regulation 3 of these Regulations an appeal from any such revocation shall lie to the said Medical Appeal Tribunal, the decision of which Tribunal shall be final.

(2) On any such revocation the authorisation shall be immediately returned to the Director of Medical Services.

11. The Director of Medical Services shall keep a register of all persons to whom authorisations have been granted under these Regulations.

12. The grant or revocation of every authorisation under regulation 3 of these Regulations shall be published in the Gazette.

13. The Interpretation Law, 1943, shall apply for the purpose of the construction of these Regulations as it applies for the purpose of the construction of a Law.

Dated at Kingston, this 22nd day of March, 1948.

Clerk to the Executive Council.

No. 51

The following Order was made by the Governor in Executive Council on the 5th of July July, 1948, under section 10 (3) of The Dangerous Drugs Law, Law 22 of 1942, approving the Dangerous Drugs (Application) (No. 2) Order, 1948, as set out: –

THE DANGEROUS DRUGS LAW, 1942
(Law 22 of 1942)

The Dangerous Drugs (Application) (No. 2) Order, 1948

In exercise of the power conferred upon the Governor in Executive Council by sub-section 3 of section 10 of the Dangerous Drugs Law, 1942, the following Order is hereby made: –

1. This Order may be cited as the Dangerous Drugs (Application) (No. 2) Order, 1948.

2. It is hereby declared that Part IV of the Dangerous Drugs Law, 1942, shall apply to the following drugs: –

i. Amidone (dl-2-dimethylamino-4:4-diphenylheptane-5-one) and its salts and to any preparation, admixture, extract or other substance containing any proportion of amidone.

ii. Methyldihydromorphinone (commonly known as Metopon) and its salts and to any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone.

iii. Physeptone (dl-2-dimethylamino-4:4-diphenylheptane-5-one Hydrochloride) and its salts and to any preparation, admixture, extract or other substance containing any proportion of physeptone.

Dated at Kingston this 5th day of July, 1948.

Clerk to the Executive Council

Printed in U.S.A.