



1-2 GEORGE V.

CHAP. 17.

An Act to prohibit the improper use of Opium and other Drugs.

[Assented to 19th May, 1911.]

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

1. This Act may be cited as *The Opium and Drug Act*. Short title.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "drug" means and includes any substance mentioned "Drug." in the Schedule to this Act; or which may be added thereto under the authority of this Act;
 - (b) "opium" means and includes crude opium, powdered "Opium." opium, and opium prepared for smoking, or in any stage of such preparation;
 - (c) "imports" or "imported" means and includes the bring- "Imports." ing or conveying, or the causing to be brought or conveyed, "Imported." into Canada of any drug;
 - (d) "export" or "exporting" means and includes the taking "Export." or conveying, or causing to be taken or conveyed, out of "Exporting." Canada of any drug;
 - (e) "magistrate" means and includes any judge of the ses- "Magistrate." sions 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.
3. Every person who, without lawful or reasonable excuse, imports, manufactures, sells, offers for sale, has in his pos- Importation, manufacture, sale or possession of drugs.
session, or takes or carries or causes to be taken or carried from any place in Canada to any other place in Canada, any drug for other than scientific or medicinal purposes, shall be guilty of

Penalty. a criminal offence and shall be liable, upon summary conviction, to a fine not exceeding five hundred dollars and costs, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Smoking and possession of opium.

4. Every person who smokes opium, or who, without lawful or reasonable excuse, has in his possession opium prepared or being prepared for smoking, shall be guilty of a criminal offence and shall be liable, on summary conviction, to a fine not exceeding fifty dollars and costs, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

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Being in opium resorts.

2. Any person who, 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, shall be guilty of a criminal offence and shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding one month, or to both, fine and imprisonment.

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Dealing in drugs.

5. Any person who deals 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 druggist carrying on business in a bona fide drug store, or who neglects to make or preserve a proper record in a suitable book of the name and address of the physician, veterinary surgeon, dentist or druggist to whom he gives, sells or furnishes any drug, and the date of such sale; and any druggist who gives, sells or furnishes any drug except upon a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon or dentist, or who, without the authority of the prescribing physician, veterinary surgeon, or dentist, uses any prescription to sell any drug on more than one occasion, or who neglects to make or preserve a proper record in a suitable book of the name of the physician, veterinary surgeon or dentist signing such order or prescription, the date of filling the order or prescription, and in the case of a prescription the name of the person for whose use the prescription was granted, or who refuses to allow such record to be examined by any police officer, shall be guilty of a criminal offence and shall be liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Exceptions.

Penalty.

Prescriptions.

2. Any physician 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 signs any order for any drug, unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, shall be guilty of a criminal offence and shall, upon summary

Penalty.

conviction, be liable to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

6. Any person without lawful or reasonable excuse exporting or attempting to export any drug to any country which prohibits the entry of such drug shall be guilty of a criminal offence and shall be liable, upon summary conviction, to a fine not exceeding five hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Exportation
of drugs.

7. 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, store, shop, warehouse, outhouse, garden, yard, vessel or other place 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.

Search
warrants.

8. When any person is convicted of an offence against this Act, the convicting magistrate may adjudge and order, in addition to any other penalty or punishment, that the drug in respect of which the offence was committed, or which has been seized under the search warrant as aforesaid, and all receptacles of any kind whatsoever found containing the same, be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant, or by such other person as may be thereunto authorized by the said convicting magistrate.

Drugs and
receptacles
seized to be
destroyed.

9. Any drug now in the custody of any court, and any drug that may be seized for the violation of any law, shall be destroyed, unless such drug is claimed within three months after the passing of this Act, or after such seizure as the case may be, and it is established to the satisfaction of the court that no offence has been committed in connection therewith, or unless the court otherwise orders, provided however, that the provisions of *The Customs Act* shall apply to any drug unlawfully imported into Canada.

Drugs
unclaimed for
three months
destroyed,
subject to
order.

10. If any person charged with an offence against this Act pleads or alleges that he imported, manufactured, sold or offered for sale, or had in his possession, any drug in respect of which the offence is charged, for scientific or medicinal purposes, the burden of proof thereof shall be upon the person so charged.

Burden of
proof on
offender.

11. One-half of any fine recovered from any person convicted of an offence against this Act may be paid to the person giving information leading to such conviction, if so directed by the magistrate.

Disposition
of fines.

Proceedings. **12.** No conviction, judgment or order in respect of an
No certiorari. offence against this Act shall be removed by certiorari into any
of His Majesty's courts of record.

Regulations. **13.** 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 drug that
there is reason to believe is liable to forfeiture under this Act;
and for the use or sale of any drug for scientific purposes.

Additions to
Schedule. **14.** The Governor in Council may, from time to time, add to
the schedule to this Act any alkaloids, derivatives or preparations
of the drugs named in the said schedule, the addition of which is
by him deemed necessary in the public interest, and every order
in council 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.

1908, c. 50
repealed. **15.** Chapter 50 of the statutes of 1908 is hereby repealed.

Commence-
ment of s. 4. **16.** Section 4 of this Act shall not come into force until the
first day of July, one thousand nine hundred and eleven.

SCHEDULE.

Cocaine or any salts or compounds thereof.
Morphine or any salts or compounds thereof.
Opium.
Eucaine or any salts or compounds thereof.

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most Excellent Majesty.