

**CHAPTER 143.**

**ANTIBIOTICS.**

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Restriction on manufacture of antibiotics.
4. Restriction on importation of antibiotics.
5. Licences to import antibiotics.
6. Licences to store antibiotics.
7. Appointment of Licensing Officer.
8. Form of licences.
9. Cancellation of licences.
10. Restriction of sale or transfer of antibiotics.
11. Right of entry on premises to ensure compliance with provisions of Ordinance.
12. Taking samples of antibiotics.
13. Further restriction on issue of antibiotics.
14. Administering of antibiotics.
15. Identification marks or numbers on containers.
16. Licence holder to keep records.
17. Examination of records.
18. Lists of approved pharmaceutical firms.
19. Variation of lists of approved pharmaceutical firms.
20. Regulations.
21. Offences.
22. Penalty.

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**CHAPTER 143.**

**ANTIBIOTICS.**

**An Ordinance to regulate the importation, storage, distribution, sale and use of antibiotics.** 40 of 1951.

[1ST MARCH, 1952.]

1. This Ordinance may be cited as the Antibiotics Ordinance. Short title.

2. In this Ordinance—

“antibiotic” means penicillin, all compounds of penicillin, and all medicinal preparations containing penicillin, streptomycin, all compounds of streptomycin, aureomycin, all compounds of aureomycin, chloromycetin, all compounds

**Interpreta-  
tion.**

of chloromycetin, and any other anti-microbial organic substance produced by living organisms or synthetically with the same structural formula as the natural product of the organism which the Governor in Council may from time to time, by order published in the Gazette, declare to be an antibiotic to which this Ordinance shall apply ;

Cap. 134.

“ the Board ” means the medical board established under the provisions of the Colonial Medical Service Ordinance ;

“ dentist ” means a person registered as a dentist under the Colonial Medical Service Ordinance ;

“ medical practitioner ” means a person registered as a medical practitioner under the Colonial Medical Service Ordinance ;

Cap. 258.

“ veterinary surgeon ” means a person registered as a veterinary surgeon under the Animals Diseases Ordinance.

Restriction  
on manu-  
facture of  
antibiotics.

3. No person shall manufacture any antibiotic in the Colony unless he is the holder of a licence granted by the Board to manufacture such antibiotic.

Restriction  
on importa-  
tion of  
antibiotics.

4. No person shall import into the Colony any antibiotic other than an antibiotic manufactured by a pharmaceutical firm approved by the Governor in Council.

Licences to  
import  
antibiotics.

5. No person shall import any antibiotic into the Colony unless he is the holder of a licence granted by the Board to import such antibiotic.

Licences  
to store  
antibiotics.

6. No person shall store any antibiotic for the purpose of sale unless he is the holder of a licence granted by the Board to store such antibiotic.

Appointment  
of Licensing  
Officer.

7. The Board may appoint a fit and proper person to be Licensing Officer under this Ordinance.

Form of  
licences.

8. Licences issued under this Ordinance shall be in such form as the Board may from time to time approve.

Cancellation  
of licences.

9. The Board may cancel any licence issued under this Ordinance if the holder thereof fails to comply with any of the provisions of this Ordinance or of any regulations made under this Ordinance.

Restriction  
of sale or  
transfer of  
antibiotics.

10. No importer of antibiotics shall sell or transfer any antibiotic to any person other than a medical practitioner, dentist or veterinary surgeon, unless such person is the holder

of a licence to store antibiotics granted under the provisions of this Ordinance.

11. Any person authorised in writing by or on behalf of the Board may at any time between the hours of 6 a.m. and 6 p.m. enter any premises in which he has reason to believe that any antibiotic is being kept which has been acquired or is being kept in contravention of any of the provisions of this Ordinance or of any regulations hereunder, and may carry out such inspection of the premises as he may consider necessary, and may require the occupier or person in charge of the premises to furnish him with such information in connection with such antibiotic as he may consider necessary. Any antibiotic in respect of which there has been a breach of any of the provisions of this Ordinance or of any regulations hereunder may be seized by such person authorised as aforesaid and on conviction of the offender shall be forfeited to the Board if the court so orders.

Right of entry on premises to ensure compliance with provisions of Ordinance.

12. Any person authorised in writing by or on behalf of the Board may require the holder of a licence to store antibiotics granted under the provisions of this Ordinance to produce samples of any antibiotic which may be in his possession and, on payment of the current market value of any sample, may require that it be delivered to him for purposes of assay. If any such sample is found on assay to have deteriorated to an extent or to contain toxic substances in amounts which, in the opinion of the Board, render it ineffective or unfit for use as a therapeutic substance, or not to contain the antibiotic or to contain the antibiotic in a lesser degree of potency than it purports to possess, the Board may require to be destroyed the entire stock of the antibiotic in the possession of the licensee which bears the same batch identification number of the sample.

Taking samples of antibiotics.

13. (1) Subject to the provisions of section 6 of this Ordinance, no antibiotic shall be issued to any person except on the prescription of a medical practitioner, dentist or veterinary surgeon.

Further restriction on issue of antibiotics.

(2) Every such prescription as is referred to in the last preceding subsection shall—

(a) be in indelible writing or typescript and be signed by the person giving it with his usual signature in indelible writing and be 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 medicine is to be delivered.

(3) Every person dispensing any such prescription shall comply with the following requirements—

(a) the prescription shall not be dispensed otherwise than in accordance with the prescription or more than once unless the prescription contains a direction in accordance with the provisions of paragraph (b) of this subsection ;

(b) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals it shall not be dispensed otherwise than in accordance with such direction ;

(c) there must be noted on the prescription at the time of dispensing, immediately above the signature of the person giving the prescription, the name and address of the person supplying the antibiotic and the date on which the prescription is dispensed ;

(d) if the prescription may be again dispensed it shall on the last time of dispensing, be retained for a period of two years by the person last dispensing it on the premises on which it was last dispensed and be made available for inspection by any person authorised by or on behalf of the Board.

Administer-  
ing of  
antibiotics.

14. An antibiotic shall not be administered to any person except by or under the direction of a registered medical practitioner or dentist :

Provided that where a case of emergency arises in any area of the Colony and the services of a medical practitioner are not available, any registered dispenser or registered nurse stationed in that area, who possesses a certificate issued by the Board that he is competent to administer penicillin, a compound of penicillin or any medical preparation containing penicillin, may administer penicillin, a compound of penicillin, or any medical preparation containing penicillin.

Identification  
marks or  
numbers on  
containers.

15. (1) Every container of an antibiotic shall carry a batch identification mark or number and the date of manufacture of such antibiotic, and the contents of any such containers, supplied by any person and bearing the same identification marks or numbers, shall be deemed to have been manufactured at the same time and under identical conditions until the contrary is proved.

(2) No person shall sell, transfer or dispense any antibiotic after the date of expiry endorsed on the container thereof, except to a medical practitioner, dentist or veterinary surgeon who has been informed in writing of such date by the person selling, transferring or dispensing such antibiotic.

16. Every holder of a licence to import antibiotics under this Ordinance shall keep records showing—

Licence holder to keep records.

(a) the quantities of antibiotics which he has imported into the Colony and the identification marks or numbers of the consignments ;

(b) the date of importation into the Colony of any antibiotic which he has imported or has in stock ;

(c) the names of the manufacturers of any such antibiotics ;

(d) the names and addresses of the persons to whom any such antibiotics have been issued by him and the quantity and date of every such issue.

17. Any person authorised in writing by or on behalf of the Board may, at any time during business hours enter the premises of any holder of a licence to import antibiotics under this Ordinance and call for and examine any records required to be kept by such holder.

Examination of records.

18. It shall be the function of the Board to submit to the Governor in Council lists of pharmaceutical firms for approval as manufacturing firms from whom antibiotics may be imported into the Colony. The names of the firms so approved shall be published in the Gazette.

Lists of approved pharmaceutical firms.

19. The Governor in Council may, on the recommendation of the Board, add to or delete from the list of approved pharmaceutical firms, and every such addition or deletion shall be published in the Gazette.

Variation of lists of approved pharmaceutical firms.

20. The Governor in Council may make regulations—

Regulations.

(a) defining the powers and duties of the Board ;

(b) providing for regulating the storage and transport of any antibiotic ;

(c) controlling or prohibiting any process which may affect the potency, sterility or toxicity of any antibiotic ;

(d) providing the punishment for any breach of any regulation made under this section.

Offences.

21. Any person obstructing any person authorised in writing by or on behalf of the Board in the performance of any duty imposed by or under this Ordinance or refusing to give any information lawfully demanded by any such authorised person or otherwise contravening any of the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Penalty.

22. Any person guilty of an offence against this Ordinance shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

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