British Guiana.

REGULATIONS MADE UNDER SECTION 9 OF THE DANGEROUS DRUGS ORDINANCE, 1937, FOR CONTROLLING THE MANUFACTURE, SALE, POSSESSION, AND DISTRIBUTION OF DANGEROUS DRUGS, TO WHICH PART IV OF THAT ORDINANCE APPLIES.*

Short title.

1. These Regulations may be cited as the Dangerous Drugs Regulations, 1937.

Interpretation.

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

No. 10 of 1937.

(*a*) any licence issued by the Surgeon-General under section 19 of the Ordinance;

(*b*) any authority granted by the Surgeon-General under that section;

(*c*) any general authorisation conferred by these Regulations:

and the expression "authorised" shall be construed accordingly;

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*At the date of the coming into operation of these Regulations the drugs to which Part IV. of the Ordinance applies are:—

(a) medicinal opium;

(b) any extract or tincture of Indian hemp;

(c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;

(d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;

"Chemist and Druggist" means a person who is duly registered as a Chemist and Druggist under the provisions of the Pharmacy and Poisons Ordinance; Cap. 103.

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

No. 10 of 1937.

"The Ordinance" means the Dangerous Drugs Ordinance, 1937, and references in these Regulations to that Ordinance shall be construed as references to that Ordinance as amended by any subsequent enactments, or as extended by any Order in Council made under subsection (3) of section 10 of that Ordinance;

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

(2) For the purposes of these Regulations but subject in each case to any limitation attached to his authority—

(*a*) a person authorised to manufacture a drug shall be deemed to be authorised to supply that drug; and

(*b*) a person authorised to supply a drug or preparation shall be deemed to be a person authorised to be in possession of, to procure, to offer to supply or procure, and to advertise for sale, that drug or preparation.

(e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent of morphine or one-tenth per cent of cocaine;

(f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine or of the other esters of morphine, and any preparation, admixture, extract or other substance containing any proportion of ecgonine or of the esters of ecgonine;

(g) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives and any other pentavalent nitrogen morphine derivatives;

(h) thebaine and its salts, and benzylmorphine and the other ethers of morphine and their respective salts;

(i) any preparation, admixture, extract or other substances mentioned in paragraph (*g*) or in paragraph (*h*) except, in the case of preparation of methylmorphine or ethylmorphine, syrupus codeinae phosphatis B.P.C. 1934, and preparations, admixtures or other substances containing not more than 2·5 per cent of methylmorphine or ethylmorphine (calculated as pure drug) associated with other medicinal substances.

except such preparations as are specified in the Schedule to an Order in Council excluding certain preparations containing morphine, cocaine, etc. from the provisions of Part IV. of the Ordinance and dated seventeenth December, 1937.

(3) The Interpretation Ordinance applies for the purpose of the construction of these Regulations as it applies for the purpose of the construction of an Ordinance. Cap. 5.

3. A person shall not manufacture, or carry on any process in the manufacture of a drug— **Manufacture of drugs.**

(*a*) unless he is duly authorised so to do;
(*b*) except on authorised premises;
(*c*) otherwise than in accordance with the terms and conditions of his authority.

4.—(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 Colony or elsewhere, or advertise for sale, a drug or preparation. **Supply, procuring and advertising of drugs and preparations.**

(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 Colony unless that 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 authorised dentist in the course of dental treatment, shall not be deemed to be the supplying of a drug or preparation.

5.—(1) A person shall not be in possession of a drug or preparation unless he is duly so authorised. **Possession of drugs and preparations.**

(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; or

(ii) on a prescription lawfully given by a duly registered medical practitioner, a duly authorised 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 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 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.

Restriction on delivery of drugs and preparations to messengers.

6.—(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.

General authority for certain classes of persons to possess and supply drugs and preparations

7.—(1) Persons who are members of the following classes, that is to say—

(*a*) registered medical practitioners;

(*b*) 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 Surgeon-General;

(*c*) analysts within the meaning of the Sale of Food and Drugs (Consolidation) Ordinance, or any amending Ordinance; Cap. 102.

(*d*) government dispensers who are employed or engaged in dispensing medicines at a public institution;

(*e*) persons acting as sampling officers under section 18 of the Sale of Food and Drugs (Consolidation) Ordinance ; Cap. 102.

(*f*) persons duly authorised under section 34 of the Pharmacy and Poisons Ordinance ; Cap. 103.

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 and to supply drugs or preparations.

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

General authorisation for persons lawfully keeping open shop for the retailing of of poisons to manufacture preparations and retail drugs and preparations. Cap. 103.

8.—(1) Persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Pharmacy and Poisons Ordinance 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 duly licensed or otherwise authorised under section 19 of the Ordinance 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.

Withdrawal of authority. Cap. 103.

9.—(1) If any person, being an authorised person within the meaning of these Regulations, is convicted of an offence against the Ordinance, or of an offence against the Pharmacy and Poisons Ordinance, or of an offence under the enactments relating to the Customs as applied by the Ordinance, 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 : Cap. 33.

Provided that nothing in this sub-regulation shall be taken to prejudice any power otherwise vested in the Surgeon-General of withdrawing any authority granted by him.

(2) Where the person whose authority is withdrawn under paragraph (1) of this Regulation is a registered medical practitioner, an authorised 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.

(3) If the Governor has reason to suspect that a registered medical practitioner or an authorised dentist is supplying or prescribing drugs or preparations to or for either himself or any other person otherwise than is properly required for the purpose of the medical or dental treatment of himself or that other person, the Governor may refer the matter to the Medical Board, established under the Colonial Medical Service (Consolidation) Ordinance, and, if the Medical Board so recommend, the Governor may, by notice in the *Gazette*, withdraw the authority of the practitioner or dentist to supply, procure or be in possession of drugs or preparations and give the like direction with respect to him as may be given under paragraph (2) of this Regulation.

Cap. 186.

Form of prescription.

10.—(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 registered medical practitioner for the purposes of medical treatment, or by an authorised 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 must—

(*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 compounded of preparations all of which are contained, in the British Pharmacopoeia or 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.

Provisions as to dispensing of prescriptions.

11.—(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 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.

Marking of packages or bottles.

12.—(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 registered medical practitioner.

Keeping of records.

13.—(i) 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 Colony ;

(*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 Indian hemp ;

(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 must 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 Surgeon-General or by any person empowered in that behalf by order in writing by the Surgeon-General, furnish to the Surgeon-General or that person, as the case may be, such particulars as the Surgeon-General 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 21 of the Pharmacy and Poisons Ordinance, but save as aforesaid shall not be used for any purpose other than the purposes of these Regulations.

Cap 103.

(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 Pharmacy and Poisons Ordinance, 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. Cap. 103.

(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—

(i) a drug or preparation administered by, or under the direct supervision and in the presence of a duly registered medical practitioner or an authorised dentist shall not be deemed to have been supplied by him ;

(ii) "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.

Special provisions with respect to masters of ships.

14.—(1) The master of a ship which does not carry on board as part of her complement a duly registered medical practitioner is hereby authorised—

(*a*) so far as necessary for the purpose of compliance with the Imperial Acts relating to merchant shipping, to 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 Colony is hereby authorised to be in possession of such quantity of drugs and preparations as may be certified by the health officer of the port of call 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 health officer of the port of call.

(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.

Preservation of documents.

15.—(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.

Powers to exempt hospitals, etc.

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

17 Nothing in these Regulations shall apply to— **Regulations not to apply to certain drugs and preparations and prescriptions.**

(*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 Medical Board ;

(*b*) any prescription issued to a sampling officer for the purposes of the Food and Drugs (Consolidation) Ordinance. Cap. 102.

18. These Regulations shall come into operation on the 1st day of January, 1938. **Commencement.**

Made by the Governor in Council under section 9 *of the Dangerous Drugs Ordinance,* 1937, *this seventeenth day of December,* 1937.

GEO. C. GREEN,
Clerk to the Executive Council.

(M.P. 71/3/1).

FIRST SCHEDULE.

(REGULATION 13).

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).

Date on which supply received.	Name.	Address.	Amount obtained.	Form in which obtained.
	Of person or firm from whom obtained.			

(REGULATION 13).

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.	Address.	Authority of person or firm supplied to be in possession.	Amount supplied.	Form in which supplied.
	Of persons to whom supplied.				

SECOND SCHEDULE.

Drugs and Preparations exempted from these Regulations. Reg. 17.

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.

Methylmorphine and ethylmorphine and their respective salts and any preparation, admixture or other substance containing any proportion of methylmorphine or ethylmorphine associated with an inert substance whether solid or liquid; and preparations and admixtures or other substances containing more than 2·5 percent. of methylmorphine or ethylmorphine (calculated as pure drug) associated with other medicinal substances.