

MEMO FOR CABINETMEMORANDUM BY THE HON. MINISTER OF HEALTH ON THE  
NECESSITY OF LEGISLATION FOR THE STRICTER CONTROL  
OF CERTAIN DRUGS

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A large number of medical substances are being continually manufactured and prepared for distribution and use in the treatment of various conditions. It often happens that besides their specific and main action they often possess other undesirable effects which may lead to dependence on, and addiction to, such drugs by persons for whom they may have been prescribed or who may have obtained them by irregular means. This improper use is not only harmful to the person concerned, but also against the public interest, and measures for their better and stricter control is being demanded on a world-wide basis.

As the law stands, there is a general control that limits the keeping and sale of any medical substance by a registered Apothecary. This control is not considered adequate for current times and does not extend satisfactorily to the importation and wholesale trading of the medical preparations in question. In particular, it is considered necessary and desirable to have power to make provision for the keeping of registers showing in some detail all transactions in such drugs, and also in certain other chemical products, and for the proper labelling of substances imported from abroad. The suggested amendments, moreover, will make it unlawful for any person to keep for sale, sell or distribute any drug by wholesale, without a licence from the Superintendent of Public Health.

The proposed Bill, attached herewith, which has been approved by the Crown Advocate General, contains amendments to the Medical and Kindred Professions Ordinance and will allow the exercise of a stricter control on the importation, possession, distribution and sale of such drugs or chemical products.

Hon. Ministers are asked to agree to the proposed amendments.

10th October, 1966.

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A BILL  
entitled

AN ACT further to amend the Medical  
and Kindred Professions Ordinance  
(Cap. 51)

BE IT ENACTED by the Queen's most  
Excellent Majesty, by and with the advice  
and consent of the House of Representatives  
of Malta, in this present Parliament assembled  
and by the authority of the same, as follows:-

Short title

1. This Act may be cited as the Medical  
and Kindred Professions (Amendment) Act, 1966,  
and shall be read and construed as one with  
the Medical and Kindred Professions Ordinance,  
hereinafter referred to as "The principal law".

Amendment to  
section 10 of  
the principal  
law.

2. In subsection (4) of section 10 of  
the principal law, immediately after the word  
"apply", there shall be added the words "or  
any such drug or chemical product as may be  
specified in any regulations made under the  
provisions of section 35A of this Ordinance".

Insertion of  
new section 35A  
in the principal  
law.

3. Immediately after section 35 of  
the principal law there shall be inserted  
the following new section:-

"Power of  
Minister  
to make  
regulations  
for control-  
ling drugs  
or chemical  
products.

35A. The Minister of Health,  
may after consulting the Council  
of Health, and so far as he  
may consider necessary or  
expedient for the protection  
of the public health, make  
regulations for controlling  
the importation, possession,  
distribution and sale of such  
drugs or chemical products as  
may be deemed by him to require  
such control in the public  
interest, and for preventing  
their improper use, and in  
particular but without prejudice  
to the generality of the  
foregoing power for

- (a) regulating the issue by the persons mentioned in subsection (1) of section 27 of prescriptions containing any such drug or chemical product and the dispensing of any such prescription;
- (b) requiring persons engaged in the importation, sale, or distribution of any such drug or chemical product to keep and produce for inspection such books and to furnish such information as may be prescribed and;
- (c) requiring and regulating the labelling and marking of any such drug or chemical product and regulating any advertisement thereof".

Substitution of section 74 of the principal law

4. For section 74 of the principal law there shall be substituted the following:

"Sale of drugs"                      74. It shall not be lawful for any person, without a licence from the Superintendent of Public Health, to keep for sale, sell, or otherwise distribute, any drugs:

Provided that any apothecary may sell or otherwise trade in drugs, in doses and as medicaments".

Amendments of Section 75 of the principal law.

5. Section 75 of the principal law shall be amended as follows:-

- (a) by the insertion of the following paragraph immediately after paragraph (a) thereof:-

"b. any substance or any preparation or mixture of substances intended to be used as a drug or remedy or as a solvent, additive or colouring matter unless the box, wrapper, bottle or other container in which it is to be sold or distributed bears the name or designation of the substance or substances of which the preparation or mixture is compounded or composed, and, where any substance of a poisonous nature in terms of section 80, unless the total or pro rata amount of such substance is stated on the said box, wrapper, bottle or other container, or";  
and

- (b) by the relettering of paragraph (b) thereof as paragraph (c).

Amendment of section 90 of the principal law.

6. In section 90 of the principal law immediately after the figure "79" there shall be inserted the words "or against the provisions of any regulations made under section 35A".

#### Objects and Reasons

The principal objects of this Bill are (1) to empower the Minister of Health, after consulting the Council of Health, to make regulations for controlling the importation, possession, distribution or sale of such drugs or chemical products as may be deemed by him to require such control in the public interest and for preventing their improper use;

(2) to render unlawful for any person to keep for sale, sell or distribute any drug without a licence from the Superintendent of Public Health.