LAWS OF MALAYSIA
ACT 366
POISONS ACT 1952 (REVISED - 1989)

Incorporating latest amendment – Poisons (Amendment) Act 2022

First enacted	**:**	**1952 (Ord. No. 29 of 1952)**
Date of coming into operation	**:**	**West Malaysia--1 September 1952;**
		East Malaysia-1 June 1978
Revised	**:**	**1989 (Act 366 w.e.f. 13 April 1989)**

ARRANGEMENT OF SECTIONS

Long Title

An Act to regulate the importation, possession, manufacture, compounding, storage, transport, sale and use of poisons.

[Peninsular Malaysia— 1 September 1952;
Sabah and Sarawak— 1 June 1978]

Section 1. Short title and application.

(1) This Act may be cited as the Poisons Act 1952.

(2) This Act shall apply throughout Malaysia.

Section 2. Interpretation.

(1) In this Act, unless the context otherwise requires—

“Acetylating substance” includes acetic anhydride, acetyl chloride and acetyl bromide;

“animal treatment” includes the investigation, examination or treatment of animal ailments;

“authorized officer” means—

(a) a Drug Enforcement Officer under this Act;

(b) a police officer not below the rank of Inspector; or

(c) a senior officer of customs as defined under the Customs Act 1967 [*Act 235*];

“British Pharmacopoeia” and “British Pharmaceutical Codex” respectively include supplements thereto;

“compounding”, and its grammatical variations, mean the preparation, weighing, measuring and mixing if necessary of drugs and chemicals for the treatment of ailments;

“contravention” of a provision includes a failure to comply with such provision;

“conveyance’ includes ship, train, vehicle, aircraft or any other means of transport by which persons or goods can be carried;

“dental treatment” includes the investigation, examination or treatment of human ailments of the teeth or the oral or maxillo-facial complex or its related structures or the performance of operations or the giving of treatment commonly undertaken or given by those practicing dentistry;

"Director General of Health" means the Director General of Health, Malaysia;

"dispensed medicine" means a medicine supplied by –

(a) a registered medical practitioner, registered dentist or registered veterinary surgeon under and in accordance with section 19; or

(b) a registered pharmacist at or from a premises where a licensed pharmacist is licensed to retail poisons, for the purpose of the medical, dental or animal treatment, of a particular individual;

"Drug Enforcement Officer" means any registered pharmacist in the public service duly authorized in writing by the Licensing Officer under subsection 31(1);

"electronic" means the technology of utilizing electrical, optical, magnetic, electromagnetic, biometric, photonic or other similar technology;

"electronic message" means an information generated, sent, received or stored by electronic means;

"estate" means any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated or any mine to which the provisions of Part IX of the Labour Code of the Federated Malay States *[F.M.S. Cap. 154]* or any of such provisions or any provisions, corresponding to such provisions, in force in any State have been lawfully applied;

"estate hospital" means a hospital or dispensary maintained by an employer on or in the neighbourhood of an estate for the treatment of labourers thereon and includes a group hospital within the meaning of the Labour Code of the Federated Malay States or of any written law in any State corresponding thereto;

"exempted preparation" means a preparation containing a poison of the kind or having the strength or otherwise coming within the description specified in the last column of the Poisons List entitled "Exempted Preparations";

"generally accepted name" means the name by which a substance is generally known in the trade;

"a Group A Poison" "a Group B Poison" "a Group C Poison" and "a Group D Poison" respectively means a poison having the strength or otherwise coming within the description specified in the column of the Poison List entitled Group A, Group B, Group C or Group D, respectively opposite to the name of such poison appearing in the first column of the Poisons List;

"Licensing Officer" means a person appointed to be a Licensing Officer under section 26 and includes the Director General of Health;

"licensed pharmacist" means a registered pharmacist who is the holder of a Type A Licence issued to him under section 26;

“licensed wholesaler” means a person holding a licence issued to him under section 26 to sell poisons by wholesale;

“manufacture” and its grammatical variations, mean the preparation, compounding, mixing and making of a pharmaceutical preparation in bulk but does not include the dispensing of a pharmaceutical preparation for a particular individual;

“medical treatment” includes the investigation, examination or treatment of human ailments;

“Minister” means the Minister charged with the responsibility for medical and health services;

“Part I Poison” means a Group A, Group B, Group C or Group D poison specified in the column of the Poisons List entitled “Part I” of the First Schedule;

“Part II Poison” means a poison specified in the column of the Poisons List entitled “Part II” of the First Schedule;

“poison” means any substance specified by name in the first column of the Poisons List and includes any preparation, solution, compound, mixture or natural substance containing such substance, other than an exempted preparation or an article or preparation included for the time being in the Second Schedule;

“Poisons List” means the Poisons List set out in the First Schedule as amended from time to time in accordance with section 6;

“possess for sale” and its grammatical variations include having in possession knowing that the article possessed is likely to be sold or *exposed for sale*;

“premises” includes any house, shop, store, room, cubicle, shed, conveyance, structure or any place whether open or enclosed;

“Principal Director” means the head of the pharmaceutical services in the Ministry of Health;

“psychotropic substance” means any of the substances specified in the Third Schedule;

“retail sale” means any sale other than a wholesale sale;

“registered dentist” means a dental practitioner registered in Division I or Division II of the Register kept under subsection 11(1) of the Dental Act 1971 *[Act 51];* and “registered dentist Division I” and “registered dentist Division II” means a dental practitioner whose name has been registered in the first or second division respectively of the said Register;

“registered medical practitioner” means a medical practitioner registered under the Medical Act 1971 *[Act 50]*;

"registered pharmacist" means a pharmacist registered under any written law relating to the registration of pharmacists, and includes, in Sabah or Sarawak, a person holding a qualification recognized by the Director of Medical Services in Sabah or Sarawak, as the case may be, as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the profession of a pharmacist;

"registered veterinary surgeon" means a veterinary surgeon registered under the Veterinary Surgeons Act 1974 [*Act 147*];

"sell" or "sale" includes barter and also includes offering or attempting the sell;

"supply" includes the supply of commercial samples and dispensed medicines, but does not include the direct administration by or under the immediate personal supervision of a registered medical practitioner or registered dentist of a poison or medicine to his patient in the course of treatment where such administration is authorized under section 19;

"Peninsular Malaysia" has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 *[Act 388]*, and includes the Federal Territory of Kuala Lumpur and Labuan;

"wholesale" means a sale to any person who intends to sell again and any sale by a licensed wholesaler authorized by paragraphs *(d)* to *(k)* inclusive of subsection 15(2);

"written law" has the meaning assigned thereto in the Interpretation Acts 1948 and 1967.

(2) In this Act where anything is required to be done under the immediate personal supervision of any person it shall be deemed to have been so done if such person was at the time it was done upon the premises where it was done and available for immediate consultation by the person doing such thing:

Provided that where any dispensing compounding or mixing of any poison with any other substance is required to be done under the immediate personal supervision of any person, it shall not be deemed to have been so done unless such person has himself checked such dispensing, compounding or mixing.

Section 3. Establishment of Poisons Board.

(1) For the purpose of this Act and to advise the Minister generally thereon, there shall be established an advisory board, called the Poisons Board, consisting of the members following:

(a) the Director General of Health who shall be an *ex-officio* member;

(b) one pharmacist holding office in the service of the Government to be appointed by the Minister;

(c) one officer of the Department of Chemistry to be appointed by the Minister;

(d) one officer of the Department of Agriculture to be appointed by the Minister;

(e) one officer of the Veterinary Department holding office in the service of the Government to be appointed by the Minister; and

(f) eight persons ordinarily resident in Malaysia and not in the service of any Government in the Federation to be appointed by the Minister who shall be nominated as follows:

(i) one by the Malaysian Medical Association;

(ii) one by the Malaysian Medical Council established under the Medical Act 1971;

(iii) one by the Malaysian International Chambers of Commerce and Industry;

(iv) one by the Associated Chinese Chambers of Commerce and Industry of Malaysia;

(v) one by the Malay Chambers of Commerce;

(vi) one by the Associated Indian Chambers of Commerce, Malaysia;

(vii) one by the Malaysian Pharmacists Society; and

(viii) one by the Malaysian Rubber Producer's Council.

(2) Every member, other than the *ex officio* members, shall, unless he shall sooner resign, hold office for a period of three years or such shorter period as the Minister may in any particular case determine from the date of his appointment.

(3) Any person ceasing to be member of the Board shall be eligible for reappointment.

(4) The Minister may appoint a person similarly qualified to be a temporary member of the Board during the incapacity through illness or during the absence from Malaysia of any member, other than an *ex officio* member, of the Board:

Provided that no person shall be appointed in the place of a member nominated under paragraph (1)*(f)* except upon the nomination by the body by which such member was nominated.

(5) Every such temporary member shall be deemed to be a member of the Board.

Section 4. Proceedings of Board.

(1) The Director General of Health shall be the Chairman of the Poisons Board and shall preside at all meetings which he attends.

(2) In the absence of the Chairman from any meeting the members present shall elect one of their members to preside.

(3) The Chairman or member presiding at any meeting shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

(4) The Board shall meet at such places and times as the Chairman may appoint and at any meeting four members including the Chairman or member presiding shall form a quorum.

(5) The Board may invite any one or more persons to attend any meeting of the Board but a person so attending shall not have the right to vote at the meeting.

(6) There may be paid to members of the Board such allowances and other expenses as may be determined by the Board with the approval of the Minister and such allowances and expenses shall be payable out of the general revenues of the Federation.

(7) The Minister may, after consultation with the Board, appoint a Secretary to the Board who shall not be a member of the Board or have any right to vote at its meetings.

Section 4A. Resolution without meeting.

(1) Subject to subsection (2), the Poisons Board may, where necessary, pass a resolution without meeting.

(2) Where the Board wishes to pass a resolution without meeting, the Board shall comply with the following conditions:

(a) all members of the Board have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the Board of the proposed resolution; and

(b) all members of the Board indicate agreement with the resolution in accordance with the method determined by the Board under subsection (3).

(3) Subsection (2) applies only if the Board decides—

(a) that the subsection applies; and

(b) the method by which members of the Board are to indicate agreement with the resolution.

Section 5. Powers of Boards to regulate proceedings.

(1) Subject to this Act the Poisons Board shall have power to regulate its own procedure.

(2) No action or proceeding of the Board shall be questioned on the ground—

(a) of the existence of any vacancy in the membership or any defect in the constitution of the Board; or

(b) of any omission, defect or irregularity in procedure not affecting the merits of the case.

Section 6. Power of Minister to amend Poisons List.

The Minister may, from time to time, after consultation with the Poisons Board by order notified in the *Gazette*, add to, remove from or reinstate in the Poisons List any substance as he may deem fit or proper, or remove from transfer to or include in any column of the Poisons List any poison, or exempted preparation or amend any definition of any poison or exempted preparation contained in such list or in any column thereof.

Section 7. Application of the Act.

(1) Nothing in this Act shall apply—

(a) to any exempted preparation; or

(b) to any article or preparation specified in the Second Schedule.

(2) The Minister may, from time to time, after consultation with the Poisons Board by order notified in the *Gazette*, add to or remove from the Second Schedule any article or preparation.

(3) Save in so far as is expressly provided by any regulation made under this Act, this Act shall not apply to the sale or supply of any poison or of any medicine containing poison by any officer or person, who—

(a) is employed in any hospital, infirmary, dispensary or veterinary hospital wholly maintained by the Government of Malaysia or any State Government or by any local authority or out of public funds or by a charity approved by an order, whether general or special, of the Director General of Health, and who sells or supplies in the course of his duty such poison or medicine to any out patient of such hospital, infirmary or dispensary for the medical or dental treatment of such patient or, in the case of an officer or person employed in a veterinary hospital, to any person for the animal treatment of any animal tended by him; or

(b) is employed in any hospital, infirmary, dispensary, clinic, nursing home or other institution at which human or animal ailments are treated, and who sells or supplies in the course of his duty such poison or medicine for the use in the wards, operating theatres or other sections thereof:

Provided that such sale or supply is made and conducted in accordance with any regulations expressly applicable thereto made under this Act.

Section 8. Control of imports of poisons.

(1) No person other than a person licensed under this Act in that behalf shall import any poison from any place outside Malaysia.

(2) This section shall not apply to—

(a) any person arriving in Malaysia from a place outside Malaysia who imports, as part of his personal luggage and solely for his personal use or for the use of his family, a prepared or packaged medicine containing any poison, not exceeding such quantities as may be reasonably required for one month's use by one person; and

(b) any person importing a prepared or packaged medicine containing any poison for his own personal use or for that of his family by letter or parcel post, in such quantities and subject to such conditions as may be prescribed by regulations made under this Act; and

(c) any officer of the Government importing in the course of his duty any poison on account of the Government; and

(d) any other person whom the Minister may absolutely or conditionally exempt from the provisions of this section.

(3) Any person who imports any poison in contravention of this section or who contravenes any term or condition of any licence granted to him or the provisions of any regulation made or any condition of any exemption granted to him under this section shall be guilty of an offence against this Act.

Section 9. Packaging, labelling and storing of poisons.

(1) No person, whether licensed under this Act or not, shall knowingly sell, supply, keep or have in his possession or under his control or store any poison otherwise than in accordance with the regulations made under this Act and in force relating to the possession, containers, packaging, labelling or storing of such poison.

(2) In any proceedings under this section if any person is proved to have sold, kept or had in his possession or under his control or stored any poison he shall be deemed to have done so knowingly, unless the contrary is proved by him.

(3) Any person who contravenes subsection (1) shall be guilty of an offence against this Act.

Section 10. Transport of poisons.

No person shall transport or consign for transport any poison otherwise than in accordance with the regulations made under this Act.

Section 11. Control of manufacture of preparations containing poison.

No preparation containing any poison shall be manufactured otherwise than in accordance with the regulations made under this Act.

Section 12. Control of compounding of poisons for use in medical treatment.

(1) No person shall dispense, compound or mix any poison with any other substance, whether a poison or not, for the purpose of its being used for medical treatment unless he is—

(a) a registered pharmacist or a person working under the immediate personal supervision of a registered pharmacist;

(b) a person acting in the course of his duties who is employed in a hospital or dispensary maintained by the Government of Malaysia or any State Government or out of public funds or by a charity approved by an order whether general or special of the Director General of Health or in an estate hospital and who is authorized in writing by the registered medical practitioner for the time being in charge of such hospital or dispensary to dispense, compound and mix poison; or

(c) a registered medical practitioner or a person working under the immediate personal supervision of such a practitioner who dispenses, compounds or mixes poisons for the use of such practitioner or of his patients.

(2) No poison shall be dispensed, compounded or mixed with any other substance whether a poison or not otherwise than in accordance with any regulations made under this Act.

Section 13. Possession for sale of poison and sale of poison in contravention of this Act an offence.

Any person who—

(a) possesses for sale any poison, unless he is licensed under this Act to sell or supply such poison or authorized under section 18 to sell or supply such poison; or

(b) sells or supplies any poison in contravention of, or otherwise than in accordance with, this Act, or of any regulations made thereunder or of the terms and conditions of any licence issued to him under this Act, relating to the sale or supply of poison, or relating to the sale or supply of poison included in that Part or Group of the Poisons List in which the poison so sold or supplied is included;

shall be guilty of an offence against this Act.

Section 14. Control of acetylating substances.

(1) Any person who has in his possession an acetylating substance shall be guilty of an offence against this Act unless he proves—

(a) that he is licensed under this Act;

(b) that he is authorized under this Act; or

(c) that the acetylating substance is in his possession for a lawful purpose.

(2) In any prosecution for an offence under this section, any person who is found to have in his custody or under his control any acetylating substance shall be deemed to have been in possession of the substance and to have known the nature of the substance, until he proves to the contrary.

(3) Any person convicted of an offence against this section shall be liable to imprisonment for a term not exceeding fourteen years and not less than three years, and he shall also be punished with whipping of not less than six strokes.

(4) Notwithstanding any other provision in any other written law to the contrary, a person charged under this section shall not be granted bail.

Section 15. Sale of poisons by wholesale.

(1) No poison shall be sold by wholesale except by a licensed wholesaler in accordance with the terms and conditions of his licence.

(2) No poison shall be sold by a licensed wholesaler except to—

(a) a person licensed to retail such poison;

(b) a purchaser outside Malaysia to whom such poison is to be immediately exported on sale;

(c) another licensed wholesaler;

(d) the owner or the manager acting on behalf of the owner of any estate for the purpose of the business of such estate or for enabling such owner, or his manager acting on his behalf, to comply with any requirements made by or under any written law with respect to the medical treatment of persons employed on such estate;

(e) a professional person or tradesman for the purpose of such person's or trademan's profession or trade and not for resale;

(f) a registered medical practitioner or a registered dentist for the treatment of his patients or a registered veterinary surgeon for the treatment of any animal which such surgeon is employed to treat;

(g) a licensed pharmacist;

(h) a Government Department, local authority or public body;

(i) a hospital, infirmary, dispensary or veterinary hospital maintained by the Government of Malaysia or any State Government or by any local authority or out of public funds or by a charity approved by an order, whether general or special, of the Director General of Health;

(j) a person or institution concerned with scientific education or research or chemical analysis for the purpose of such education, research or analysis;

(k) a person who requires the poison for the purpose of enabling him to comply with any requirement made by, or in pursuance of, any written law with respect to the medical treatment of persons employed by that person in any business or trade carried out by that person.

(2A) Any person referred to in paragraph 15(2)*(a)*, *(c)*, *(d)*, *(e)*, *(f)*, *(g)* or *(k)* who purchases any poison from a wholesaler other than a licensed wholesaler shall be guilty of an offence against this Act.

(3) The seller by wholesale of any poison shall not deliver it until—

(a) he has made or caused to be made an entry in a register to be kept for such purpose, in the prescribed form, stating the name and address of the purchaser, the date of the sale, the name and quantity of the poison sold and the purposes for which it is stated by the purchaser to be required; and

(b) the purchaser has affixed his signature to the entry or has forwarded to the seller a written order in respect of such sale signed by the purchaser and containing the particulars required to be entered under this subsection. Every such written order shall be retained by the seller and a reference to the file in which such order is retained shall be entered in the register in place of the purchaser's signature.

(4) Notwithstanding subsection (3), if it shall appear to the seller that any poison is required urgently and that it is impossible or unreasonable to obtain the signature of the purchaser or his signed written order before delivery thereof, it shall be lawful for the seller, after making an entry in the register stating the reasons for his action and the date of delivery, to deliver such poison to the purchaser without such signature or order:

Provided that, in every such case, the seller shall take all necessary steps to obtain, and the purchaser shall forward, a written order signed by the purchaser in respect of such sale, within seven days of the date of such delivery.

(5) Any purchaser who fails or neglects to forward to the seller a written order duly signed by him within the time prescribed by the proviso to subsection (4) in respect of any poison delivered to him under the provisions of such subsection shall be guilty of an offence against this Act.

(6) Nothing in this section shall be held to authorize the sale by wholesale of any particular kind of poison otherwise than in accordance with this Act or of any regulations made thereunder relating to such kind of poison.

(7) Any person who sells or delivers any poison by wholesale in contravention of this section shall be guilty of an offence against this Act.

Section 16. Sale of poisons by retail.

(1) Subject to section 18 no poison shall be sold by retail except by a registered pharmacist or a person licensed to sell such poison by retail and in accordance with the terms and conditions of such licence.

(2) Every such sale shall be effected at or from the premises specified in such licence.

(3) Every such sale shall be effected by or under the immediate personal supervision of the registered pharmacist or the person named in such licence.

(4) Every such sale shall be effected in accordance with this Act and of any regulations made thereunder relating to such poison.

(4A) Every licensed pharmacist shall keep records of a registered pharmacist engaged or employed in a premises where the licensed pharmacist is licensed to retail poisons in accordance with any regulations made under this Act.

(5) Any person who sells any poison by retail in contravention of this section shall be guilty of an offence under this Act.

Section 17. Prohibition of sale to persons under 18.

(1) No poison shall be sold or supplied to any person under eighteen years of age, otherwise than for purposes of the medical or dental treatment of such person.

(2) Any person contravening this section shall be guilty of an offence against this Act.

(3) It shall be a sufficient defence to any charge under this section that the person charged had reasonable cause to believe that the person to whom such sale was made was above the age of eighteen years.

Section 18. Restriction on the sale or supply of Part I poisons generally.

(1) Part I Poison shall not be sold or supplied to any person except—

(a) by wholesale in accordance with section 15; or

(b) by retail sale effected by or under the immediate personal supervision of a registered pharmacist at or from a premises where a licensed pharmacist is licensed to retail poisons and in accordance with the terms and conditions of such licence of the licensed pharmacist; or

(c) as an ingredient of a dispensed medicine, by a registered medical practitioner, registered dentist or registered veterinary surgeon in accordance with section 19; or

(d) to be exported to purchasers outside Malaysia; or

(e) to a person or institution concerned with scientific education or research or chemical analysis and for the purpose of such education research or analysis.

(2) Nothing in this section shall be deemed to authorize the sale of any kind of poison otherwise than in accordance with this Act or of any regulations made thereunder relating to such kind of poison or otherwise than in accordance with the terms and conditions of the licence in that behalf held by the seller.

Section 19. Supply of poisons for the purpose of treatment by professional men.

(1) Any poison other than a Group A Poison may be sold, supplied or administered by the following persons for the following purposes:

(a) a registered medical practitioner may sell, supply or administer such poison to his patient for the purposes of the medical treatment of such patient only;

(b) a registered dentist Division I may sell, supply or administer such poison to his patient for the purposes of the dental treatment of such patient only; and

(c) a registered veterinary surgeon may sell or supply such poison to his client for the purposes of animal treatment only.

(2) A registered dentist Division II may sell, supply or administer to his patient for the purposes of the dental treatment of such patient only any poison other than a Group A or a Group B Poison.

(3) Every medicine containing any poison sold or supplied under subsection (1) or (2) shall be prepared by or under the immediate personal supervision of such registered medical practitioner, registered dentist or registered veterinary surgeon, as the case may be:

Provided that any medicine, received by such registered medical practitioner, registered dentist or registered veterinary surgeon in a prepared state from a manufacturer or wholesaler, shall be deemed, for the purposes of this section, to have been prepared by such registered medical practitioner, registered dentist or registered veterinary surgeon respectively, if the receptacle containing such medicine is labelled by or under the immediate personal supervision of such registered medical practitioner, registered dentist or registered veterinary surgeon in such manner as may be prescribed by regulations made under this Act, relating to the labelling of dispensed medicines.

(4) Any registered medical practitioner, registered dentist or registered veterinary surgeon who sells or supplies any poison or medicine containing a poison not prepared by him or under his immediate personal supervision shall be guilty of an offence against this Act.

Section 20. Group A Poisons.

Group A Poison shall not be sold or supplied by wholesale or retail except—

(a) by a licensed wholesaler to a licensed pharmacist or to another licensed wholesaler; or

(b) by a licensed wholesaler to be immediately exported to a purchaser outside Malaysia.

Section 21. Group B Poisons.

(1) Group B Poison shall not be sold or supplied by retail to any person except—

(a) where the sale or supply of such poison, if it had been a Group A Poison, would have been authorized under section 20;

(b) by a registered medical practitioner, registered dentist Division I or registered veterinary surgeon selling or supplying the same in accordance with section 19; or

(c) by a registered pharmacist, as a dispensed medicine on and in accordance with a prescription prescribed by a registered medical practitioner, registered dentist or registered veterinary surgeon in the form required by subsection (2) or (2A) and when supplied in accordance with this Act and of any regulations made thereunder relating to such sale or supply on a prescription.

Form of prescription for Group B Poison

(2) Except as otherwise provided in subsection (2A),every prescription for any Group B Poison prescribed by a registered medical practitioner, registered dentist, or registered veterinary surgeon shall—

(a) be in writing signed and dated by the prescriber thereof;

(b) state the name and address of the prescriber;

(c) state the name and address of the patient or, in the case of a prescription by a registered veterinary surgeon, the name and address of the person to whom such medicine is to be delivered;

(d) indicate the total amount of medicine to be supplied and the dose; and

(e) specify the number of times (not exceeding three) the medicine may be dispensed and, if dispensed more than once, at what intervals.

Electronic prescription

(2A) When a prescription is prescribed through electronic means, every prescription for any Group B Poison prescribed by a registered medical practitioner, registered dentist or registered veterinary surgeon shall—

(a) be created and dated in electronic form;

(b) be signed with a digital signature by the prescriber;

(c) be sent to a registered pharmacist as an electronic message; and

(d) contain information as in paragraphs (2)*(b)*, *(c)*, *(d)* and *(e)*.

(2B) In this section "digital signature" means a signature that is made in accordance with the Digital Signature Act 1997 [*Act 562*].

(3) No person shall sell or supply by retail any Group B Poison on a prescription which does not comply with all the requirements of subsection (1) or which contravenes subsection (5) or shall sell or supply such poison otherwise than in accordance with the terms of such prescription.

(4) Every person selling or supplying any Group B Poison on a prescription shall, at the time of selling or supplying the same, endorse or mark the prescription in a manner so as to permanently attach to the prescription, his name and address and the date on which such poison was sold or supplied.

(5) No prescription for any Group B Poison shall be written wholly or partly in code or in such manner that it is not readily decipherable and capable of being dispensed by any pharmacist.

(6) Notwithstanding the provisions of the foregoing subsection of this section, if it shall appear to the seller or supplier that any medicine is required urgently and that it is impossible without unreasonable delay to obtain a prescription complying with the requirements of subsection (1), it shall be lawful for the seller or supplier, after making an entry to that effect in his Prescription Book, upon the verbal or telephoned instructions of a registered medical practitioner, personally known to him, to sell or supply such poison without such prescription:

Provided that in every such case the seller or supplier shall take all necessary steps to obtain, and the prescriber shall deliver, a prescription in accordance with subsection (1) within one day of the date of such sale or supply.

(7) Any person, selling or supplying any Group B Poison in contravention of this section, of failing or neglecting to endorse such prescription as required by subsection (4), or writing any prescription in code or otherwise in contravention of subsection (5), or failing to take any necessary step to obtain, or failing to deliver, the prescription as required by subsection (6), shall be guilty of an offence against this Act.

Section 22. Group C Poisons.

Group C Poison shall not be sold or supplied by retail to any person except—

(a) where the sale or supply of such poison, if it had been a Group B Poison, would have been authorized under or by virtue of, and is effected in accordance with section 21; or

(b) as a dispensed medicine or an ingredient in a dispensed medicine.

Section 23. Group D Poisons.

(1) Group D Poison shall not be sold or supplied by retail to any person except—

(a) where the sale or supply of such poison, if it had been a Group C Poison, would have been authorized under or by virtue of section 22; or

(b) by a registered pharmacist to a person known personally to such pharmacist or introduced to the pharmacist personally by a person known personally to the pharmacist and when such poison is sold or supplied in accordance with this section and of any regulations made under this Act relating to such sale or supply.

Poisons Book

(2) Where any Group D Poison is sold to any person by a retailer otherwise than as a dispensed medicine or an ingredient in a dispensed medicine, the retailer shall not deliver it until—

(a) he has made or caused to be made an entry in a register to be kept for such purpose in the prescribed form (in this Act referred to as the “Poisons Book”) stating the name and address of the purchaser and the name and address of the person (if any) introducing such purchaser, the date of the sale, the name and quantity of the poison sold and the purposes for which it is stated by the purchaser to be required; and

(b) the purchaser has affixed his signature to the entry or has forwarded to the retailer a written order in respect of such sale signed by the purchaser containing the particulars required to be entered in the Poisons Book under this section. Every such written order shall be retained by the seller and a reference to the file in which such order is retained shall be entered in the register in the place of the purchaser’s signature.

(3) Notwithstanding subsection (2) if it shall appear to the retailer that any such poison is required urgently and that it is impossible or unreasonable to obtain the signature of the purchaser or his signed written order before delivery thereof it shall be lawful for the retailer after making an entry in the Poisons Book stating the reasons for his action and the date of delivery to deliver such poison to the purchaser without such order or signature:

Provided that in every such case the retailer shall take all necessary steps to obtain, and the purchaser shall forward, a written order signed by the purchaser in respect of such sale within seven days of the date of such delivery.

(4) Any purchaser who fails or neglects to forward to the seller a written order, duly signed by him, within the time prescribed by subsection (3), in respect of any poison delivered to him under the provisions of such subsection, shall be guilty of an offence against this Act.

(5) Subject to subsection (3), any retailer who delivers to any person any Group D Poison in contravention of subsection (2) shall be guilty of an offence against this Act.

Section 24. Prescription Book.

(1) Where any poison is sold or supplied as a dispensed medicine or as an ingredient in a dispensed medicine, the seller or supplier shall, on the day on which such poison or medicine is sold or supplied, enter or cause to be entered in a register, kept for such purpose (in this Act referred to as the "Prescription Book")—

(a) the date on which the medicine was sold or supplied and the serial number of the entry in such register of the prescription (if any);

(b) the name of the poison and the ingredients of the medicine or, in the case of a proprietary medicine, the name of the medicine and the quantity supplied;

(c) in the case of a sale or supply by a retailer on a prescription, the name of the patient, or, when the prescriber is a registered veterinary surgeon, or the prescription relates to animal treatment, the name of the recipient; and

(d) in the case of a sale or supply as a dispensed medicine otherwise than on a prescription, the name and address of the person to whom it was sold or supplied:

Provided that when a prescription is repeated it shall be sufficient to enter in the Prescription Book the date, the serial number of the sale, supply and prescription (if any) originally entered and the name of the patient or recipient.

(2) In this section "prescription" means any written or oral instruction to the seller or supplier to supply any poison, or medicine containing any poison, for the purpose of the medical, dental or animal treatment of any person or animal, given by any person; and "prescriber" means the person giving such instructions or causing such instructions to be given to the seller or supplier.

(3) If any prescription is given orally, such prescription shall be confirmed by a written prescription within one day.

Section 25. Sale of Part II Poisons.

(1) No person shall sell or supply any Part II Poison otherwise than in accordance with this Act and of any regulations made thereunder.

(2) No person, licensed to sell Part II Poisons only, shall sell any arsenical or mercurial poison to any person, unless such person is engaged in agriculture, horticulture or the trade or business of curing skins or hides or the preservation of buildings or other structures, liable to be destroyed by insects, and requires such poison for the purpose of such agriculture, horticulture, trade or business.

(3) Any person selling or supplying any Part II Poison in contravention of subsection (1) or (2) shall be guilty of an offence against this Act.

Section 26. Licences.

(1) The Director General of Health, or the Principal Director or the Director of Medical and Health Services of any State duly appointed in writing by the Director General of Health to be a Licensing Officer of any State or the Federal Territory may, subject to this Act, issue licences for the purposes of this Act.

(2) Such licences may be—

(a) a Type A licence issued to a pharmacist to import, store and deal generally by wholesale and retail or by wholesale only or by retail only, subject to this Act, in all poisons;

(b) a Type B licence issued to any person whom the Licensing Officer may consider to be a fit and proper person to hold such licence, or issued to a responsible officer of a company incorporated under the Companies Act 1965 [Act 125] to import, store and sell by wholesale such poisons (not being a Group A Poison) as may be specified in such licence:

Provided that no such licence shall be issued to any person or officer who is engaged or concerned in any business of selling goods by retail or shall continue valid at any time after such person or officer becomes so engaged or concerned;

(c) (*Deleted by Act A1666*);

(d) a Type D licence issued to any person, whom the Licensing Officer may consider to be a fit and proper person to hold such licence, to store and sell by retail such Part II Poisons as may be specified therein; or

(e) a Type E licence issued to any person who in the course of his business uses Sodium Hydroxide in such substantial quantity that the Licensing Officer deems it appropriate to issue to him a licence to import, store and use Sodium Hydroxide.

(3) Every such licence shall be substantially in the form prescribed applicable to the type of such licence and shall state the name of the person to whom it is issued, and the premises on which any sale or use may be effected, and the period for which such licence is valid.

(4) Every such licence shall be subject to such terms and conditions, not inconsistent with this Act or of any regulations made thereunder, as the Licensing Officer may in his discretion impose, subject however in all cases to appeal to the Minister.

(5) The Licensing Officer may, in his discretion, refuse to issue any such licence or may cancel any such licence previously issued:

Provided that any person aggrieved by the refusal of the Licensing Officer to issue a licence or by the cancellation of a licence may appeal to the Minister whose decision shall be final.

(6) Every such licence shall be personal to the licensee named therein and shall not in any case, be transferable to another person and no licence shall authorize the sale of any poison by any person other than the person named therein or otherwise than under his personal supervision, provided that the Licensing Officer, if he sees fit, may amend on a licence the address of the premises at which the person licensed carries on the business or profession in respect of which he is licensed.

(7) Any person who contravenes any term or condition of any licence issued under this section shall be guilty of an offence against this Act.

Section 26A. Directives.

(1) The Director General of Health may issue such directives, not inconsistent with the provision of this Act, as he thinks necessary or expedient for the proper implementation of section 26 of this Act.

(2) A person issued with the directives under this section shall comply with such directives.

(3) Any person who fails to comply with the directives issued by the Director General of Health under subsection (1) commits an offence against this Act.

Section 27. Register of licences.

(1) Every licence, issued under this Act by a Licensing Officer for any State in such State, shall be numbered consecutively in respect of each type and of the year in which it was issued, commencing each year with the number one.

(2) The Licensing Officer for each State shall keep a register of licences issued by showing all the particulars of each licence so issued, and the entries in such register shall be numbered to correspond with the serial numbers of the licences and there shall be noted in the register, in the event of the cancellation of any licence, the date of such cancellation.

(3) Any extract from or copy of an entry in a register kept under this section shall be *prima facie* evidence of the facts stated therein, if such extract or copy is certified under the hand of the Licensing Officer to be a true extract or copy.

Section 28. (*Deleted by Act A1666*).

Section 29. Control of the import manufacture and sale of lead tetra ethyl.

(1) In this section—

“lead tetra ethyl” includes other similar lead containing compounds used as ingredients of motor fuel;

“ethyl petrol” means motor spirit containing lead tetra ethyl;

“concentrated ethyl fluid” means any fluid containing lead tetra ethyl in a proportion exceeding one part to nine hundred and fifty parts in volume.

(2) Notwithstanding any other provisions, including section 7 of this Act, or of any licence issued under any other provisions of this Act, no person shall manufacture lead tetra ethyl or sell, import, possess or use any ethyl petrol or concentrated ethyl fluid otherwise than in accordance with any regulations applicable thereto made under this Act.

Section 30. Control of import, export, manufacture, sale, etc., of psychotropic substances.

(1) (*Deleted by Act A1666*).

(2) The Minister may, from time to time, after consultation with the Poisons Board, by order published in the *Gazette* amend the Third Schedule.

(3) Notwithstanding any other provisions in this Act, no person shall import, export, manufacture, compound, mix, dispense, sell, supply, administer, possess or use any psychotropic substance otherwise than in accordance with any regulations applicable thereto made under this Act.

(4) In any prosecution for an offence under this section, any person who is found to have in his custody or under his control any psychotropic substance shall be deemed to have been in possession of the substance and to have known the nature of the substance, until he proves to the contrary.

(5) Any person who contravenes subsection (3) or any regulations made under this Act relating to psychotropic substances shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or both.

Section 31. Authorization of Drug Enforcement Officer.

(1) The Licensing Officer may authorize in writing any registered pharmacist in the public service to exercise the powers of a Drug Enforcement Officer under this Act.

(2) In exercising any of the powers of a Drug Enforcement Officer under this Act, a Drug Enforcement Officer shall on demand produce to the person against whom he is acting the authorization referred to in subsection (1).

(3) (*Deleted by Act A1666*).

(4) (*Deleted by Act A1666*).

(5) (*Deleted by Act A1666*).

(6) (*Deleted by Act A1666*).

(7) (*Deleted by Act A1666*).

(8) (*Deleted by Act A1666*).

(9) (*Deleted by Act A1666*).

(10) (*Deleted by Act A1666*).

Section 31A. Powers of enforcement, inspection and investigation.

An authorized officer shall have all the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code [*Act 593*] in relation to enforcement, inspection and investigation, and such powers shall be in addition to the powers provided for under this Act and not in derogation thereof.

Section 31B. Search and seizure.

(1) In this section, “premises” includes—

(a) any land, building or part of any building;

(b) any place whether open or enclosed;

(c) any conveyance;

(d) any installation on land, offshore installation or other installation whether on the bed of or floating on any water; and

(e) any structure movable or immovable.

(2) When an authorized officer has reasonable cause to believe that an offence under this Act or any regulations made under this Act has been or is being committed in any premises or in connection with any business carried on in any premises, the authorized officer may at any reasonable time by day or by night and with or without assistance—

(a) enter the premises and if need be by force;

(b) search the premises for, and to seize or remove from the premises any poison, psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article that is reasonably believed to furnish evidence of the commission of such offence;

(c) inspect or require any person to produce for the purpose of inspection—

(i) any substance reasonably believed to be or to contain any poison or psychotropic substance;

(ii) conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article,

which in his opinion may furnish evidence of the commission of an offence under this Act or any regulations made under this Act;

(d) take samples of any poison or psychotropic substance found in the premises for the purpose of ascertaining, by testing or otherwise, whether any offence under this Act or any regulations made under this Act has been committed; or

(e) make copies of or take extracts from any book, register, record, document, computerized data or other article found in the premises.

(3) An authorized officer entering any premises under this section may take with him any other person and equipment as may appear to him to be necessary.

(4) The owner, occupier or any person who has control of such premises or who is present at such premises, shall permit every authorized officer and any other person referred to in subsection (3) to have access to the premises for the purposes specified in this section and shall supply to the authorized officer all such information as may be requested by the authorized officer, and shall afford the authorized officer such assistance as may be reasonably necessary for such purposes.

(5) An authorized officer may, in the exercise of his powers under this section, if it is necessary so to do—

(a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;

(b) remove by force any obstruction to entry, search, seizure or removal as he is empowered to effect under this section; and

(c) detain any person found in the premises until the search has been completed.

(6) Where, by reason of its nature, size or amount, it is not practicable to remove any poison, psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article seized under this section, the authorized officer shall, by any means, seal such poison, psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article in the premises or container in which it is found.

(7) A person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (6) or removes the poison, psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article under seal or attempts to do so shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(8) Any person who—

(a) obstructs or impedes an authorized officer in the performance of his duties under this Act or any regulations made under this Act;

(b) refuses or neglects to comply with any requisition made in pursuance of this section; or

(c) gives or supplies any false or misleading statement or information to an authorized officer,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Section 31C. Power to access premises and land.

(1) An authorized officer shall have access to any premises or land for the purpose of—

(a) inspecting any substance reasonably believed to be or to contain any poison or any psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article as he considers necessary;

(b) verifying the accuracy of any book, register, record, document, computerized data, statement or any information given to an authorized officer, and make copies of or take extracts from such book, register, record, document, computerized data or statement found in the premises or land; or

(c) collecting samples of any substance reasonably believed to be or to contain any poison or psychotropic substance found in the premises or land.

(2) For the purposes of this section, an authorized officer may without payment, demand, select, take or collect samples of any substance reasonably believed to be or to contain any poison or psychotropic substance from any person, or such person's agent or servant importing, exporting, manufacturing, selling, supplying, using or having possession of such substance.

Section 31D. Power to require information and documents.

(1) An authorized officer, in carrying out an investigation under this Act, may make an order by a written notice under subsection (2), if he has reason to believe that a person—

(a) has any information or any document that is relevant to the performance of the authorized officer's powers and functions under this Act; or

(b) is capable of giving any evidence which the authorized officer has reason to believe is relevant to the performance of the authorized officer's powers and functions under this Act.

(2) The order made by an authorized officer under subsection (1) may direct the person—

(a) to provide any information to the authorized officer, within the period and in the manner and form specified in the notice;

(b) to produce any document to the authorized officer, within the period and in the manner specified in the notice, whether in physical form or in electronic form;

(c) to make copies of any document, or extracts from any document and to produce copies or extracts of such document, as the case may be, to the authorized officer within the period and in the manner specified in the notice;

(d) if the person is an individual, to appear before the authorized officer at a time and place specified in the notice to give any information, either orally or in writing, and produce such document, whether in physical form or in electronic form;

(e) if the person is a body corporate, to cause and authorize a relevant and competent officer of the body corporate to appear before the authorized officer at a time and place specified in the notice to give any information, either orally or in writing, and produce such document, whether in physical form or in electronic form;

(f) if the person is a partnership, to cause an individual who is a partner in the partnership or an employee of the partnership to appear before the authorized officer at a time and place specified in the notice to give any information, either orally or in writing, and produce such document, whether in physical form or in electronic form; or

(g) to make a statement to the authorized officer providing an explanation of any information or document within the period and in the manner and form specified in the notice.

(3) Where the authorized officer directs any person to produce any document under subsection (2) and the person does not have custody of the document, that person shall—

(a) state, to the best of his knowledge and belief, where the document may be found; and

(b) identify, to the best of his knowledge and belief, the person who has custody of the document or the last person who had custody of the document, as the case may be, and state, to the best of his knowledge and belief, where the person may be found.

(4) Any person directed to provide information or document under subsection (2) shall—

(a) provide the required information or document within such time as specified in the notice or such extended time as the authorized officer may grant; and

(b) ensure that the information or document provided is true, accurate and complete and such person shall provide an express representation to that effect, including a declaration that he is not aware of any other information or document which would make the information or document provided untrue or misleading.

(5) Any person who fails to comply with the order made by the authorized officer under subsection (1) commits an offence.

Section 31E. Access to recorded information, computerized data, etc.

(1) Any authorized officer exercising his powers under this Act shall be given access to any recorded information, or computerized data, whether stored in a computer or otherwise.

(2) In exercising his powers, the authorized officer may—

(a) inspect and check the operation of any computer and any associated apparatus or material which the authorized officer has reasonable cause to suspect is or has been used in connection with that information or data;

(b) require the person—

(i) whom the authorized officer has reasonable cause to suspect is using or to have used the computer in connection with that information or data;

(ii) whom the authorized officer has reasonable cause to suspect that the computer is used or has been used, on behalf of the person, in connection with that information or data; or

(iii) having charge of, or is otherwise concerned with, the operation of the computer, apparatus or material,

to provide him with such reasonable assistance as he may require for the purposes of this section.

(3) The authorized officer may make copies of or take extracts from the recorded information or computerized data, if he deems it necessary.

(4) Any recorded information or computerized data obtained under subsection (1) shall be admissible in evidence notwithstanding any other provisions in any written law to the contrary.

(5) For the purposes of this section, “access” includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of the recorded information or computerized data.

Section 31F. No cost or damages arising from entry, search or seizure to be recoverable.

No person shall, in respect of any entry or search, or seizure of any poison, psychotropic substance or other substances, or seizure of any receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other articles, seized or surrendered in the exercise or the purported exercise of any power conferred under this Act, be entitled to recover the costs of such entry, search, or seizure or to claim any damages or other relief unless such entry, search, or seizure was made without reasonable cause.

Section 32. Penalties.

(1) Any person who wilfully fails to keep any register required to be kept under this Act or under any regulation made thereunder or who wilfully fails to make in such register any entry required to be made by any of this Act or of any regulation made thereunder or who knowingly or recklessly makes any false entry in such register which he knew to be false or which he did not believe to be true shall be guilty of an offence and punishable by a fine not exceeding five thousand ringgit or by imprisonment for a term not exceeding two years or both.

(2) Any person guilty of an offence against this Act, for which no other penalty is specifically provided by this Act or by any regulations made thereunder, shall be punishable by a fine not exceeding fifty thousand ringgit or by imprisonment for a term not exceeding five years or both:

Provided that if the act or omission with which such person is charged is in the opinion of the court of such a nature as to amount to wilful default or culpable negligence, which endangered or was likely to endanger human life, such person shall be liable, on conviction, to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding ten years or both.

(3) Where a person charged with an offence against this Act or of any regulation made thereunder is a body corporate every person who, at the time of the commission of such offence, is a director or officer of such body corporate may be charged jointly in the same proceedings with such body corporate and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(4) Any person who would have been liable under this Act or of any regulation made thereunder to any penalty for anything done or omitted if such thing had been done or omitted by him personally, shall be liable to the same penalty if such thing has been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precaution to prevent the doing or omission of such thing.

(5) Any poison, psychotropic substance, receptacle, package, conveyance, machinery, contrivance, equipment, book, register, record, document, computerized data or other article in respect of which an offence against this Act has been committed shall be forfeited and shall be disposed of in such manner as the Licensing Officer may direct.

(6) Every penalty or forfeiture imposed under this Act shall be in addition to, and not in substitution for, any other penalty to which the accused may be liable under any other law, and no conviction under this Act shall be pleaded in any civil proceedings in mitigation of damages claimed against the person convicted.

Section 32A. Compounding of offences.

(1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

(a) any offence under this Act and any regulations made under this Act as an offence which may be compounded; and

(b) the method and procedure for compounding such offence.

(2) The Director General of Health or any Drug Enforcement Officer appointed by the Director General of Health may, with the written consent of the Public Prosecutor, compound any offence committed by any person under this Act and any regulations made under this Act and prescribed to be a compoundable offence by making a written offer to the person suspected of committing the offence to compound the offence on payment to the Director General of Health of an amount of money not exceeding fifty per cent of the amount of the maximum fine for that offence within the time specified in the offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted.

(4) If the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Director General of Health may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(5) Where an offence has been compounded under this section—

(a) no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made; and

(b) any substance, goods or article seized in connection with the offence, shall be forfeited, destroyed or released by the Director General of Health subject to such terms and conditions as may be imposed.

Section 33. Sessions or Magistrate's Court, to have full jurisdiction over offences against this Act.

A Sessions Court or a Court of a First Class Magistrate in Peninsular Malaysia or a Sessions Court in the State of Sabah or Sarawak shall have jurisdiction to hear and determine all prosecutions under this Act and, notwithstanding anything to the contrary contained in any other written law, a Sessions Court shall have power to impose the full penalty or punishment provided by this Act.

Section 34. Sanction to prosecute and conduct of prosecutions.

(1) No prosecution shall be instituted under this Act or any regulation made thereunder without the sanction in writing of the Public Prosecutor.

(2) Prosecutions in respect of offences under this Act or any regulation made thereunder may be conducted by any registered pharmacist in the public service authorized in writing by the Public Prosecutor.

Section 34A. Protection against suits and legal proceedings.

No action shall lie or prosecution shall be brought, instituted or maintained in any court against—

(a) any Licensing Officer, authorized officer or member of the Poisons Board for any act done by him; or

(b) any other person for any act done by him under the order, direction or instruction of the Licensing Officer, authorized officer or the Poisons Board, if the act was done in good faith and in the reasonable belief that it was necessary for the carrying into effect the provisions of this Act or its regulations.

Section 34B. Evidence of agent provocateur is admissible.

Notwithstanding any written law or rule of law to the contrary, in any proceedings against any person for an offence under this Act or its regulations—

(a) no agent provocateur, whether he is an authorized officer or not, shall be presumed to be an accomplice or be unworthy of credit as a witness by reason only of his having attempted to commit or to abet, or having abetted or having been engaged in a criminal conspiracy to commit,

such offence if the main purpose of such attempt, abetment or engagement was to secure evidence against such person;

(b) any statement whether oral or in writing made to an agent provocateur by any person shall be admissible in evidence at his trial; and

(c) a conviction for any offence under this Act or its regulations solely on the uncorroborated evidence of any agent provocateur shall not be illegal and no such conviction shall be set aside merely because the court which tried the case has failed to refer in the grounds of its judgment to the need to warn itself against the danger of convicting on such evidence.

Section 34c. Electronic transaction.

(1) Where a written order under section 15 or 23 is in the form of an electronic message, the requirement of the Act is fulfilled if it is obtained, forwarded, served, sent, delivered, received or retained in accordance with the Electronic Commerce Act 2006 [*Act 658*] and any other requirements as may be prescribed under this Act.

(2) Where any provision under this Act requires a signature of a person on a document, otherwise than on a prescription, the requirement of the Act is fulfilled, if the document is in the form of an electronic message containing a signature in accordance with the Electronic Commerce Act 2006.

Section 35. Regulations.

(1) The Minister may make regulations to carry out the purposes of this Act and, in particular, but without prejudice to the generality of the foregoing powers, may make regulations with respect to any of the following matters or for any of the following purposes:

(a) the importation of poisons;

(b) the manufacture of preparations containing poisons;

(c) the sale, whether by wholesale or retail, or the supply of poisons, by or to any person or class of persons including—

(i) regulating or restricting the sale or supply of poisons by persons licensed or authorized under this Act and prohibiting the sale of any specified poison or class of poisons by any class of such persons; and

(ii) dispensing with, or relaxing with respect to any specified poison, any of the provisions contained in this Act, or in any regulation made thereunder relating to the sale or supply of poisons;

(ca) the use of poisons;

(d) the storage, transport and labelling of poisons;

(e) the containers in which poisons may be sold or supplied;

(f) the addition to poisons of specified ingredients for the purpose of rendering them readily distinguishable as poisons;

(g) the compounding and dispensing of poisons;

(h) prescribing the manner in which any register, book, prescription, written order and any other documents including documents in electronic form, should be kept and maintained and the period for which such register, book, prescription, written order and any other documents required to be kept for the purposes of this Act are to be preserved;

(i) requiring persons in control of the manufacture of pharmaceutical preparations containing poisons to be registered pharmacists or persons possessing the prescribed qualifications in chemistry;

(j) prescribing the coverings, stoppers and fastenings of and the marks to be placed or made on or on the coverings of or on the labels affixed to any vessel, bottle, case, package, box or other receptacle or container whatsoever in which any poison is kept, stored, sold or in any way dealt with;

(k) providing exemption from any of the provisions or the operation of this Act or of any regulation made thereunder of such persons or classes of persons as may seem expedient;

(l) prescribing the form of licences, registers, books, prescriptions, written orders and returns;

(m) fixing fees and exempting any person or body of persons from the payment of such fees;

(n) prescribing anything which may be prescribed under this Act;

(o) the import, manufacture, possession, sale or use of lead tetra ethyl, ethyl petrol or concentrated ethyl fluid;

(p) prescribing penalties not exceeding the penalties prescribed in subsection 32(2) for contravention of any regulation made under this section;

(q) the sale, whether by wholesale or retail, or the supply of psychotropic substances by or to any person or class of persons;

(r) the storage, transport and labelling of psychotropic substances;

(s) the compounding, dispensing and mixing of psychotropic substances;

(t) the import, export, manufacture, possession, purchase, administration or use of psychotropic substances;

(u) requiring persons in possession of psychotropic substances to keep and maintain a register and prescribing the manner in which the register should be maintained;

(v) prescribing the mode or the manner of disposal and sampling of poisons or psychotrophic substances;

(w) prescribing the records to be kept by a licensed pharmacist including records of attendance and roster of a registered pharmacist employed or engaged in a premises where a licensed pharmacist is licensed to retail poisons.

Confirmation of Regulations

(2) All regulations made by the Minister under this Act shall be published in the *Gazette* and shall come into force on the date of publication or on such other date as may be provided therein.

(3) All such regulations shall be laid as soon as conveniently may be before the House of Representative and if a resolution of the House of Representative is passed within the next three months after any such regulation is laid before it that such regulation shall be annulled as from a specified date such regulation shall be void as from such date but without prejudice to the validity of anything done under such regulation before such date or to the making of a new regulation.

LIST OF AMENDMENTS

Amending law	*Short title*	*In force from*
Ord. 24/1956	The Poisons (Amendment) Ordinance 1956	22-08-1956
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
L.N. 234/1961	Poisons List Order 1961	20-07-1961
Act 15/1964	Poisons (Amendment) Act 1964	01-06-1964
P.U. (A) 459/1970	Poisons List Order 1970	01-01-1971
P.U. (B) 504/1972	Titles of Office— Notification	22-12-1972
P.U. (A) 95/1974	Poisons List (Amendment) Order 1974	22-03-1974
P.U. (A) 192/1974	The Poisons List (Amendment) Order 1974 (Corrigendum)	31-05-1974
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 391/1975	Poisons List (Amendment) Order 1975	28-11-1975
Act 149	Pesticides Act 1974	15-04-1975; 01-12-1976; 01-02-1981; 01-09-1988
P.U. (A) 138/1976	Poisons List (Amendment) Order 1976	07-05-1976
P.U. (A) 70/1978	Poisons List Order 1977	10-03-1978
P.U. (A) 157/1978	Modification of Laws (Dangerous Drugs and Poisons) (Extension and Modification) Order 1978	01-06-1978
P.U. (A) 237/1978	Poisons List (Amendment) Order 1978	18-08-1978
P.U. (A) 326/1978	Poisons List (Amendment) (No. 2) Order 1978	24-11-1978
P.U. (A) 118/1979	Poisons List (Amendment) Order 1979	08-06-1979
Act A480	Poisons (Amendment) Act 1980	01-02-1980
P.U. (A) 146/1980	Poisons List (Amendment) Order 1980	23-05-1980
P.U. (A) 357/1980	Subordinate Courts Act (Extension) Order 1980	01-06-1981
P.U. (A) 330/1981	Poisons List (Amendment) Order 1981	09-10-1981
P.U. (A) 236/1982	Poisons List (Amendment) Order 1982	10-08-1982
P.U. (A) 159/1983	Poisons List Order 1983	29-04-1983
Act A555	Poisons (Amendment) Act 1983	13-05-1983
P.U. (A) 566/1985	Poisons List (Amendment) Order 1985	27-12-1985
P.U. (A) 66/1986	Poisons List (Amendment) Order1985 (Corrigendum)	14-03-1986
P.U. (A) 48/1987	Poisons List (Amendment) Order 1987	30-01-1987
P.U. (A) 119/1987	Poisons List (Amendment) Order 1987	17-04-1987
P.U. (A) 223/1987	Poisons List (Amendment) (No. 2) Order 1987 (Corrigendum)	19-06-1987
P.U. (A) 403/1987	Poisons List (Amendment) (No. 3) Order 1987	11-12-1987
Act A695	Poisons (Amendment) Act 1988	19-02-1988
P.U. (A) 258/1988	Poisons List (Amendment) Order 1988	19-08-1988
P.U. (A) 259/1988	Poisons (Amendment of Fourth Schedule) Order 1988	19-08-1988
P.U. (A) 107/1989	Poisons (Amendment of Fourth Schedule) Order 1989	07-04-1989

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P.U. (A) 413/1989	Poisons (Amendment of Third Schedule) Order 1989	15-12-1989
P.U. (A) 455/1989	Poisons List (Amendment) Order 1989	29-12-1989
P.U. (A) 210/1990	Poisons List (Amendment) Order 1990	27-07-1990
P.U. (A) 467/1991	Poisons (Amendment of Third Schedule) Order 1991	27-12-1991
P.U. (A) 114/1992	Poisons (Amendment of Second Schedule) Order 1992	27-03-1992
P.U. (A) 115/1992	Poisons List Order 1992	27-03-1992
P.U. (A) 98/1993	Poisons List Order 1993	23-04-1993
P.U. (A) 64/1994	Poisons List (Amendment) Order 1994	25-02-1994
P.U. (A) 65/1994	Poisons List (Amendment) (No. 2) Order 1994	25-02-1994
P.U. (A) 301/1994	Poisons List (Amendment) (No. 3) Order 1994	05-08-1994
P.U. (A) 106/1995	Poisons List (Amendment Order 1995	14-04-1995
P.U. (A) 401/1995	Poisons List Amendment (No. 2) Order 1995	10-11-1995
P.U. (A) 188/1996	Poisons List (Amendment) Order 1996	26-04-1996
P.U. (A) 247/1996	Revision of Laws (Rectification of Poisons Act) Order 1996	01-09-1952; 01-06-1978
P.U. (A) 475/1996	Poisons List (Amendment) (No. 2) Order 1996	20-09-1996
P.U. (A) 640/1996	Poisons List (Amendment) (No. 3) Order 1996	01-01-1997
P.U. (A) 148/1997	Poisons List (Amendment) Order 1997	11-04-1997
P.U. (A) 244/1997	Poisons List (Amendment) (No. 2) Order 1997	20-06-1997
P.U. (A) 332/1997	Poisons List (Amendment) Order 1997 (Corrigendum)	29-08-1997
P.U. (A) 433/1997	Poisons List (Amendment) (No. 3) Order 1997	31-10-1997
P.U. (A) 458/1997	Poisons List (Amendment) Order 1995 (Corrigendum)	14-11-1997
P.U. (A) 35/1998	Poisons (Amendment of Fourth Schedule) Order 1988 (Corrigendum)	23-1-1998
P.U. (A) 328/1998	Poisons List (Amendment) Order 1998	04-09-1998
P.U. (A) 6/2000	Poisons List (Amendment) Order 2000	14-01-2000
P.U. (A) 60/2000	Poisons List (Amendment) Order 2000	25-02-2000
P.U. (A) 450/2000	Poisons List (Amendment) (No. 3) Order 2000	18-12-2000
P.U. (A) 365/2001	Poisons List (Amendment) Order 2001	07-12-2001
P.U. (A) 3/2003	Poisons List (Amendment) Order 2002	03-01-2003
P.U. (A) 39/2004	Poisons List (Amendment) Order 2004	23-01-2004
P.U. (A) 221/2004	Poisons List (Amendment) (No. 2) Order 2004	02-07-2004
P.U. (A) 42/2005	Poisons List (Amendment) Order 2005	03-02-2005
P.U. (A) 244/2005	Poisons List (Amendment) (No. 2) Order 2005	01-07-2005
P.U. (A) 297/2006	Poisons List (Amendment) (No. 2) Order 2006	18-08-2006
P.U. (A) 298/2006	Poisons (Amendment of Second Schedule) Order 2006	18-08-2006
P.U. (A) 335/2006	Poisons List (Amendment) (No. 2) Order 2006	08-08-2006
P.U. (A) 278/2008	Poisons (Amendment of Third Schedule) Order 2008	22-08-2008
P.U. (A) 279/2008	Poisons (Amendment of Poisons List) Order 2008	22-07-2008
P.U. (A) 52/2009	Poisons (Amendment of Poisons List) Order 2009	10-02-2009
P.U. (A) 290/2009	Poisons (Amendment of Poisons List) Order 2009	07-02-2009
P.U. (A) 340/2010	Poisons (Amendment of Second Schedule) Order 2010	08-10-2010
P.U. (A) 341/2010	Poisons (Amendment of Poisons List) Order 2010	08-10-2010
P.U. (A) 6/2011	Poisons (Amendment of Poisons List) Order 2011	14-01-2011

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P.U. (A) 109/2011	Poisons (Amendment of Poisons List) (No.2) Order 2011	15-04-2011
P.U. (A) 266/2011	Poisons (Amendment of Poisons List) (No.3) Order 2011	09-08-2011
P.U. (A) 257/2012	Poisons (Amendment of Poisons List) Order 2012	15-08-2012
P.U. (A) 104/2013	Poisons (Amendment of Poisons List) Order 2013	27-03-2013
P.U. (A) 136/2013	Poisons (Amendment of Third Schedule) Order 2013	12-04-2013
P.U. (A) 220/2013	Poisons (Amendment of Poisons List) (No.2) Order 2013	10-07-2013
P.U.(A) 220/2016	Poisons (Amendment of Poisons List) Order 2016	04-08-2016
P.U.(A) 130/2017	Poisons (Amendment of Poisons List) Order 2017	24-04-2017
P.U.(A) 153/2017	Poisons (Amendment of Poisons List) (No.2) Order 2017	25-05-2017
P.U.(A) 180/2017	Poisons (Amendment of Third Schedule) Order 2017	20-06-2017
P.U.(A) 181/2017	Poisons (Amendment of Poisons List) (No.3) Order 2017	21-06-2017
P.U.(A) 426/2017	Poisons (Amendment of Third Schedule) (No.2) Order 2017	28-12-2017
P.U.(A) 179/2018	Poisons (Amendment of Third Schedule) Order 2018	31-07-2018
P.U.(A) 8/2019	Poisons (Amendment of Poisons List) Order 2019	09-01-2019
P.U. (A) 112/2019	Poisons (Amendment of Third Schedule) Order 2019	19-04-2019
P.U. (A) 165/2019	Poisons (Amendment of Poisons List) Order 2019- Corrigendum	14-06-2019
P.U. (A) 170/2019	Poisons (Amendment of Second Schedule) Order 2019	26-06-2019
P.U. (A) 202/2019	Poisons (Amendment of Poisons List) (No. 2) Order 2019	24-07-2019
P.U. (A) 207/2019	Poisons (Amendment of Poisons List) (No. 3) Order 2019	26-07-2019
P.U. (A) 3/2020	Poisons (Amendment of Third Schedule) Order 2020	07-01-2020
P.U. (A) 257/2020	Poisons (Amendment of Poisons List) Order 2020	02-09-2020
P.U.(A) 139/2021	Poisons (Amendment of Third Schedule) Order 2021	27-03-2021
P.U.(A) 332/2021	Poisons (Amendment of Poisons List) Order 2021	10-08-2021
P.U.(A) 412/2021	Poisons (Amendment of Poisons List) (No.2) Order 2021	03-11-2021
P.U. (A) 309/2022	Poisons (Amendment of Poisons List) Order 2022	06-10-2022
Act A1666	Poisons (Amendment) Act 2022	01-01-2023 – P.U.(B) 655/2022 except s.32A P.U.(B) 580/2023 – s.32A
P.U. (B) 509/2023	Poisons Act 1952 Corrigendum	17-11-2023