

L.N. 440/1952
POISON REGULATIONS 1952

Incorporating latest amendment - P.U. (A) 330/2018

Date of coming into operation : 1 September 1952

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Preamble

IN exercise of the powers conferred upon him by section 35 of the Poisons Act, 1952, the Minister hereby makes the following Regulations.

[Am. P.U.(A) 233/2003]

Regulation 1. Citation and commencement.

These regulations may be cited as the **Poisons Regulations**, 1952, and shall come into force on the 1st day of September, 1952.

Regulation 2. Interpretation.

In these Regulations, the name of the medicine shall be the international non-proprietary name or a proprietary designation.

[Subs.P.U.(A) 233/2003]

Regulation 3. Exemption from Regulation 4 to 22 of hospital, etc.

Nothing in the provisions of Regulations 4 to 22 both inclusive of these Regulations shall apply to the supply, storage or labeling of poisons in any hospital, infirmary, dispensary, clinic, nursing home or other institution in which human ailments are treated or by any officer or person, acting in the course of such employment or duty, who is employed therein, or to the supply or labeling of any poison from a veterinary hospital, where such supply is in accordance with the provisions of Regulation 23 of these Regulations.

Regulation 4. Import of poison by post.

(1) A person may import into Malaysia by letter or parcel post for his own personal use or for that of his family a prepared or packed medicine containing poison not more often than once a month and not exceeding in quantity, at any one time, such quantity as may be reasonably required for one month's use by one person.

(2) Every package containing poison so imported shall be clearly marked on the outside with the name of the person to whom it is consigned and with the generally accepted name of the poison and the quantity supplied and the date of posting.

(3) Any package not complying with the provisions of paragraph (2) of this Regulation may be seized by the postal authorities or a Customs Officer or a Drug Enforcement Officer and handed over to the Director General of Health for disposal.

[(3) Am. P.U.(A) 233/2003]

Regulation 5. Container.

No person shall store any poison except in a container impervious to the poison and sufficiently stout to prevent leakage from the container arising from the ordinary risks of handling.

Regulation 6. Manner in which Poison is to be stored.

Where any poison is kept for sale, whether by wholesale or retail or for dispensing purpose, it shall be kept :

- (a) in an unbroken case or package as received from the manufacturer; or
- (b) in a container tied over, capped, locked or otherwise safely secured in a manner different from that in which container of non-poisonous substances kept in the same warehouse shop or dispensary are secured; or
[(b) Am. P.U.(A) 233/2003]
- (c) in a container readily distinguishable by touch from all containers holding non-poisonous substances; or
- (d) in a room or cupboard under lock and key set apart for the keeping of poisons;

Provided that where any poison is stored in any dispensary, retail shop or premises used in connection therewith, it shall be stored –

- (a) in a cupboard or drawer under lock and key reserved solely for the storage of poisons, or in a part of the premises which is partitioned off or otherwise separated from the remainder of the premises and to which customers are not permitted access; and
- (b) if a liquid kept in a container holding 2.5 litres or less, in a container which shall be readily distinguishable by touch from all containers holding non-poisonous liquids.
[(b) Am. P.U.(A) 233/2003]

Regulation 7. Part II Poisons to be used for industry, agriculture or horticulture not to be stored on a shelf or near food

No Part II Poison to be used for industry, agriculture or horticulture shall be stored on a shelf or in any premises in which food is kept or in any cupboard or drawer, unless such cupboard or drawer is reserved solely for the storage of Part II Poisons to be used as aforesaid.

Regulation 8. Packing of Poisons.

(1) No person shall consign any poison for transport unless it is so packed as to avoid leakage arising from the ordinary risks of handling and transport.

(2) No poison shall be consigned for transport by a carrier unless the outside of the package containing the article is labeled conspicuously and distinctly with the name of the poison in the manner required by sub-paragraph (b) of paragraph (1) of Regulation 9 of these Regulations and with a notice indicating in English, Malay, Chinese and Tamil printed in red or on a red background that it is to be kept separated from food and from containers in which food is or has been contained.

(3) No person shall knowingly transport any poison either on his own behalf or for another person in any vehicle in which food is being transported unless the food is carried in a part of the vehicle effectively separated from that containing the poison or is otherwise adequately protected from the risk of contamination.

(4) Paragraph (2) and (3) of this Regulation shall not apply to dispensing medicines.

Regulation 9. Labelling of Poisons.

(1) No person shall keep, have in his possession or under his control, any poison otherwise than :

(a) in an unbroken case or package as received from the manufacturer; or

(b) in a container labeled, in a conspicuous position thereon and in a clear and distinct manner, with the name of the poison and the word "Poison" in red or on a red background.

(2) For the purpose of of subregulation (1), the name of a poison shall be the name given to the Poisons List or its generally accepted name or a non-proprietary or proprietary designation.

[(2) Subs.P.U.(A) 233/2003]

(3) Where any container or any poison is enclosed in a box or covering, such box or covering shall be labelled in the same manner as the container :

Provided that nothing in this paragraph shall make it necessary to label any transparent cover or wrapper or any hamper, packing case, crate or other covering used solely for the purpose of transport or delivery.

(4) When any poison is contained in an ampoule, sachet or similar article, it shall not be necessary to label the article itself, if every box or other covering in which the article is enclosed is duly labelled.

[(4) Am. P.U.(A) 233/2003]

(5) When any Part I or Part II Poison is kept in any container ready for sale in such container, other than as a dispensed medicine, such container shall be labelled in accordance with the requirement of Regulation 10 or 11 of these Regulations, whichever is applicable.

Regulation 10. Labelling of Part I Poison for sale.

(1) No person shall sell any Part I Poison ,otherwise than as a dispensed medicine, unless the container of the poison is labelled conspicuously and distinctly-

- (a) in the manner required by sub-paragraph (b) of paragraph (1) of Regulation 9 of these Regulations; and
- (b) in the case of a preparation which contains a poison as one of the ingredients thereof, with particulars of the proportion which the poison in such preparation bears to the total ingredients:

Provided that, in the case of preparations of plant products containing poisonous alkaloids, it shall be sufficient if the preparation is labelled with the proportion of the principal alkaloid or the proportion of the total of such alkaloids calculated as if they were the principal alkaloid; and

- (c) with the word "Poison" in English, Malay, Chinese and Tamil printed in red or on a red background, and, in the case of poisons for external use, with the words "Not to be Taken" or "For External Use Only", in the said languages and printed in the said manner, or, in the case of poisons for internal use, an indication of the dose, with the warning "Caution. It is dangerous to exceed the stated dose" in the said languages and printed in the said manner; and
- (d) with the name of the seller and the address of the premises on which it was sold.

Regulation 11. Labelling of Part II Poison for sale.

No person shall sell any Part II Poisons, otherwise than as a dispensed medicine, unless the container of the poison is labelled conspicuously and distinctly –

- (a) in the manner required by sub-paragraph (b) of paragraph (1) of Regulation 9 of these Regulations, and
- (b) with the words "Poisonous : Not to be Taken" in English, Malay, Chinese and Tamil printed in red or on a red background; and
- (c) with the name of the seller and the address of the premises on which it was sold.

Regulation 12. Labelling of dispensed medicines.

(1) Where any poison is sold or supplied as a dispensed medicine, or as an ingredient in a dispensed medicine, the container of such medicine shall be labelled, in a conspicuous and distinct manner, with

- (a) the name and address of the supplier or seller ;and

(b) the name of the patient or purchaser; and

(ba) the name of the medicine; and

[(ba) Ins.P.U.(A) 233/2003]

(c) adequate directions for the use of such medicine; and

(d) the date of delivery of such medicine; and

(e) where such medicine is sold or supplied and entered in a prescription book, with a reference to the serial number of the entry in such book relating to such sale or supply.

(2) Notwithstanding regulation 9, when any poison or medicine containing any poison is sold or supplied as a dispensed medicine, or any medicine in any container ready for sale as a dispensed medicine, there shall be labelled on the container the words "Controlled Medicine" or "Ubat Terkawal".

[(2) Subs.P.U.(A) 233/2003]

(3) When any poison or medicine containing any poison is sold or supplied as a dispensed medicine for external use, the container of such poison or medicine shall be labelled conspicuously and distinctly with the words "Not to be Taken" or "For external Use Only" in English, Malay, Chinese and Tamil printed in red or on a redbackground.

Regulation 13. Labelling of containers of certain gases.

No person shall sell or supply any poison in the form of compressed gas, other than dispensed medicine unless the container is labelled conspicuously and distinctly with the words "Warning. This container holds poisonous gas and should only be opened and used by persons having expert knowledge of the precautions to be taken in its use" in English, Malay, Chinese and Tamil.

[Am. P.U.(A) 233/2003]

Regulation 14. Exemption of poisons sold for export.

Regulations 9 to 13 both inclusive of these Regulations shall not apply to the sale or supply of poisons to be exported to purchasers outside Malaysia.

Regulation 15. Poisons for use in agriculture. etc., to be mixed with distinctive dye.

(1) No person shall sell any poison intended for use in agriculture or horticulture for the destruction of bacteria, fungi, insects, vermin or as a weed-killer or for use in the preservation of buildings or other structures liable to be destroyed by termites, unless there has been added to the poison a dye of a distinctive colour, and any such dye must be soluble in water if the poison is intended to be used dissolved in or mixed with water.

(2) In the case of sodium arsenic or any other preparation containing arsenic or its compounds intended for use in agriculture or horticulture for the destruction of bacteria, fungi, insects, vermin or as a weed-killer such poison shall be dyed in accordance with the provisions of any regulations relating thereto and for the time being in force and made under the Poisons (Sodium Arsenite) Act 1949.

(3) This regulations shall not apply to:

- (a) lead arsenate paste or lead arsenate powder; or
- (b) poisons which are of themselves of a distinctive colour; or
- (c) sheep dips which are already of a distinctive colour; or
- (d) articles to be exported to purchasers outside Malaysia.

Regulation 16. Prohibition of manufacture of lead tetra ethyl.

No person shall manufacture lead tetra ethyl in Malaysia.

Regulation 17. Control of the import of concentrated ethyl fluid.

(1) No person shall import or be in possession of or use any concentrated ethyl fluid unless he is authorized to do so by a licence issued to him in that behalf by a licensing officer.

(1A) A fee of one hundred ringgit shall be payable for the issue of every such licence.

[Ins. P.U.(A) 323/1976]

(2) A licensing officer may, at his absolute discretion, issue or refuse to issue a licence under this Regulation or may at any time at his discretion revoke and cancel any licence so issued without compensation.

(3) Every licence issued under this Regulation shall be subject to such conditions as the licensing officer may, in his discretion, impose.

Regulation 18. Prohibition of import, sale or possession of ethyl containing more than 1/750 in proportion of lead tetra ethyl.

No person shall import, sell or have in his possession any ethyl petrol containing lead tetra ethyl in a proportion exceeding one part in seven hundred and fifty parts by volume.

Regulation 19. Restriction on import, sale or possession of ethyl petrol containing more than 1/1500 in proportion of lead tetra ethyl.

No person shall import, sell or have in his possession any ethyl petrol containing lead tetra ethyl in a proportion exceeding one part in one thousand five hundred parts by volume except in accordance with the following conditions:

- (a) such ethyl petrol shall be used only for aircraft or for such special purpose as may be specifically authorised by the Director General of Health;
- (b) such ethyl petrol shall be distinctively coloured in accordance with British Ministry of Supply Material Specification D. ENG.R.D. 2485 or any superseding Specification issued by the said Ministry;
- (c) all containers in which such ethyl petrol is sold, and any appliance for supplying such ethyl petrol, shall be conspicuously and distinctively labelled or marked with the words "This spirit contains LEAD. To be used for aircraft or motor fuel only" or with words to like effect in English, Malay, Chinese and Tamil.

Regulation 20. Colouring of ethyl petrol containing more than 1/1500 in proportion of lead tetra ethyl.

No person shall import, sell or have in his possession any ethyl petrol containing lead tetra ethyl in a proportion not exceeding one part in one thousand five hundred parts by volume unless such ethyl petrol is distinctively coloured with a colour different from any of those required by paragraph (b) of Regulation 19.

Regulation 21. *[Deleted]*.

[Deleted LN 119/1953].

Regulation 22. Exemption of ethyl petrol from other provisions of the Act or these Regulations.

Persons in possession of ethyl petrol lawfully imported into the Federation or lawfully imported and lawfully purchased directly or indirectly from a duly licensed importer shall be exempt in respect thereof from all the provisions of the Act or of these Regulations relating to the import. Possession, sale, supply, packing, storing, transport, colouring or labelling of poisons, other than Regulations 16 to 22 both inclusive of these Regulations.

Regulation 23. Supply of poison to out-patients in hospitals to be only on prescription and to be recorded and containers to be labelled.

(1) No poison shall be supplied to an out-patient of any hospital, infirmary, or dispensary referred to in paragraph (a) of sub-section (3) of section 7 of the Act or to the person in charge of any animal treated by any veterinary hospital, so referred to where such animal is not treated on the premises otherwise than in accordance with this Regulation.

[Am. P.U.(A) 233/2003]

(2) The poison shall only be supplied by, or on and in accordance with a prescription of, a registered medical practitioner for the purpose of medical treatment or a registered dentist for the purposes of dental treatment, or a veterinary surgeon for the purposes of animal treatment.

(3) In a case where a poison is so supplied a record shall be kept on the premises in such a way that there can readily be traced at any time during a period of two years after the date on which the poison was supplied the following particulars:

- (i) the name and quantity of the poison supplied; and
- (ii) the date on which the poison was supplied; and
- (iii) the name and address of the person to whom the poison was supplied; and
- (iv) the name of the person who supplied the poison or who gave the prescription upon which it was supplied.

(4) The container of the poison shall be labelled:

- (i) with the name and address of the hospital, infirmary, dispensary or institution from which it was supplied; and

- (ia) with the name of the medicine; and

[(ia) Ins.P.U.(A) 233/2003]

- (ii) with the words "Controlled Medicine" or "Ubat Terkawal"; and

- (iii) in the case of a poison supplied from a veterinary hospital, with the words "For animal treatment only".

[(4) (ii) Am. P.U.(A) 233/2003]

Regulation 23A. Exemption.

The requirements of subregulation 23(2) relating to the prescription of a registered medical practitioner does not apply to any person who is authorized in writing by the Director General of Health to supply poison for the purpose of medical treatment in the course of his official duty.

[Ins.P.U.(A) 248/2010]

Regulation 24. Supply of medicines containing poisons for use in hospitals etc. by a hospital dispensary to be only on written order and containers to be labelled.

(1) The provisions of this Regulation and of Regulation 25 of these Regulations shall apply to any hospital, infirmary dispensary, clinic, nursing home or other institution at which human ailments are treated, hereinafter referred to as an institution.

(2) In any institution in which medicines are dispensed in a dispensing or pharmaceutical department in charge of a person appointed for that purpose, no poison shall be supplied from that department, except in case of emergency, for use in the wards, operating theaters or other sections of the institution, otherwise than upon a written order signed by a registered medical practitioner, registered dentist, or by a nursing sister, or by a registered medical assistant (who is authorised in writing by a registered medical practitioner of the institution) in charge of ward, operating theater or other section of the institution.

[Am. P.U.(A) 248/2010]

(3) The container of the poison shall be labelled –

- (i) with the words describing its contents; and
- (ii) in the case of substances containing poisons other than in mixtures with a dose of at least two hundred and forty minims, with a distinguishable mark or other indication indicating that the poison is to be stored in a cupboard reserved solely for the storage of poisons.

Regulation 25. All poisons stored in institutions to be stored in the dispensary or in charge of a responsible person and stored in cupboards.

(1) In any institution in which medicines are dispensed in a dispensing or pharmaceutical department in charge of a person appointed for the purpose, all poisons other than those issued for use within the institution shall be stored in that department.

(2) In any institution to which paragraph(1) of this Regulation does not apply all poisons, other than those issued for use within the institution, shall be stored-

- (i) in charge of a person appointed for the purpose by the governing body or person in control of the institution ; and
- (ii) in the case of poisons other than those contained in mixtures with a dose of at least two hundred and forty minims, in a cupboard reserved solely for the storage of poisons.

(3) In any institution every poison other than those contained in mixtures with a dose of at least two hundred and forty minims which is stored in the wards shall be stored in a cupboard reserved solely for the stored in a cupboard reserved solely for the storage of poisons and poisonous substances.

(4) all places in which poisons are required by this section to be stored shall be inspected at regular intervals of time not exceeding three months by a registered pharmacist or by some other person appointed for the purpose by the governing body or person in control of the institution.

Regulation 26. Poisons wholesale sales book and Poisons book.

(1) Every book required to be kept by sub-section (3) of section 15 of the Act shall be kept in accordance with Form A in the First Schedule to these Regulations.

(2) Every Poisons Book required to be kept by sub-section (2) of section 23 of the Act shall be kept in accordance with Form B in the First Schedule to these Regulations.

[Am. P.U.(A) 233/2003]

Regulation 27. Licences.

Every licence issued under sub-section (2) of section 26 of the Act shall be in such one of the Forms set out in the Second Schedule to these Regulations as may be appropriate.

[Am. P.U.(A) 233/2003]

Regulation 28. Fees.

(1) An application for a licence under the Act shall be accompanied by the following fees:

(a) RM300.00 for Type A licence;

(b) RM300.00 for Type B licence;

(c) RM20.00 for Type D licence; and

(d) RM300.00 for Type E licence.

(2) The fees paid under subregulation (1) shall not be refundable.

[Sub. P.U. (A) 330/2018]

FIRST SCHEDULE

FORM A
THE POISONS ACT 1952
[SECTION 15(3)]
POISONS WHOLESALE SALES BOOK

Name of Purchaser	Address of Purchaser	Date of Sale	Name of Poison Sold	Quantity of Poison Sold	Purpose for which required	Signature of purchaser or refer to signed order

FORM B
THE POISONS ACT 1952
[SECTION 23(3)]
POISONS BOOK

Serial number of sale (to be written also on the article sold)	Date	Name of purchaser	Address of purchaser	Signature of purchaser and of introducer of purchaser	Name and quantity of poison sold	Purpose for which the poison is required

[Am. P.U.(A) 233/2003]

SECOND SCHEDULE

POISONS ACT 1952
[Section 26(2)]
PHARMACIST'S POISONS LICENCE
(Type A Licence)

Licence is granted to Pharmacist.....
with the business address of.....

(a licence may be granted only for one set of premises)

to import, store and deal generally in all poisons –

(1) by wholesale

(2) by retail

(delete either (1) or (2) if not applicable)

subject to the provisions of Poisons Act 1952 and of any regulations made under it and such other terms and conditions specified in it.

The Licence is valid from.....to.....

Date

Register No.

Signed.....

Licensing Officer

POISONS ACT 1952
[Section 26(2)]
WHOLESALE'S POISONS LICENCE
(Type B Licence)

Licence is granted to
(must be a person and not a firm)

with the business address of.....
(a licence may be granted only for one set of premises)

(such person not being engaged or concerned in any business of selling goods by retail) to import, store and sell by wholesale, such poisons (not being Group A Poison) specified as follows:

.....
.....
.....

subject to the provisions of Poisons Act 1952 and of any regulations made under it and such other terms and conditions specified in it.

The Licence is valid from.....to.....
Date

Register No.

Signed.....
Licensing Officer

POISONS ACT 1952
[Section 26(2)]
RETAILER'S LICENCE FOR PART II POISONS
(Type D Licence)

Licence is granted to
(must be a person and not a firm)

with the business address of.....
(a licence may be granted only for one set of premises)

to store and sell by retail such Part II Poisons specified as follows:
.....
.....
.....

The Licence is valid from.....to.....
Date

Register No.

Signed.....
Licensing Officer

POISONS ACT 1952
[Section 26(2)]
(Type E Licence)

Licence is granted to

(must be a person and not a firm)

with the business address of.....

(a licence may be granted only for one set of premises)

to import Sodium Hydroxide, store it at such premises and use it
subject to the provisions of the Poisons Act 1952 and of any Regulations made under it.

The Licence is valid from.....to.....

Date

Register No.

Signed.....

Licensing Officer
[Subs.P.U.(A) 233/2003]

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U.(A) 323/1976	Poisons (Amendment) Regulations 1976	14-10-1976
P.U.(A) 72/1977	Poisons (Amendment) Regulations 1977	01-04-1977
P.U.(A) 154/1978	Poisons (Amendment) Regulations 1978	01-06-1978
P.U.(A) 233/2003	Poisons (Amendment) Regulations 2003	01-01-2004
P.U.(A) 248/2010	Poisons (Amendment) Regulations 2010	30-07-2010
P.U. (A) 330/2018	Poisons (Amendment) Regulations 2018	01-01-2019