

Tamil Nadu Poisons (Regulation of Possession and Sale) Rules, 2015

TAMILNADU

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Rule

TAMIL-NADU-POISONS-REGULATION-OF-POSSESSION-AND-SALE-R of 2015

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Tamil Nadu Poisons (Regulation of Possession and Sale) Rules, 2015Published vide Notification No. G.O. Ms. No. 570, Home (Pol. XIII), dated 31.07.2015Last Updated 24th January, 2020No. SRO A-12(a)/2015. - In exercise of the powers conferred by Section 2 read with sub-section (1) of Section 8 of the Poisons Act, 1919 (Central Act XII of 1919) and in supersession of the Rules made by the province of Madras on the subject, the Governor of Tamil Nadu hereby makes the following Rules, the draft of the same having been previously published as required by sub-section (2) of Section 8 of the said Act, namely:-

1. Short Title and Commencement.

(1)These Rules may be called the Tamil Nadu Poisons (Regulation of Possession and Sale) Rules, 2015.(2)They shall extend to the whole of the State of Tamil Nadu.

2. Definitions.

- In these Rules, unless the context otherwise requires:-(a)"Act" means the Poisons Act, 1919 (Central Act XII of 1919);(b)"Form" means a form appended to these Rules;(c)"licensing authority" means the District Magistrate or any other officer authorized by the State Government to grant a license under Rule 3;(d)"licensee" means a holder of a license under these Rules;(e)"Poison" means the substances specified in the Schedule to these Rules; and(f)"sale" means any sale of poison by one licensee to another or sale of poison by a licensee to any educational institution, any research or medical institution, any hospital or dispensary under a qualified Medical Practitioner (Registered

Medical Practitioner), any recognized public institution, any industrial firm requiring poisons for its own use, any Government Department, any Public Sector Undertaking or any individual for his personal use.

3. License for Possession or Sale.

- Unless exempted from the operation of these Rules under the Act, no person shall sell or possess for sale any poison specified in the Schedule to these Rules except under a license in Form A granted or renewed by the licensing authority: Provided that any person already engaged in the business of sale of poisons on the date of publication of these Rules in the Tamil Nadu Government Gazette may engage the business of sale of poisons for a period of ninety days from the said date and shall not engage in such business after the expiry of the said period of ninety days from the date of publication of these Rules unless he obtains a license in Form A.

4. Exhibition of Rules in the Premises.

- A copy of these Rules shall always be displayed in a prominent position by the licensee at the place of his business specified in the license granted under Rule 3.

5. Application for Grant or Renewal of License.

(1) Every person desiring for the grant of license or renewal of a license shall make a written application to the licensing authority in Form B and such application shall bear a court fee stamp of ten rupees. (2) Every application for renewal of a license shall be made within three months before the date of expiry of the license: Provided that any application for renewal of a license which is not made within the aforesaid period shall bear an additional court fee stamp of five hundred rupees. (3) When the original license is lost or destroyed, application for duplicate license shall be made in writing and shall bear a court fee stamp of five hundred rupees. (4) In the case of any change in the place of business of the licensee, a fresh application for license shall be made to the licensing authority and such application shall bear a court fee stamp of five hundred rupees. (5) The licensee shall prominently display the license in the place of his business.

6. Duration of License.

- Subject to the provisions of Rules 7 and 9, a license granted or renewed under these Rules shall remain in force for a period of five years from the date of issue.

7. Discretion of Licensing Authority.

- A license may be cancelled or revoked at any time by the licensing authority. The grant, renewal, cancellation or revocation of a license shall be in the discretion of the licensing authority: Provided that the licensing authority shall give an opportunity to the applicant or the licensee concerned to show cause against the action proposed to be taken and shall record in writing the reasons for

refusing to grant or renew a license or for cancelling or revoking a license.

8. Appeal.

- The applicant, whose application for grant of a license was refused or a licensee whose license has been refused renewal or has been cancelled or revoked and is aggrieved by an order of the licensing authority may file an appeal with such Appellate Authority and within such time as may be notified by the State Government in the Tamil Nadu Government Gazette.

9. Termination of License.

- A license shall terminate on the death of the licensee or on the transfer of his business, or if the license is granted to a Firm or Company, on the winding up or the transfer of the business of such Firm or Company: Provided that, if the business in poisons carried on by the licensee is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within fourteen days from the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for fresh license is rejected by the licensing authority, whichever is earlier.

10. Disposal of Stock on Termination, Revocation or Cancellation of Licence.

- In the event of revocation or cancellation of the license under Rule 7 or in the event of the termination of license under Rule 9, the stock of poisons may be sold to any other licensee within a period of three months from the date of such revocation, cancellation or termination of the license, after which the remaining poison shall be destroyed by the licensing authority. In the case of termination of license under Rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased licensee or his transferee or liquidator of the dissolved Firm or Company or the transferee of the Firm or Company, as the case may be.

11. Power to Inspect Poisons and Registers.

- Any Executive Magistrate or a Police Officer of the rank of Sub-Inspector and above or a Medical Officer appointed by the State Government or an Inspector appointed under Section 21 of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940) may at any time visit and inspect the premises of the licensee where a poison is kept for sale and may inspect all poisons found therein and the registers maintained under these Rules.

12. License to whom granted.

(1) A license shall be granted only to a person who in the opinion of the licensing authority is competent to conduct business in poisons. (2) The license issued to a Firm or Company shall always be in the name of the proprietor or proprietors of the company or a responsible person to be nominated by such proprietor or proprietors for the purpose, or in the case of a public company, in

the name of its manager.(3)The name or names of the licensee in a license issued to a Firm or Company may be altered or amended by the licensing authority on a written application from the Firm or Company and such application shall bear a court fee stamp of hundred rupees.

13. Sale of Poisons.

(1)Every sale of poison, shall, as far as practicable, be made by the licensee in person or where the licensee is a firm or a company, through or under the supervision of an accredited representative of such Firm or Company.(2)A licensee shall store and sell the poisons, only from the premises specified in the license.

14. Persons to whom poison may be sold.

- A licensee shall not sell any poison to any person, unless the latter is personally known to him, or the licensee can identify the purchaser to his satisfaction from a photo identity card or any other document which has his address. He shall also ascertain, before selling any poison, the name, telephone number and address of the purchaser and the purpose for which the poison is purchased. He shall not sell any poison to any person who appears to him to be under the age of eighteen years or to any person who does not appear to him to be in full possession of his faculties.

15. Register of Sale of Poison.

(1)Every licensee shall maintain a register in Form C in which he shall enter correctly all sales of poison other than those used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with the prescription of a qualified Medical or Veterinary Practitioner.(2)Every licensee shall maintain a stock register in Form D, in which he shall enter in separate columns for each poison, the quantity of each poison received, sold daily and the daily balance of stock of each poison and those entries shall be entered on every day of business. The Stock Register shall be balanced daily.(3)The signature in column(8) of the register in Form C shall be that of the licensee himself, or, when the licensee is a Firm or Company, that of an accredited representative of such Firm or Company and shall be made at the time of sale or dispatch of poison to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of Rule 14 have been fulfilled.(4)All letters or written orders entered in column (7) of the register in Form C shall be preserved in original by the licensee for a period of not less than two years from the date of the sale of poison.

16. Custody of Poison kept for sale and Labeling of Receptacles in which they are kept.

- All poisons kept for sale under these Rules by any licensee shall be kept securely in a box, almirah, room or building, according to the quantity maintained, which shall be secured by lock and key and in which no substance other than poisons possessed in accordance with a license granted under the Act shall be placed and each poison shall be kept securely within such box, almirah, room or

building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red letters, both in English and in Tamil and in the case of receptacles containing separate poisons, with the name of such poison.

17. Poison sold, to be securely packed and labeled.

- When any poison is sold, it shall be securely packed in a closed receptacle or container according to the quantity and every such receptacle or packet shall be labeled by the licensee with a red label specifying in English and in Tamil, the name of the poison and the name and address of the licensee. The following universal warning symbols shall also be displayed on the receptacle.

18. Security, Storage and Incident Management of Poison by Users.

- A Standard Operating Procedure (SOP) outlining the measures undertaken for security, storage and incident management of poisons shall be prepared and displayed prominently in the premises of the user of poisons, except individuals, which shall be in the following format, namely:-(1)Security of poisons:(a)..... (name) is responsible for possession and safe keeping of poisons in the premises.(b)The storage of poisons shall be under the supervision of the above person.(c)The storage of poisons shall be under double lock system to ensure more security.(d)A register of usage of poisons in Form E assigning separate pages for each type of poisons shall be maintained and the same shall be filed with the concerned Sub-Divisional Magistrate in every three months.(e)There shall be compulsory checking of the persons leaving the place of storage of poisons.(2)Storage of poisons:(a)The poisons should be stored in plastic or other suitable containers.(b)All storage containers should be labeled to indicate the identity of the poisons and the hazards involved and the precautions to be taken.(c)Incompatible poisons should not be stored together.(d)The inventory of poisons should be kept to a minimum.(e)Protective gloves, aprons, safety glasses and face shields should be worn where appropriate.(f)Acids should be diluted with care. Always add acid to water, never add water to acid.(3)Incident Management:(a)Skin Contact: Quickly take off clothing, shoes and leather goods (e.g.watchbands, belts) contaminated with poison. Quickly and gently blot or brush away excess poison from the skin. Immediately flush with lukewarm, gently flowing water for at least 30 minutes. DO NOT INTERRUPT FLUSHING. If it can be done safely, continue flushing during transport to hospital. Immediately call a Poison Centre or Doctor. Treatment is urgently required. Transport the person to a hospital.(b)Eye contact: Avoid direct contact of poison with eyes. Wear chemical protective gloves if necessary. Quickly and gently blot or brush poison off the face. Immediately flush the contaminated eye(s) with lukewarm, gently flowing water for at least 30 minutes, while holding the eyelid(s) open. If a contact lens is present, DO NOT delay flushing or attempt to remove the lens. Neutral saline solution may be used as soon as it is available. DO NOT INTERRUPT FLUSHING. If necessary, continue flushing during transportation to hospital.(c)Ingestion: Have victim rinse mouth with water. If vomiting occurs naturally, have victim lean forward to reduce risk of aspiration. Have victim rinse mouth with water again. Immediately call a Poison Centre or Doctor. Treatment is urgently required. Transport the person to a hospital.(d)Inhalation: Take precautions to ensure your own safety before attempting to rescue the victim (e.g.wear appropriate protective equipment). Move victim to fresh air. Keep him at

rest in a position comfortable for breathing. If breathing is difficult, trained personnel should administer emergency Oxygen. DO NOT allow victim to move about unnecessarily. Symptoms of pulmonary edema may be delayed. Immediately call a Poison Centre or Doctor. Treatment is urgently required. Transport the person to a hospital.

19. Penalties.

- Any person who breaches any of the provisions of these Rules shall be liable for penalty under Section 6 of the Act. The Schedule [See Rule 2 (e)] List of Poisons

1. Acetic acid (beyond 25% concentration by weight)

2. Acetic Anhydride

3. Sulphuric acid (H_2SO_4) (beyond 5% concentration by weight)

4. Hydrochloric acid (HCl) (beyond 5% concentration by weight)

5. Phosphoric acid (H_3PO_4)

6. Hydrofluoric acid (HF)

7. Perchloric acid ($HClO_4$)

8. Formic acid (beyond 10% concentration by weight)

9. Hydrocyanic acid (except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid)

10. Hydrochloric acid (except substances containing less than 5 per cent weight in weight of Hydrochloric acid)

11. Nitric acid (except substances containing less than 5 per cent weight in weight of Nitric acid)

12. Oxalic acid.

13. Perchloride of Mercury (corrosive sublimate)

14. Potassium Hydroxide (except substances containing less than 2 per cent weight in weight of Potassium Hydroxide)

15. Sodium Hydroxide (except substances containing less than 2 per cent weight in weight of Sodium Hydroxide)

16. Hydrogen Peroxide (beyond 50% concentration by weight)

17. Formaldehyde (beyond 25% concentration by weight)

18. Phenol (beyond 3% concentration by weight)

19. Sodium Hypochlorite Solution (beyond 5% concentration by weight)

Appendix Form A [See Rule 3] License for Possession and Sale of Poisons

Photograph of licensee or authorised representative

Register No: Name of licensee: Address of the shop: Thiru _____, son of Thiru _____, carrying on business as _____ in the _____ (Name of Local Body) under _____ Police Station of _____ District, is hereby licensed to possess for sale by retail and to sell by retail the following poisons namely:-

1. _____

2. _____

3. _____

4. _____

5. _____

This license is subject to the conditions specified below, the breach of any of which shall result in cancellation of the license as well as imposition of penalties provided in Section 6 of the Poisons Act, 1919 (Central Act XII of 1919). This license will remain in force for a period of five years from the date of its grant unless previously cancelled or revoked by the licensing authority under Rule 7 or terminated under Rule 9 of the Tamil Nadu Poisons (Regulation of Possession and Sale), Rules, 2015. Seal and Signature of Licensing Authority. Conditions

- 1. Subject to the provisions of Rules 7 and 9 of the Tamil Nadu Poisons (Regulation of Possession and Sale) Rules, 2015, a license granted or renewed shall remain in force for a period of five years.**
- 2. A license shall terminate on the death of the licensee or if granted to a Firm or Company on the winding up or transfer of the business of such Firm or Company.**
- 3. The licensing authority may for any sufficient cause revoke or cancel any license.**
- 4. Every sale of a poison shall so far as possible be conducted by the licensee in person or where the licensee is a Firm or a Company through or under the supervision of an accredited representative of such Firm or Company.**
- 5. A licensee shall not sell any poison to any person unless the latter is personally known to him or identified to his satisfaction by producing photo-identity card. He shall not sell any poison to any person who appears to him to be under the age of eighteen years or to any person who does not appear to him to be in full possession of his faculties.**
- 6. Every licensee shall maintain a register in Form C as prescribed in Rule 15(1) of the said Rules, in which he shall enter all sales of poison other than those used by a Chemist or Druggist for dispensing or compounding in compliance with the prescription of a Medical or Veterinary Practitioner.**
- 7. Every licensee shall maintain a Stock Register in Form D as prescribed in Rule 15(2) of the said Rules and he shall enter in separate columns for each poisons, the quantity of each such poison sold daily and the daily balance stock of each poison and these entries shall be filled up every day of business.**
- 8. The signature under column(8) of the Register in Form C shall be that of the licensee himself or when the Licensee is a Firm or Company that of an accredited representative of such Firm or Company and shall be entered at the time of sale or dispatch of the poison to the purchaser. Such signature shall be held to imply that the signatory has satisfied himself that the**

requirements of Rule 14 of the said Rules have been fulfilled.

9. All letters or written orders referred to in column(7) of the register in Form C shall be preserved in original by the licensee for a period of not less than two years from the date of sale of the poison.

10. Any Magistrate or any Officer of Drugs Control Department of or above the rank of Drugs Inspector or Police Officer of or above the rank of Sub-Inspector or any Medical Officer of or above the rank of Assistant Medical Officer may at any time visit and inspect all poisons found there and the registers maintained under Rule 15 of the said Rules.

11. All poisons kept for sale by any licensee under the said Rules, except those kept by a Chemist and Druggist for the purpose of dispensing or compounding in compliance with the prescription of a Medical or Veterinary Practitioner, shall be kept in a box, almirah, room or building, according to the quantity maintained which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the said Rules and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal or earthen-ware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "POISON" in red letters in English and in Tamil and in the case of receptacles containing separate poisons, with the name of such poisons.

12. When any poison is sold, it shall be securely packed in closed receptacle or packet, according to the quantity and every such receptacle or packet shall be labeled by the licensee with a label bearing the name of the poison in English and in Tamil and the number and date of the entry in the register of sales in Form C.

13. The license shall be held subject to the conditions mentioned above and to the provisions of the said Act and Rules made from time to time under the said Act.

14. If the licensee intends to sell or possess for sale any poison for medicinal use, he shall first obtain the license as required under section 18 of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940).

Explanation - "A poison for medicinal use" means a drug as defined in Section 3 of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940). Form B[See Rule 5(1)]Application for Grant/Renewal of License for Possession and Sale of Poisons

1. Name of the Applicant/Firm :

2. Age of the Applicant :

3. Office and Residence Address :

4. Full Address of the place of business or shop or of storage for which a license is applied for, number of the flat and the name of the building with house number and the street or the road where it is situated :

5. License No. (applicable for renewal application) :

6. Name of the poison proposed to be sold :

The following documents as applicable, shall be enclosed.

1. Copy of license (in case of renewal): Enclosed / Not enclosed

2. Documents regarding constitution of the applicant firm including nomination of the authorized representative: Enclosed / Not enclosed.

3. Copy of the building plan of the premises: Enclosed / Not enclosed.

4. Documents pertaining to the right of possession of the premises: Enclosed / Not enclosed.

5. Three copies of self-attested photographs of the applicant / authorized representative of the Firm: Enclosed / Not enclosed

Signature of the applicantNote. - Application to be accompanied with requisite value of court fee stamp. Form C[See Rule 15(1)]Register of Sale of Poisons

Sl. No.	Date of sale	Name of poison	Quantity sold	Name and address of the purchaser	Purposes for which the poison was stated by the purchaser to be required	Signature of the purchaser (or thumbimpression, if illiterate) or in the case of purchase by post, date on which the letter was written and reference to the original in the file in which it was preserved	Signature of the licensee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Form D[See rule 15(2)]Stock Register

Sl. No.	Date	Name of Poison	Initial Stock	Stock received	Quantity sold	To whom sold	Balance in stock	Remarks
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Name and address of the supplier, name of the issuing authority

Bill No. and Date	Quantity purchased	Name and address of the purchaser, receiving authority	Bill No. and Date	Quantity sold
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(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12)

Form E[See rule 18(1)(d)]Register of Usage of Poisons

Sl. No	Date	Name of Poison	Initial Stock	Stock received	Quantity used	Balance in stock	Remarks
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Name and address of the supplier, name of the issuing authority

Bill No. and Date	Quantity purchased
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(1) (2) (3) (4) (5) (6) (7) (8) (9) (10)