

THE POISONS ACT 1952: CONTROL ON SALE AND
SUPPLY OF POISON

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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Thank you.

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ABSTRACT

The-Poisons Act 1952 (Act 366) is the main Act that controls the sale and supply of poison, hence, all transactions that involve poison must be carried out in accordance with the Act. This study is done to examine the existing laws in controlling the sale and supply of poison and to identify the sale and supply of poison which are not in accordance with Act 366. It is a library-based research. In addition, semi-structured interviews were also carried out which lead to a few findings of this study. The control of sale on poison is first done by doing poison classification. Subsequently the control is extended to the importation, manufacturing and the issuance of licenses besides the recoding and labeling requirement that needs to be complied with. There are also restrictions on the sale of poison towards person, on the handling of poison, on the issuance of license and also towards different groups of poison. Besides Act 366, the sale and supply are also governed under the Sales of Drugs Act 1952 (Act 368) and the Medicines (Advertisements and Sales) Act 1956 (Act 290). It is also found that the illegal sale or supply of poison in Malaysia is still rampant. Certain provisions in Act 366 need to be reviewed to accommodate with the current situation. It is recommended that stiffer penalty be imposed, to add a rebuttable presumption provision, to have a specific Act that governs poison and to provide power of arrest to the enforcement officer. Besides that there should be better coordination with other Enforcement Agencies.

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