

REVENUE DEPARTMENT
NOTIFICATION
RD 01 RED 2015, Bengaluru, dated: 24.07.2015

Whereas the draft rules, namely The Karnataka Poisons (Possession and Sale) Rules 2015 was published as per the powers conferred by sections 2 and 8 of the Poisons Act, 1919 (Central Act No.12 of 1919) in Notification No. RD 01 RED 2015 dated.13.04.2015, in Part IV-A of the Karnataka Gazette (Extraordinary) dated 13.04.2015 inviting objections or suggestions from all the persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

Whereas the said Gazette was made available to the public on 13.04.2015.

And Whereas no objections and suggestions were received in this behalf within the period specified above.

Now, therefore, in exercise of the powers conferred by Sections 2 and 8 of the Poisons Act, 1919 (Central Act No.12 of 1919) the Government of Karnataka hereby makes the following rules, namely:-

1. TITLE AND COMMENCEMENT:

- (1) These rules may be called The Karnataka Poisons (Possession and Sale) Rules 2015.
- (2) They shall come into force from the date of publication in the Official Gazette of the State of Karnataka.

2. DEFINITIONS: In these Rules, unless the context otherwise requires,

- (a) “**Act**” means the Poisons Act, 1919 (Central Act No.12 of 1919).
- (b) “**Dealer**” means a ‘person holding license under these Rules’
- (c) “**Distribution**” means ‘supply of acid or corrosive substance supplied to any person, only on the demand either in writing or orally’ without any fee.
- (d) “**Form**” means a form appended to these Rules;
- (e) “**Licensing Authority**” means the District Magistrate or any other officer authorized by the State Government under sub-section (1) of Section 7 to grant a license.
- (f) “**Licensee**” means a holder of a license;
- (g) “**Notification**” means a notification published in the Official Gazette
- (h) “**Poison**” means keeping a stock of the said substance for various purposes.
- (i) “**Schedule**” means the Schedule appended to these Rules;
- (j) “**Sale**” means any sale by one licensed dealer to another or by a licensed dealer to any educational institution or to any research or medical institution or hospital or dispensary or to any factory or machine/automobile maintenance, example recharge of batteries, invertors etc. under a qualified medical practitioner (Registered Medical Practitioner) or any recognized public institution or industrial firm requiring poisons for its own use) or to Government Departments or Public Sector Undertakings or to an individual for personal use.

3. LICENSE FOR POSSESSION OR SALE : No one is exempted under the provisions of the Act shall sell or possess for sale or sell any whether wholesale or retail poison except under a license in Form A granted by the licensing authority.

4. EXHIBITION OF RULES ON THE PREMISES:- A copy of these rules shall always be displayed in prominent position at the place of Business or in the institution/ organization/ premises of the license holder specified in the license granted under rule 3.

5. 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 or process of poison or store poison for various purposes, whether educational, industrial, mechanical, small enterprises or otherwise etc.

- (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 or in the case of an educational institution, the head of the said institution or in the case of a group of educational institutions, the individual Heads of Department where the poison is stored or in the case of small enterprises, the head or the owner of the said establishment.
- (3) The name or names so given 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.

6. APPLICATION FOR GRANT OR RENEWAL OF LICENSE:

- (1) Every person desiring for the grant of a 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 and provided that any application for renewal of a license which is made less than three months prior to the date of the expiry of the license shall bear a court fee stamp of five hundred rupees.
- (2) Applications for duplicate licenses, when the original is lost or destroyed shall be made in writing and shall bear a court fee stamp of five hundred rupees.
- (3) 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-stamp of five hundred rupees.
- (4) The licensee shall prominently display the license at the place of Business.

7. DURATION OF LICENCE: subject to the provisions of rules 7 and 8, a license granted or renewed under these rules shall remain in force for one year from the date of issue or renewal of such license.

8. DISCRETION OF LICENSING AUTHORITY: A license may be cancelled or revoked at any time. The grant /renewal /cancellation /revocation of a license shall be the discretion of the Licensing Authority.

Provided that the Licensing Authority shall give an opportunity to the party concerned to show cause if any 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.

Provided that the applicant a license or a licensee whose license has been refused renewal or has been cancelled/ revoked and is aggrieved by an order of the Licensing Authority can file an appeal with the Appellate Authority notified by the State Government.

9. TERMINATION OF LICENSE: A license shall terminate on the death of the license-holder or on the transfer of his business or if 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 carried on by the licensee as such of the firm or company is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within fourteen days of the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for license is rejected by the licensing authority.

10. APPEAL: The State Government shall be Appellate Authority for the orders passed by the District Magistrate. The appeal should be filed within 30 days of receiving the orders.

11. DISPOSAL OF STOCK ON TERMINATION, REVOCATION OR CANCELLATION OF LICENSE: In the event of revocation or cancellation of the license under Rule 8 or in the event of termination of license under rule 9, the stock of poison may be sold to any other license holder within a period of three months from the date of such termination, revocation or cancellation of the license, after which the remaining poison may be destroyed under the orders of the licensing authority. In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased

license holder or his transferee or, liquidator of the dissolved firm or company of the transferee of the firm or company, as the case may be.

12. 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 Drug and Cosmetics act, 1940(Central Act 23 of 1940) or any officer authorized by the State government may at any time visit and inspect the premises of license holder where a poison is kept for sale or for use, industrial, educational or otherwise and may inspect all poisons found therein and registers.

13. CONDITIONS FOR LICENSE:

- a) In case of dealer, small enterprises /seller, appropriate license taken by him under shops and establishment Acts, Commercial Tax, Sales etc. to be checked.
- b) In case of factories/ Industries/ Small enterprises, relevant license from Labour Department, IT, commercial Tax etc to be checked.
- c) In case of Educational Institutions recognition from government to run the same.
- d) However, all the above categories must have a clearance from Karnataka State Pollution Control Board under relevant provisions of law.

14. SUPPLY/SALE OF POISON:

1. Every sale of poisons, shall be made by the license-holder in person or where the license holder is a firm or a company, through or under supervision of an accredited representative of such firm or company.
2. A person holding license for poison and sale of poison granted under these rules shall store and sell from the premises specified in the license.
- 3.

15. PERSONS TO WHOM THE POISONS MAY BE SOLD: A license holder shall not sell any poison to any person unless the later is personally known to him, or identified to his satisfaction by producing a photo identity card which has his address or substantiate it with a document giving his address. He shall also ascertain before selling any poison the name, telephone (booth), land line (residential or official) mobile and address of the purchaser and 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 18 years, or to any person who does not appear to him to be in full possession of his faculties.

16. REGISTER OF SALES OF POISON:

(1) Every license holder shall maintain a register in which he shall enter correctly of sales of poison other than those used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with prescription of a qualified Medical or Veterinary Practitioner. The following details will be entered in such register in respect of such sale, namely:

- a) Serial No;
- b) Name of poison,
- c) Quantity sold,
- d) Date of sale;
- e) Name and address of the purchaser, serial number of the photo-identity card produced and the name of the issuing authority,
- f) Purposes for which the poison was stated by the purchaser to be required,
- g) Signature of purchaser (or thumb impression 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 is preserved,
- h) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and
- i) Signature of Dealer.

- (2) (a) In a separate portion of the register he shall enter in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day to day.
- (b) Education Institutions – The quantity of poison disbursed /distributed to the family members, i/ c of the lab on each day and also obtain his/ his signature once before supply and then at the close of the session.
- (c) Small Enterprises – Owner shall record to whom and what quantity acid was supplied, for what purpose and obtain his/ her signature once before supply and then after usage. Unused acid shall be promptly returned to the shelf stored by the store keeper after recording it.
- (3) The signature in the register shall be that of the license holder himself, or, when the license holder is a firm or company, that of an accredited representative of such firm or company and shall be written at the time of sale or dispatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of Rule 13 have been fulfilled.
- (4) All letters or written orders referred to under item (1) of Rule (16) register shall be preserved in original by the license holder for a period not less than two years from the date of the sale.
- (5) The daily balance of stock should be entered in the register.
- (6) Stock verification to be done by the concerned head of the lab or the department once in two months, which shows open balance and usage and closing balance of the poisons of various categories and shall be duly sign at the bottom of the information or distributed/dispensed/supplied quantity of acid.
- (7) In case of spilling or breaking of container or loss of poison due to leakage etc, the same should be recorded by the lab assistant/ owner as the case may be and signature of the head of the department/ institution obtained as the case may be.
- (8) In case of transfer of responsibility of the lab/ to a new person or in case of incharge person or a person in additional charge, such person shall check the details in the stock register physically and after satisfying himself proceed to take change of the stock book by entering the information that he has personally verified the entries and after satisfying himself that all entries are right signed as received. The out-going person also sign as change made over to/ or handed over.

17. CUSTODY OF POISONS KEPT FOR SALE/USE AND LABELLING OF RECEPTACLES IN WHICH THEY ARE KEPT: All poisons kept for sale or use under these rules by any license-holder 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 shall be placed other than poison possessed in accordance with a license granted under the Act, 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 the local language and in the case of receptacles containing separate poisons, with name of such poison.

18. POISONS SOLD TO BE SECURELY PACKED AND LABELLED: 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 bearing in English and in local language giving 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.

19. SECURITY, STORAGE & INCIDENT MANAGEMENT OF ACIDS/CORROSIVE SUBSTANCES BY USERS (EXCEPT INDIVIDUALS): A standard operating procedure (SOP) outlining the measures undertaken for security, storage and incident management of acids/corrosive substances shall be prepared and displayed prominently in the premises of the user. The following precautions regarding security of acid, storage and incident management shall be followed by the licensee, namely:-

1. Security of acid/ corrosive substances:-
 - a) A Licensee shall be made accountable for possession and safe keeping of acid in the premises.
 - b) The storage of acid/ corrosive shall be under the supervision of this person.
 - c) The storage of acid/ corrosive shall be under double lock system to ensure more security.
 - d) The keys should be placed in a secure place in the chamber of the owner/ head of the institution/ head of the lab etc.
 - e) A register of usage of acid shall be maintained and the same shall be filed with the concerned Sub-Division Magistrate every quarter.
 - f) There shall be compulsory checking of the students/ personnel leaving the laboratories /place of storage where acid/ corrosive is used/stored.
2. Storage of acids/corrosive substances.
 - a) The Chemical should be stored in plastic or other suitable containers preferably glass.
 - b) All storage containers should be labeled to indicate the identity of the chemicals and the hazards involved and the precautions to be taken.
 - c) Incompatible chemicals should not stored together.
 - d) The inventory of corrosive chemicals 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 contaminated clothing, shoes and leather goods (e.g. watchbands, belts). Quickly and gently blot or brush away excess chemical 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 or an ambulance. Treatment is urgently required. Transport to hospital.
 - b) Eye Contact: Avoid direct contact. Wear chemical protective gloves if necessary. Quickly and gently blot or brush chemical of the face. Immediately flush the contaminated eye(s) with Luke warm, 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 transport 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 a doctor or an ambulance. Treatment is urgently required. Transport to a hospital.
 - d) Inhalation: Take precaution to ensure your own safety before attempting rescue (e.g.: wear appropriate protective equipment) Move victim to fresh air. keep 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 a doctor or an ambulance. Treatment is urgently required. Transport to a hospital.

20. ENQUIRY: By Sub Division Magistrate (SDM) regarding source of Acid procurement by wrong doers.

21. REPEAL: The Karnataka Poison Rules, 1966, is hereby repealed.

By Order and in the name of The Governor of
Karnataka

A.P. RAMAKRISHNA
Deputy Secretary to Govt.,(R &R)

SCHEDULE
(See rule 2(i))

Class 'A'-

1. ACIDS: Corrosive acids such as glacial acetic acid, Acetic acid (beyond 25% concentration by weight), Acetic Anhydride, Chlorosulphonic acid, Formic Acid (beyond 10% concentration by weight and substances containing beyond 5% concentration by weight of Hydrochloric Acid), Hydrofluoric acid, Nitric acid (except substances containing less than 5 % Weight in weight of Nitric Acid) perebic Acid, Piric Acide, Sulphuric Acid (Sulphuric acid beyond 5% concentration by weight), Trichloro acetic acid, Phosphoric acid (H3PO4), admixture of any of the substances which is Corrosive.
2. Aconite, Aconitine Alkaloids and their preparations, all poisonous vegetable alkaloids, not specially named in this schedule and their salts, and all other poisonous derivatives of vegetable alkaloids.
3. Antimonial wine.
4. Arsenic and all liquid preparations containing arsenic in any form.
5. Atropine and its salts and their preparations.
6. Barium sulphide, Barium Nitrate, Barium chloride.
7. Belladonna roots, Belladonna leaves, extracts and liquid extracts of Belladonna, Liniment Belladonna, Tr. Belladonna and all preparations or admixture (except Belladonna plasters) containing 0.1 or more percent of Belladonna alkaloids.
8. Cantharides, Tr. Cantharides, Cantharidine, Tincture Cantharidine.
9. Chloral hydrate and preparations containing chloral hydrate in any form.
10. Chloroform and all preparations or admixture containing more than twenty percent of chloroform.
11. Coca, any preparation or admixture containing Coca.
12. Cyanide of Potassium and all poisonous Cyanides and their preparations.
13. Diamorphine (also known as Heroin) and all preparations or admixtures containing 0.1 percent of Diamorphine.
14. Diethyl Barbituric Acid and other alkyl, aryl or acetyl derivatives of barbituric acid and all poisonous Ethyl Carbamate (Urethane).
15. Digitalis, Digitalin and all preparations thereof.
16. Ecgonine, and all preparations and admixtures containing 0.1 percent of ecgonine.
17. Ergot of Rye and preparations of ergot.
18. Hydrogen peroxide (beyond 50% concentration by weight).
19. **Insecticides:**
 - i. Parathion
 - ii. Tetraethyl Pyrophosphate
20. Formaldehyde 9(beyond 25% concentration by weight).
21. Lead in combination with oleic acid, or the higher acids, whether sold as "diachylon", or under any other designation (except machine-spread plaster)
22. Mercuric Sulphocyanide.
23. Nux vomica, and all preparations or admixtures containing 0.2 or more percent of strychnine.
24. Opium, and all preparations or admixtures containing 0.2 or more percent of Morphine.
25. Oxalic Acid, Sodium Oxalate, Potassium Oxalate, Ammonium Oxalate, Zinc Phosphide.
26. Perchloride of mercury (corrosive sublimate)
27. Phenol(beyond 3% concentration by weight)
28. Potassium hydroxide except substances containing less than 2% weight in weight of potassium hydroxide.
29. Picrotoxin.
30. Poppies all preparations of, excepting red poppy petals and syrup of red poppies (Papaver rhoeas)
31. Prussic Acid, and all preparations or admixtures containing Savin or its oil.

32. Sodium hydroxide except substances containing less than 2% weight in weight of sodium hydroxide.
33. Sodium Hypochlorite Solution (beyond 5% concentration by weight)
34. Stramonium and all preparation containing it.
35. Strophanthus, strophanthin and all preparations thereof.
36. Sulphonal, and its homologues whether described as trional, tetronal or by any other trade name mark of designation, mercury oxides (red, yellow or black) ammoniated mercury, Mercuric Sulphocyanide, Mercuric iodide, Liquor Hydrargyri per chloride, Hydrargyri sub chloride.
37. Tartar Emetic, and all preparations and admixtures containing one or more percent of tartar emetic.

38. Rodenticides: Alpha-naphthyl Thioureas

39. Fungicides:

- a) Ethoxy Ethyl Mercury Chloride
- b) Ethyl Mercury Phosphate
- c) Phenyl Mercuric Acetate and Phenyl Mercuric Chloride, except substances containing less than equivalent of 0.2 percent weight in weight of Mercury (Hg)
- d) Ethyl Mercuric Chloride
- e) Phenyl Mercuric Urea

40. Fumigants:

- a. Methyl Bromide
- b. Cyanides, viz. the following Liquid Hydrocyanic Acid, Sodium Cyanide, Calcium Cyanide

41. Any Other preparation containing any of the aforesaid poisons.

Class 'B' -

1. Almonds, essential oil of (unless deprived of prussic acid).
2. Carbolic Acid and liquid preparations of carbolic acid and its homologues, containing more than 3% of those substances, except preparations for use as sheep wash, or any other purpose in connection with agriculture or horticulture contained in closed vessel, distinctly labeled with the word "Poisonous" the name and address of the seller, and a notice of the special purpose for which the preparations are intended.
3. Zinc Chloride and its liquid preparations (not being preparations intended to be used for soldering of other purely industrial purposes provided that they are contained in closed vessels labeled with the word "Poisonous" and bearing the name and address of the seller and a notice of the special purposes for which the preparations are intended).

By Order and in the name of The Governor of
Karnataka

A.P. RAMAKRISHNA
Deputy Secretary to Govt.,(R &R)
Revenue Department