

Section on Historical Pharmacy

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THE EVOLUTION OF LAWS REGULATING THE SALE AND USE OF POISONS.

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The pharmacy laws of the several states are so intimately associated with and so generally include restrictions on the sale of poisons that it is not infrequently supposed that the connection has always existed and that restrictions on the sale and use of poisons had their origin in the laws designed to regulate the practice of pharmacy.

Poisons have, from the very earliest periods of time, been considered with apprehension and awe and many attempts have been made to prevent or at least to discourage their use for improper or for criminal purposes. During the colonial period laws relating to poisons appear to have been confined to prohibiting the use of poisonous substances for criminal purposes. The nature of this earlier legislation is well illustrated by the following paragraph from the Colonial Laws of Massachusetts, "The Body of Liberties of 1641"; "If any person shall slay another through guile, either by poisoning or other such divelish practice, he shall be put to death. Ex. 21:14."

Even after the organization of the United States it was not until the third decade of the nineteenth century that any attempt was made to safeguard purchasers of poisonous substances by requiring a label calling attention to the dangerous character of the substance.

The first of these state laws may be found in the Revised Statutes of the State of New York (1829, Sec. 22) and reads: "No person is allowed to sell arsenic, prussic acid or any other substance or liquid usually denominated poisonous, without endorsing on it the word "Poison" in a conspicuous manner."

Two decades later (1848) New Hampshire enacted a law which required a record of the sale of arsenic, corrosive sublimate or prussic acid and several years later (1850) nuxvomica and strychnine were added to this list.

In 1852, Ohio adopted a law designed to regulate the sale of poisons which required both a record of sale and a poison label and in October of the same year, at the organization meeting of the American Pharmaceutical Association, the "Standing Committee," appointed at the preliminary meeting the year before, presented a resolution which reads in part as follows: "The indiscriminate sale of poisons by druggists and apothecaries, is a serious evil in the United States as at present conducted. Any views which may originate in the Convention,

tending to abate this evil, would no doubt have some influence if circulated by its authority."

In accordance with the spirit of the resolution the members of the American Pharmaceutical Association undertook to compile and record the nature of the existing laws designed to restrict or safeguard the use of poisons and otherwise to control the trade in drugs and medicines.

At the meeting of the American Pharmaceutical Association in 1853 the Committee on the Sale of Poisons reported that the members "have been engaged since the time of their appointment in endeavoring to collect information relating to the subject * * * yet they have been but partially successful." The committee then reports at length on the requirements as they existed in some of the European countries and reprints the answers that were received to inquiries regarding existing legislation in this country. (Proc. A. Ph. A. 1853. p. 10.)

In this connection it may be interesting to note that so far as known the first law to regulate the practice of pharmacy in this country was enacted by the legislature of the State of New York in 1839 and was entitled: "An act to regulate the preparation and dispensing of medicines in the City of New York." This law required that persons to practice pharmacy in the City of New York must have obtained the diploma of the College of Pharmacy of the City of New York or some other regularly constituted college of Pharmacy or Medicine or have passed an examination of the censors of the Medical Society of one of the counties of the state.

Some 10 years later the State of Georgia enacted a law which required that a person to open or keep a drug or apothecary store must first obtain a license therefore from the medical board of his own school. Alabama, in 1861, passed a similar law but all these laws, so far as known, were inoperative because of the unwillingness of the medical societies involved to enforce them.

It is perhaps not generally known that the present type of pharmacy law, which includes the restrictions on the sale of poisons was first proposed by a special committee of the American Pharmaceutical Association appointed at the meeting held in the City of New York in 1867.

Under the able direction of the chairman, the late John M. Maisch, this committee, like one of its predecessors, made extensive inquiries regarding the legislation then in force. This report is presented in full in the Proceedings for 1868 (pp. 329-379) and in the Proceedings for the following year (v. 17, pp. 51-60) the committee presents and discusses the draft of a proposed law to regulate the practice of pharmacy and the sale of poisons.

This early draft is too comprehensive to discuss in detail in a brief review of the subject and it will suffice to say that the essential features of the proposed law are embodied in practically every one of the so-called pharmacy laws now on the statute books of the several states.

The first of the states to adopt the principles of this draft was Rhode Island (Laws 1870, Chap. 856.) In a number if not all of the state legislatures opposition appears to have developed on the part of representatives of the country districts and by far the greater number of the laws enacted during the remaining years of the decade from 1870 to 1880 were restricted to the regulation of

pharmacy in the larger cities. In the Proceedings of the American Pharmaceutical Association for 1872 (v. 20, pp. 150-161) the committee presents the laws adopted by the several state legislatures for the cities of New York, Philadelphia, Baltimore and San Francisco.

The Proceedings for 1873 (v. 21, pp. 506-508) contains a copy of the law passed in Ohio for cities of the first class, and the Missouri law, for the City of St. Louis, is presented in full in the Proceedings for 1874 (pp. 333-337) accompanied by a state law for Kentucky. During the remaining years of this decade five additional states adopted laws regulating the practice of pharmacy and during the decade from¹1880 to 1890 no less than 25 states enacted laws of this type.

So far as known the Crimes Act of Pennsylvania (Laws 1860, No. 374) was the first American law to recognize the toxic and generally harmful character of morphine and the anticocaine law of Illinois (Laws 1897, p. 138) was the direct forerunner of our present day antinarcotic laws which, as now in force generally follow the suggestions laid down in the "Draft of an Antinarcotic Law" presented by James H. Beal at the meeting of the American Pharmaceutical Association at Mackinac Island, in 1903.

The history of the evolution of laws designed to regulate the practice of pharmacy and to restrict the sale and use of poisons is reflected in detail in the several volumes of the Proceedings of the American Pharmaceutical Association and the object of the present review is merely to call attention to the sequence of the development and to emphasize the important part taken by the members of the American Pharmaceutical Association, through the Committees and Sections of that Association in safeguarding the best interests of the public by suggesting and endorsing legislation designed to restrict the promiscuous sale of poisonous and habit forming drugs.

While the laws now in force are far from perfect and while much remains to be done before the distribution and use of harmful and poisonous materials can be said to be adequately safeguarded" our thanks, and the thanks of the community at large are due to the pioneers in the field who fought so valiantly for the recognition of pharmacy as a calling destined to take an important part in protecting the health and the lives of American people.

HISTORY OF KUMMERFELD'S LOTION.

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Among the sadly neglected studies is history of pharmacy and quite especially the history of drugs and galenicals. The writer, an enthusiast on this subject, cannot conceive how a pharmacist can truly love his profession without some little knowledge of its history, and he therefore advocates that such knowledge should be instilled into the student in his college course.

The notes which the author has collected on pharmaceutical history are quite numerous. The history of Kummerfeld's lotion has been selected as the topic for