

PROPOSED NATIONAL LEGISLATION AFFECTING PHARMACY.

FRANK H. FREDERICKS, LL. B.

At no one time has there been pending in Congress so much proposed legislation, vitally affecting pharmacy, as at the present. Within a year the national law-making body is likely to act on three very important measures, on all of which the pharmacists of this country should be heard, and regarding which they ought to be of practically one mind and one voice in order to avoid direct harm to their business interests, and in order to assure the largest measure of public good. Every organized body of pharmacists would apparently fail in its duty if heedless of the proposed anti-narcotic law, of the proposed law to establish a Department of Health, and of the proposed amendment to the Food and Drugs Act. The pharmacists of the country should be in the very foreground to point out what in this connection is needed, and what would be harmful; to insist upon such provisions which will best accomplish the desired purposes, and which will advance pharmacy rather than retard its progress.

It would be quite impossible to here give extended consideration to the various legislative proposals but it may serve a purpose to touch as briefly as circumstances will permit, upon some of the features which appear in each of these measures as directly concerning pharmacy and the retail druggist.

THE FOSTER AND MANN ANTI-NARCOTIC BILLS.

Undoubtedly the greatest credit for restrictive legislation governing the sale and use of narcotic drugs, belongs to the pharmacists of this country. Up to this time, such legislation has been limited to the different states. Its enforcement, wherever successful and effective, has rested almost entirely with Boards of Pharmacy, and through this source there has been demonstrated the entire insufficiency of state legislation in order to effectively curb the habit forming drug evil. It is natural, therefore, that from among the pharmacists in different parts of the country, should come a demand for national legislation. It must be granted that in demanding such legislation pharmacists place restrictions about themselves, and yet for the public good, they are not only willing but glad to do so. Such being the case, is it not proper and just, that they should have a large voice in framing this necessary legislation? A little more than a year ago there was introduced by Congressman Foster, of Vermont, the first bill on this subject, which during the present special session of Congress has been followed by another bill introduced by Congressman Mann, of Illinois. The purpose of both bills is undoubtedly the same. The means for accomplishing the desired purpose are entirely different. In the Foster bill, proper control over this traffic is sought by an exercise of the power to tax, while under the Mann bill a similar result is sought under the power to regulate inter-state commerce. The Mann bill, though by far the simpler of the two proposed measures, seems to be defective, in that it is very doubtful whether the intended method, under an exercise of the power to regulate inter-state commerce, is constitutional. This method consists in limiting transportation of such drugs to physicians, dentists, veterinarians and manufacturers, jobbers and retail dealers in drugs. Undoubtedly this would be an indirect

exercise of the police power, which belongs exclusively to the different states. It would seem that while Congress may prescribe what shall and what shall not enter inter-state commerce, it nevertheless cannot say who may or who may not be engaged in any particular class of inter-state commerce. Then again, while the evident intent of the Mann bill is to limit the final traffic to the retail drug trade, such intent will fail entirely in that so far as the national government is concerned, any individual may be, or may become, a retail dealer in drugs. Failing in this essential respect, it would seem that the present Mann bill must fail entirely. Now as regards the Foster bill, which seeks control over the distribution of habit-forming drugs, through the taxing power, there can be no doubt but that in the exercise of such power, sufficient control can be secured and the writer believes that this can only be done by such exercise of the taxing power. However, as originally introduced by Congressman Foster, his bill will work considerable hardship, especially upon the retail druggist, and seems to involve an unnecessary amount of red tape. There can be no good reason at all for requiring retailers to be bonded; there can be no sufficient reason to require retailers to keep books of every sale, and to make returns; there can be no excuse whatever for taxing the domestic manufacturer on his imports of opium, cannabis, coca leaves, and allowing foreign manufacturers to ship into this country without being subject to such tax, the salts and derivatives of these drugs, unless the tariff duty provides for this feature, which is not believed sufficiently to be the case. It is a question also whether preparations made on physicians' prescriptions should be exempted, though the possible harm from such exemption may by far overcome the possible need for it.

If the present Foster bill be so changed as to embody the special tax which it is intended to levy on the retail dealer or distributor at retail, in a retail druggist's license, to govern the sale of liquors for medicinal and pharmaceutical use, as well as for the enumerated habit-forming drugs, making the tax \$25.00 per annum, then this feature should be highly commended. The proposed tax of \$1.00 for the retailer is entirely insufficient to prevent any one from becoming an authorized retail dealer in such drugs, while a tax of \$25.00 would more likely accomplish this, and if it included at the same time the right to sell liquors for medicinal and pharmaceutical purposes, it would do away with the need for pharmacists to be classed as retail liquor dealers. If, further, the retail dealer would be exempted from the requirement to keep books, render returns and to give bond, and if finally the foreign manufacturer of salts and derivatives from the drugs are not given an advantage over domestic manufacturers, then the Foster bill, so changed, should find the general approval of the pharmacists of this country.

THE OWEN BILL FOR A DEPARTMENT OF HEALTH.

Possibly no single proposed legislative measure has attracted a wider attention in medicine and pharmacy than has the bill of Senator Owen to establish a National Department of Health. Not alone in Medicine and Pharmacy has commendation or criticism been plentiful and bitter, but to an almost equal degree, the people as a whole are interested. Many, well known for their interest in the cause of Pharmacy, at first assumed an uncompromising position against such legislation, and by means of prejudice and otherwise a great portion of the laity were ar-

rayed against it. Within the last six or eight months a change in this respect is to be noted, which leaves the strongest opposition to the establishment of such a department, against cabinet officer to be at its head, and to the wide and far-reaching scope of authority which the Owen bill would give.

It does not seem possible to make a well-grounded objection against combining all of the various activities of the national government concerning the public health, and to placing them in one department. It must be apparent to even the unthinking, that with proper limitations such a change would work immeasurable good. It is difficult, also, to find a well-grounded objection toward making the head of such a Health Department, an executive officer in the Cabinet of the President. Surely, the health of our people is quite as important as is any other department now so represented. The real objection as made up to the present time, must be found in the danger of unlimited and uncontrolled authority, and it would seem that this should not be impossible to overcome. The Owen Bill as now pending in Congress provides for a director of health, and for an assistant, who shall be known as the Commissioner of Health; it provides further for eight bureaus to take care of the various activities, and provides finally for an Advisory Board at the discretion of the Director of Health. From a pharmacist's viewpoint the objection to the present bill should be that a joint Bureau of Foods and Drugs is provided for, when there should be separate bureaus, since pharmacy and drugs are quite important enough to be given over to a separate bureau. There should also be a Bureau of Chemistry, and all of the various bureaus should be each in charge of a supervising officer, especially fitted. The proposed Advisory Board should not be and should not rest in the discretion of the Director of Health, but should be a fixed part of the new department. Such Advisory Board should be appointed by the President, and its membership should include at least one physician, one chemist, and one pharmacist. All important matters pertaining particularly to innovations, should be decided upon by said Advisory Board, and said Board should be open for the appeal of any individual or set of individuals, and in every case the decision reached by such Advisory Board should govern and control the administrative course of the Director of Health, and his department. It is entirely out of the question to here enter into a discussion of all of the different features of the Owen Bill, but with proper representation for Pharmacy and with safeguards provided by the institution of an Advisory Board with final authority, so that autocratic and inconsiderate exercise of authority is safeguarded against, there does not appear to the writer any further vital objection from the pharmacist's viewpoint.

RICHARDSON AMENDMENT TO THE FOOD AND DRUGS ACT.

The decision of the Supreme Court in the Johnson Cancer Cure case almost immediately resulted in a special message from President Taft, pointing out the need for an amendment to the Food and Drugs Act. In keeping with this message, Congressman Richardson introduced a bill, known as H. R. No. 12,315. A single reading of this bill makes it evident that Congressman Richardson proposes to go far beyond the legislation recommended by President Taft. Three separate amendments are provided for in the bill, the first of which as an Amendment to Section 6, includes a further definition of the term "Drugs," and of the

term "Food," and may be regarded as comparatively unimportant. The other two are proposed Amendments to Section 8, and the second of these seems fully and completely to meet the needs which have arisen since the decision of the Supreme Court in the Johnson Cancer Cure case, and for that purpose should find no objection. However, the first proposed Amendment to Section 8 is extremely far-reaching, and would have a decided influence on the so-called "Patent Medicine Business." In fact it would have a tendency to leave little or no business for the Patent Medicine Man. The section seems loosely drawn, and it is difficult to decide upon its exact meaning, but it would seem to provide for the following, as a "misbranding" within the meaning of the Act.

First. In the case of preparations represented to have curative properties, if the compounder or vendor is not authorized under the law of the state or community, where the article is offered for sale, to practice medicine or pharmacy.

Second. If labels, advertisements, posters, circulars, etc., contain a description of symptoms of diseases.

Third. A drug offered for sale to the laity, directly or indirectly, which contains acetanilide, antipyrine or some fifty other drugs or their compounds, preparations or derivatives. A further requirement in this respect that the label shall bear the name of such drugs does not make it entirely clear whether the author intends that all drugs or preparations containing the enumerated articles shall be misbranded, just because they contain them, or whether they shall be considered misbranded if they contain them and do not bear the names on the label.

Now as with regard to the first provision, it must be kept in mind that it applies to Inter-state Commerce alone, and as it reads at the present time it would be necessary for a compounder or vendor of a preparation represented as having curative properties residing in Massachusetts, to be either authorized to practice medicine or pharmacy in New York before he might be permitted to offer said preparation for sale in New York. Of course, this may not be intended, but it is the plain interpretation of the proposed amendment, and even if it should mean that the compounder or vendor must be authorized to practice medicine or pharmacy in his home state, it is a serious question to contemplate the far-reaching effect of such a provision. It must be kept in mind that none of the preparations now put on the market by co-operative drug houses, and none of the non-secrets as are sold by retail druggists, are to any large extent compounded by authorized practitioners of medicine or pharmacy. They may be prepared under the supervision of an authorized pharmacist in the state of manufacture, but would this meet the requirement of this proposed amendment? Then again it is a question whether the time is ripe in this country for an endeavor to do entirely away with the Patent Medicine business. Purely from a business point of view, it must be considered that for a large part of the retail druggists in this country, the sale of patent medicines constitutes a profitable source of income, which it is doubtful of supplanting by something else equally or more profitable, so long as an army of dispensing physicians exists everywhere, and so long as these can go unhindered. It is quite likely that the patent medicine using public would turn in the direction of the dispensing doctor. It is a question also whether Congress

has the constitutional right to limit the compounding of curative preparations to authorized physicians and pharmacists.

As with regard to the second provision which would prevent a description of disease symptoms, it must be admitted that this is a desirable provision, but as it reads at present, it is without limitation, and some one in the exercise of authority, might under it prevent even the most harmless statements.

As with regard to the third proposed feature of the first Amendment to Section 8, it is of course likely that the author meant merely to require preparations containing the named drugs to be so labeled, and if this be the intention, then with proper change carrying such intention into effect, there is possibly no well grounded cause for objection.

While considering generally amendments to the present Food and Drugs Act, it is a question also as to whether the deviation from the standard of the Pharmacopœia and of the National Formulary, as now permitted under the Federal Act, should not find attention. Such permitted deviation has been strongly and very generally criticised, and the claim is made that it caused an injury to the legitimate pharmacist. No doubt those who favor such deviation have strong and plausible reasons for doing so, but since amendments are contemplated it would no doubt be well to express the views of this Association at this time.

In closing, I trust that I may once more be permitted to point out the urgent need for having a thorough understanding on the proposed National Legislation, and a working in harmony such as will enforce a proper respect for the wishes of the pharmacists of this country by the law-making body.

STATE PHARMACEUTICAL ASSOCIATION PROCEEDINGS.

H. M. WHELPLEY, M. D., PH. G.

The volume of proceedings of the annual meeting of a state pharmaceutical association preserves in permanent and convenient form the official records of the convention. It is not necessary nor is it always advisable to have the minutes complete, but what is recorded should be accurate. The volume should be of immediate interest to all of the members of the association, of general interest to editors of pharmaceutical periodicals, to state association officers, board members and others who are expected to keep in touch with the topics of the times during the convention season. The book deserves a place on the shelf of reference books in both college and drug-store libraries. A collection of complete sets from all of the states would prove of great historic value as well as of service in everyday literary work by pharmaceutical writers. As far as I know, the Lloyd Library has the only complete collection of state association proceedings. I now come to the consideration of a debatable purpose of the published volume of state pharmaceutical association proceedings. I say debatable because few associations seem to consider the annual report to be a source of news and demand its early publication. At one time, the pharmaceutical press gave full and prompt accounts of all the state meetings but at the present time with forty-four such organizations and at least one-half of them holding the annual convention in June, it is no