

## Section on Education and Legislation

Papers Presented at the Fifty-Ninth Convention

### MEMORIAL PRESENTED TO THE COMMITTEE ON WAYS AND MEANS OF THE HOUSE OF REPRESENTATIVES.\*

GENTLEMEN:—Representing the American Pharmaceutical Association, founded in eighteen hundred and fifty-two, and always, since then, actively and earnestly engaged in promoting the public welfare, in connection with the practice of pharmacy, the undersigned, chairman of its Committee on National Legislation, begs leave to read from the records of its last annual convention, held at Richmond, Virginia, May, 1910, as follows:

"He (Mr. Hilton) moved that the Association go on record in support of the Foster Bill, with certain modifications."

"He (Mr. Hallberg) moved, as a substitute, that the recommendation be changed to the effect that this Association approve any proper regulations for the handling of narcotic, habit-forming drugs in interstate commerce.

"This motion was seconded by Mr. Dittmyer of West Virginia and carried."

In the Association's behalf, I respectfully submit, for your careful consideration, the following comments upon H. R. Bill 25241, introduced by Mr. Foster of Vermont, April 30, 1910, and printed:

First: That the list of drugs and chemicals appearing in Section 1 is incomplete, since it does not include a number of synthetic products, namely, alypin, novocaine and holocaine, which are neither derivatives nor salts of any of the drugs nominated, but which have the same harmful and destructive qualities as cocaine, also that no provision is made, if possible to control the importation and sale of other synthetics of like nature that may be subsequently introduced. Special attention is also called to the desirability of mentioning the trade marked name of such a derivative as diacetyl morphine, marketed as "heroin."

Second: That it is practically impossible to satisfactorily or effectively separate manufacturers and dealers, to be registered under the act, into the wholesale and retail classes provided for; the lines between these, in many and nearly all cases, is imperceptible. A large number of jobbers sell at retail and many more retailers sell at wholesale. Nearly all retail pharmacists manufacture these, so-called, original drugs into their various preparations. It would seem wise, therefore, to have but one class of registered dealers under this act, each paying a uniform fee of, say two dollars and that the bond of each shall be in proportion to the amounts of these drugs a person may handle.

Third: That Section 2 is involved, ambiguous and not in accord with Section 6. Also that it is faulty in the provision that requires a special tax to be paid upon crude products and allows alkaloids and alkaloidal salts, that are separated

\* From the Report of the Committee on National Legislation, read at the Boston Meeting, 1911.

and made from the crude drugs, to be imported into this country free of the special tax and entirely without control, which would seem to render the act non-effective in the very object sought to be obtained.

Fourth: That the proviso of Section 2 is too greatly restricted and the privilege given to the "duly registered and bonded manufacturing chemist or manufacturing pharmacist" should be extended to any person duly registered and bonded under this act.

Fifth: That the absolute prohibition of interstate commerce in these drugs, except between those registered under this act, as provided for in Section 4, will entail unjust, unkind and injurious hardships upon many citizens residing near the border lines of our respective states and upon those citizens who may temporarily reside outside of their own states and away from their regular physicians and pharmacists. It would therefore, seem that legitimate sales on the original prescriptions of physicians should be exempt from the operations of this law. To the several states must be left the control of the writers of prescriptions, within their respective borders.

Sixth: That Section 6 provide a penalty for the non-payment of the special tax on the salts, derivatives and preparations of the cited drugs, when no provision for the laying and rating of such a tax has been made.

Because of these facts and to make our contentions more explicit and exact, I most respectfully submit these several amendments for consideration:

Amend Section 1, page one, by striking out all after "opium," line 4, up to "and," in line 6, and substitute the following:

Morphine, diacetyl morphine, heroin, codeine, cannabis, hydrated chloral, holocaine, novocaine, alpha-eucaine, beta-eucaine, alypin, coca leaves, cocaine, their salts, derivatives, preparations or compounds or any substance or synthetic product or chemical that may be used as a substitute for cocaine, or having the same local stimulating effect as cocaine, under whatsoever name it may be known or described.

Amend Section 1, page 2, line 1, by striking out the word "or" and inserting a comma; lines 2 and 3, by striking out all after "jobber," up to "retailer" and by substituting a comma and the words, "dispensing pharmacist"; in line 5, amend by changing "one dollar" to "two dollars."

Amend Section 2 by including the full list of drugs, chemicals, etc., that is cited in Section 1 and by making proper provision for an equitable tax rating, on each of these. Also amend Section 2, page 3, by inserting after the word "any," in line 11, the word "person," and by striking out the words: "manufacturing chemist or manufacturing pharmacist" and inserting in their place the words "under this act."

Amend Section 4 by introducing, after the word "to," line 20, the words, "the dispensing of the original prescriptions of legalized practitioners of medicine, to."

Section 6 will need no amendment if Section 2 is amended to conform with Section 1; otherwise, Section 6 should be made to agree with Section 2 as now constructed.

HENRY P. HYNSON, *Chairman.*