

## Section on Education and Legislation

Papers Presented at the Sixtieth Annual Convention

### THE CHAIRMAN'S ADDRESS.

JOHN C. WALLACE.

The by-laws governing the Section on Education and Legislation provide three specific duties for the Chairman, in addition to presiding at the sessions of the Section.

First, the delivering of a *short* address; second, the preparation of a program or suitable topics for discussion; third, proposing for the several state associations, suitable topic for discussion and making a report on the same at the annual



JOHN C. WALLACE, Chairman.

meeting. All of these I have endeavored to comply with. My address will be short and as many of the addresses delivered by my predecessors have been along educational lines, I will depart from the beaten path and confine myself largely to the legislative side, as legislation, to my mind, is an all-absorbing topic of today.

My requests for papers for this Section have been generously responded to and I have prepared a program covering a list of more than twenty-five papers and I desire to express my appreciation and sincere thanks for this generous response.

My efforts in relation to the third duty have been somewhat disappointing. I extended greetings to twenty-five State Associations, and suggested as a subject for discussion, "By Whom Should Food and Drug Laws be Enforced," which, in my judgment, they should all have been interested in, and up to the present time I have had but two responses. In addition to these greetings it was my privilege to visit two of the State Associations, Ohio and Pennsylvania.

It was also my privilege to attend the annual convention of that great organization, the National Association of Retail Druggists at Niagara Falls, and to participate in the deliberations of the National Legislative Conference held under auspices (this will be referred to later), by the delegates in a report to the Council.

It has been a matter of keen regret to me, that some action was not taken on the recommendation of Prof. Hynson, at the Boston meeting, as Chairman of the Committee on Legislation, in regard to the formation of "The Legislative Conference of the American Pharmaceutical Association." In order that it might be used as a clearing house in matters pertaining to legislation for the different branches of the drug business, all of which are affiliated with the American Pharmaceutical Association.

When we take up the study of the pharmacy and pure drug laws and come to a realization of the wonderful diversified ideas incorporated therein, we will come to the conclusion that a clearing house is badly needed.

All pharmaceutical legislation has had and will continue to have three fundamental aims in view. The advancement of pharmacy as a profession, the protection of the pharmacist and, of equal, if not greater importance, the protection of the people. Fortunately these three things are so closely allied that laws affecting or benefiting one are apt to have the same result upon another. New features of course arise each year as new conditions are encountered.

The one problem that stands foremost to my mind is to pass laws that will meet the conditions and give protection and still not be too drastic. It sounds like the impossible, and I confess the solution is beyond me and I think I may safely say beyond any one man. Satisfactory and practical pharmacy laws (I mean here laws that are satisfactory to the majority). There are too many interests affected for them to be satisfactory to all; satisfactory and practical pharmacy laws are the result of months and often years of work and study on the part of men realizing their need and far-reaching importance, and looking at the question from every side.

The problems are very much the same throughout the various states. The laws enacted show clearly what these problems have been and how met. A comparison of the various legislative measures of these states on subjects now most before the public makes them stand out more forcibly than anything I could say on this subject. I make a brief tabulation along this line later.

Some of the states are making rapid advancement in pharmaceutical legislation. Others have laws that do not seem to be adequate for present conditions. However, doubtless they are not satisfied with them themselves and regard them as a stepping stone. Any one having experience along this line appreciates fully the difficulty of obtaining what you want, especially when a radical change or advance is contemplated. It takes time and gradual advancement to bring the de-

sired result. Through all the ages, advancement along any line or in any profession has had to contend with, "The old was good for my father and for me, why change?"

It has been said by one of our most distinguished statesman that legislation was universally a case of compromise; it therefore cannot be wondered, at the diversified character of legislation which is to be found upon our statute books.

That there was abundant need of such legislation as the Federal Food and Drugs Act will not be denied; for the benefits accruing from it are discernable upon every hand. Many articles which were formerly offered as pure are now entirely eliminated and those of us who have been actively engaged in the practice of pharmacy since its enactment realize the advantages it has been not only to us but to the whole people. Few will dispute the fact that the Food and Drugs Act has been successful in performing a very important mission, but experience has taught us that it should go still farther and there is at this time undoubtedly a need for its being amended, as there is also a need for other national legislation upon lines which seem to us to be very important.

That there should be a remedy for the false, extravagant, and misleading claims which are made in regard to the many worthless preparations with which the country is flooded, is almost unanimously conceded, I am of the opinion that all patent or proprietary preparations should be manufactured by or under the supervision of one who has been thoroughly trained and qualified for the purpose.

Twelve of the states have already adopted the single standard, and I see no reason why a single standard should not be established under the law for preparations for which a formula is given in the authorities recognized by the act. As to crude drugs and chemicals, the label should explicitly state in unmistakable terms wherein they differ from the official standard, so that anyone purchasing the same would know exactly what they were buying.

The exclusion of wood alcohol from preparations for external use only is not, in my judgment, justified.

There is an absolute necessity for a national law that will give a complete record of all sales of habit-forming drugs in interstate commerce. So that the same can be transmitted to those having the enforcement of the state narcotic laws, as intrastate regulation loses much of its effect without interstate regulation. And this can be done without levying any additional tribute on the trade, by enacting a law requiring registration of all sales of narcotic or habit-forming drugs or preparations containing more than a maximum amount of the same, made in interstate commerce and reporting the same monthly to a central bureau in the department at Washington. The department at Washington to furnish monthly, a copy of the record of all sales or shipments of such drugs or preparations into a state, to the authorities having the enforcement of the narcotic laws in that particular state.

Every state in the Union has enacted a Pharmacy law, all of which were originally founded upon the same lines. Many of them have been constantly amended and many need still further amendments. The enforcement of all these laws is entrusted to the Boards of Pharmacy. I deem it unnecessary at this time to take up these laws separately and classify the different conditions relating

thereto, as it would be almost an endless task. I will however, a little later, cite a number of principles which I think should be incorporated in them.

Since the enactment of the federal law, forty-four states of the Union have enacted food and drug laws, and in the enactments of the various states, the wonderful diversified opinions as they relate to pharmaceutical legislation is made manifest, and for the purpose of illustrating this I have scheduled a number of the features of the state laws.

ENFORCEMENT OF STATE LAWS—DRUGS.

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| <p><b>BOARD OF PHARMACY.</b><br/>                     Delaware.<br/>                     Illinois.<br/>                     Iowa. (Commission).<br/>                     Massachusetts.<br/>                     New York.<br/>                     Pennsylvania.<br/>                     Virginia.<br/>                     Total, 7.</p> | <p><b>BOARD OF HEALTH.</b><br/>                     California.<br/>                     Colorado.<br/>                     Indiana.<br/>                     Kansas.<br/>                     Louisiana.<br/>                     Montana.<br/>                     New Hampshire.<br/>                     New Jersey.<br/>                     Vermont.<br/>                     Total, 9.</p> | <p><b>FOOD AND DAIRY COMMISSIONER.</b><br/>                     Michigan.<br/>                     Missouri.<br/>                     Ohio.<br/>                     South Dakota.<br/>                     Texas.<br/>                     Washington.<br/>                     Total, 6.</p> |
| <p><b>DEPT. OR COM. AGRICULTURE.</b><br/>                     Florida.<br/>                     Georgia.<br/>                     North Carolina.<br/>                     Total, 3.</p>  | <p><b>AGRICULTURAL EXPERIMENT STATION.</b><br/>                     Nevada.<br/>                     North Dakota.<br/>                     Total, 2.</p>   |  |
| <p><b>COM. OF AGRICULTURE AND INDUSTRIES.</b><br/>                     Alabama.</p>   | <p><b>DAIRY COMMISSIONER AND DIRECTOR AG. EX. STATION.</b><br/>                     Connecticut.</p>  |  |
| <p><b>DAIRY, FOOD AND SANITARY INSPECTOR.</b><br/>                     Idaho.</p>   | <p><b>DAIRY, FOOD AND DRUG COMMISSIONER.</b><br/>                     Nebraska.</p>   | <p><b>COMMISSIONER UNDER BOARD OF HEALTH.</b><br/>                     Maryland.</p>   |
| <p><b>DIRECTOR AGRICULTURAL EXPERIMENT STATION.</b><br/>                     Maine.</p>   | <p><b>COMMISSIONER HEALTH.</b><br/>                     Oklahoma.</p>   |  |

COMMISSIONS.

Arkansas, by State Treasurer, Secretary Agriculture, Mines and Manufactures, and Secretary of State.  
 Kentucky, by Director Agricultural Experiment Station, and one member from State Medical and State Pharm. Associations.  
 Rhode Island, by Board of Food and Drug Commissioners.  
 South Carolina, by Board of Health and one Druggist.  
 Tennessee, by Food and Drug Inspector.  
 West Virginia, by Agricultural Department and County Prosecutors Attorneys.  
 Wyoming, by Dairy, Food and Oil Commissioner.

ENFORCEMENT.

Only five of the states of the Union have not enacted pure drugs laws, viz., Arizona, Minnesota, Mississippi, New Mexico and Oregon. Wisconsin has a pure drugs law that relates only to flavoring agents, and specifically sets forth a standard for each one.

Twelve of the states have adopted a single standard for all official preparations They are: Colorado, Delaware, Florida, Idaho, Illinois, Kansas, Louisiana, New York, Ohio, South Carolina, Texas, and West Virginia.

Five of the states have a restricted standard; Maryland permits of variations same as the federal law, except the preparations of opium, from which no variation is permitted.

New Jersey, of no variation from the official standard of the official preparations of opium, camphor, ginger, peppermint and iodine.

Pennsylvania permits of no variation from the official standard of the official preparations of opium, iodine, peppermint, ginger, camphor and ethyl nitrite.

Tennessee provides that no tincture iron or preparation of opium, iodine, camphor, ginger or peppermint, as defined in the U. S. P. or N. F., shall in strength differ from the standards therein laid down.

Virginia permits of variations the same as the federal law, except laudanum, which must conform strictly to the standard in every way; other official preparations of opium may differ from standard as to amount and strength of alcohol only and must be plainly stated on the label.

Seventeen of the states, Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kentucky, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, Vermont and West Virginia exempt prescriptions U. S. P. and N. F. preparations from the labeling clause.

Two of the states, Nebraska and New Jersey, exempt prescriptions, recipes U. S. P. and N. F., from the labeling clause.

Nine of the states, California, Idaho, Indiana, Kansas, Louisiana, Maine, Maryland, Missouri and North Dakota, exempt prescriptions from the labeling clause but require all U. S. P. and N. F. preparations to be labeled.

Connecticut and Tennessee exempt prescriptions and U. S. P. preparations to be labeled.

Virginia exempts prescriptions and U. S. P. preparations and N. F. preparations, provided they are of official standard.

Montana exempts prescriptions and the alcohol content is not required, but aside from the alcohol content U. S. P. and N. F. preparations are not exempt.

Delaware does not require the ingredients to be stated on the label and makes no provision for misbranding.

Nevada makes no provision for a statement of any of the so-called interdicted articles to be made upon the label.

New Hampshire, Texas, Washington and Wyoming require prescriptions, U. S. P. and N. F. preparations to be labeled with all of the interdicted articles; Texas however, does not require a statement as to alcohol content.

Thirty-seven of the states, Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia prohibit the sale of cocaine except on prescription. California permits the sale of cocaine in preparations that do not contain more than one grain to the ounce.

The District of Columbia permits the sale of cocaine in preparations that do not contain more than one-fourth grain to the ounce.

Idaho and Wisconsin permit the sale of preparations that contain not more than one-eighth grain to the ounce.

Rhode Island and Texas permit the sale of preparations of cocaine that do not contain more than one-sixteenth grain to the ounce.

Wyoming, Narcotic Law.

Seven of the states prohibit the sale of opium or its derivatives or preparations except on the prescription of a physician. They are: Florida, Indiana, Kansas, Michigan, New Jersey, Oregon and South Dakota.

Rhode Island permits the sale of preparations containing not more than six grains to the ounce.

Georgia and West Virginia permit the sale of preparations that contain not more than four grains to the ounce.

Massachusetts permits the sale of preparations that contain not more than two and one-half grains of opium per ounce.

Alabama, Arkansas, California, District of Columbia, Idaho, Louisiana, Maryland, Montana, New Mexico, New York, outside of the city of New York; North Carolina, Texas, Virginia, Washington, Wisconsin and South Carolina, sixteen in all, permit the sale of preparations containing not more than two grains of opium to the ounce.

#### PREREQUISITE LEGISLATION.

But three states in the Union have inscribed upon their statute books a prerequisite law, New York, Pennsylvania and Rhode Island.

A prerequisite law has been under discussion by a number of the State Pharmaceutical Associations, but in some quarters has met with much opposition. Those who are opposed to the prerequisite law want to compromise the proposition by making the requirement that it should be graduation from a recognized school of pharmacy or an equivalent of education, to be determined by the Board of Pharmacy.

In the first place, I know of no place where a pharmaceutical education, equivalent to that required for graduation from a reputable college of pharmacy, can be obtained, except from such a college.

In the second place, boards of pharmacy cannot, or at least do not, give sufficient time in their examinations to ascertain if the applicants have the equivalent of graduation.

Third. The requirement of graduation from a recognized school of pharmacy, to my mind, removes to a great extent, the question of politics from the Board of Pharmacy, and leaves no loophole for one without the requisite qualifications, but with a strong political affiliation, to become a registered pharmacist.

During the enactment of the prerequisite law in Pennsylvania, I had the honor of being Chairman of the Committee on Legislation of the Pennsylvania Pharmaceutical Association, and many curious ideas and objections were encountered, one of which was the plea that we are placing a barrier upon the poor boy who was ambitious to become a registered pharmacist, but I am fully convinced that any young man who is honest, industrious, intelligent and ambitious can become a graduate of any reputable college of pharmacy in the United States, without being an object of charity from anyone.

## PRINCIPLES OF PHARMACY LEGISLATION.

As to suggestions of principles which I think should be incorporated in a pharmacy law, I submit the following:

That all laws relating to pharmacists should be executed by pharmacists.

That a store remote from a pharmacy should be licensed to sell drugs and medicines, in original packages, put up by or under the supervision of a pharmacist, when properly labeled with dose and directions.

That a pharmacy should be licensed, and the same renewed annually, a charge being made for the license and for each renewal. The applicant for this license and for each renewal, shall state in the application the location of the pharmacy, the name or names of the person, firm or corporation owning or conducting the same and the names of all persons and employes engaged in the conduct or carrying on of the same, who are registered as pharmacists or assistant pharmacists, with the number and date of their certificate of competency and qualification. This license shall entitle the holder thereof to own or conduct a pharmacy at the place only for which it is issued. Same can be transferred and in the name only of the holder, and without charge.

That pharmacists and assistant pharmacists be licensed, the same to be renewed annually, without charge.

That each applicant for examination and registration shall have a preliminary examination, the equivalent of at least a completed first year in a high school.

That students of pharmacy should be registered and must have a preliminary education which would entitle them to make application for examination and registration as an assistant pharmacist, after having had the required amount of experience.

That any license to practice can be refused, suspended or revoked for good and sufficient reasons, same to be stated in the Act, but not without notice and a hearing.

That all certificates and all licenses shall be conspicuously exhibited in the place of business or where the licensed pharmacist or assistant pharmacist is employed.

That the license shall be used only by the person to whom it is issued, and no license shall be used to conduct more than one pharmacy or one licensed store.

The right of interchange of certificates with other states having equivalent requirements.

That it shall be a misdemeanor to impersonate an applicant who shall be applying either for a certificate or for a license.

That all rules and regulations made by the Board must be approved by the Attorney General.

That drugs administered or dispensed by physicians must conform to the standard of strength, quality and purity as fixed by the laws of the commonwealth.

That no person shall use the title pharmacist or assistant pharmacist, except when so licensed, or that of pharmacy or licensed store, except when holding a license.

That every pharmacy must have a copy of the latest edition of the U. S. P. and National Formulary.

That the authorized agents of the Board shall have the right to enter any place where drugs are compounded, dispensed or sold, for the purpose of purchasing samples, and the right to purchase samples in order that tests may be made.

That all drugs offered for sale at retail must be plainly labeled.

That the sale of poisons be restricted and the registration clause be strictly enforced.

That all physicians' prescriptions compounded and dispensed shall be filed by the pharmacist and kept for a reasonable period, to be stated in the Act, and during that period shall be open to inspection by the police authorities upon presentation of an order from the court or to the members of the Board.

That when a physician indicates in writing that a prescription is not to be renewed, it shall be a misdemeanor to either renew or give a copy of the same.

There doubtless are many other principles which should be incorporated, and which a conference would bring out.

In conclusion, I have but one recommendation to make, and that is to repeat the recommendation, made at the Boston meeting by Professor Hynson, as Chairman of the Legislative Committee, that a National Legislative Conference be established under the auspices of the American Pharmaceutical Association.

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## REPORT OF THE SECRETARY OF THE SECTION ON EDUCATION AND LEGISLATION OF THE AMERICAN PHARMA- CEUTICAL ASSOCIATION.

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WILBER J. TEETERS, IOWA CITY, IA.

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In the even numbered years occur the long sessions of Congress and fewest meetings of the state legislatures.

Regularly there are sessions of the legislatures of fourteen states during the even numbered years and forty-one states during the odd numbered years, not counting Oklahoma, where sessions are held every four years.

The year 1912, therefore, has had few meetings of legislatures, and an unusually small amount of legislation effecting the profession of pharmacy was presented.

The following states had meetings of the legislature during the past year: Arizona, Georgia, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, New Jersey, New Mexico, New York, Rhode Island, South Carolina, Vermont and Virginia.

The following is a summary of the legislation for the year:

### KENTUCKY.

An Act to Regulate the Sale of Opium or its Alkaloidal Salts or their Derivatives, or any Admixture Thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, shall be sold or dispensed only by a registered pharmacist upon the original written, dated and signed prescription of a legally licensed physician or dentist or veterinary surgeon; and only one sale shall be made on said pre-