

# THE DEPARTMENT OF THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY

Wilford Harrison, President, Wichita Falls, Texas. J. W. Gayle, Treasurer, Frankfort, Ky. W. P. Porterfield, Chairman of Executive Committee, Fargo, N. D. H. C. Christensen, Secretary, 130 N. Wells St., Chicago, Ill.

## ACTIVE MEMBER STATES.

Alabama	Iowa	Nebraska	South Carolina
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Arkansas	Kentucky	New Hampshire	Tennessee
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Florida	Michigan	Ohio	Washington
Georgia	Minnesota	Oklahoma	West Virginia
Idaho	Mississippi	Oregon	Wisconsin
Illinois	Missouri	Pennsylvania	Wyoming
Indiana	Montana		

## N. A. B. P. CONVENTION PROGRAM.

HOTEL CORONADO, ST. LOUIS, MO.

AUGUST 22 AND 23, 1927.

### Monday, August 22nd, at 9:00 A.M.—First Session.

1. Call to order—President Wilford Harrison
2. Roll Call
3. Appointment of Committee on Credentials—President Harrison
4. President's Address—Wilford Harrison
5. Appointment of Committee on President's Address
6. Report of Executive Committee—W. P. Porterfield, *Chairman*
7. Report of Secretary—H. C. Christensen
8. Report of Treasurer—J. W. Gayle
9. Report of Committee on Constitution and By-Laws—W. H. Hankins, *Chairman*

### Monday, August 22nd, at 2:00 P.M.—Second Session.

1. Report of Legislative Committee—John Culley, *Chairman*
2. Report of Committee on Credentials
3. Appointment of Nominating Committee
4. Report of Advisory Examination Committee—H. C. Christensen, *Chairman*
5. Report of Syllabus Committee—S. A. Williams
6. Report of Special Committee on National Legislation—W. T. Kerfoot, Jr., *Chairman*
7. Report of Committee on Drug Store Ownership Law—Jacob Diner, *Chairman*
8. Verbal Reports of Vice-Presidents:

District No. 1—H. M. Lerou

District No. 6—A. H. King

District No. 2—A. C. Taylor

District No. 7—J. T. Selman

District No. 3—B. M. Keene

District No. 8—Chas. J. Clayton

District No. 4—Hugo Peterson

District No. 9—A. G. Hulett

District No. 5—E. V. Zoeller

9. Appointment of Resolutions Committee.

### Monday, August 22nd, at 8 P.M.—Extra Session if deemed necessary.

### Tuesday, August 23rd, at 9:00 A.M.—Third Session.

Joint Session—National Association of Boards of Pharmacy and American Association of Colleges of Pharmacy.

## PARTIAL OR TENTATIVE PROGRAM.

1. Report of the Fairchilds Scholarship Committee—E. G. Eberle
2. Paper—The Newer Types of Examination—George D. Stoddard, Russell L. Austin
3. Discussion—Are the Standards of the American Association of Colleges of Pharmacy Adequate for State Board Recognition?—Robert P. Fischelis, Charles E. Mollett, A. L. I. Winne, M. N. Ford and others
4. Discussion—General—What Subjects Should Be Added to Board Examinations Because of the Advent of the Three-Year Course?

## Tuesday, August 23rd, at 2:30 P.M.—Fourth Session.

1. Report of Committee on President's Address.
2. Report of Advisory Publicity Committee—W. H. Cousins, *Chairman*
3. Report of N. A. B. P. Committee on Prerequisite Legislation—Wm. R. Acheson, *Chairman*
4. Report—Committee on Standards and Requirements for Classification of Colleges of Pharmacy—A. L. I. Winne, *Chairman*
5. Report of Committee on National Certificate—H. C. Christensen, *Chairman*
6. Report of Grievance Committee—Edw. H. Walsdorf, *Chairman*
7. Report of Special Committees
8. Unfinished Business
9. New Business
10. Report of Nominating Committee
11. Election and Installation of Officers

## WHAT SHOULD WE DO WITH THE DELINQUENTS?

BY A. L. I. WINNE.

What course should a Board follow in dealing with a person who bobs up and says he is registered in a State, and who holds credentials which seemingly substantiate his claim, but who perhaps has been dropped from the records for years? These men are of two classes—first, the fellows who have secured registration in another State and see no necessity for keeping in good standing in their own States, but later discover that they need certification of their records, and, secondly, the men who drop out of pharmacy for a number of years and see no purpose served in keeping in good standing in pharmacy, but later decide that they would like to resume practicing.

Such cases must come up in every State. How are they treated? And how should they be treated? I suppose in most States they are put into good standing without much ceremony, provided they reasonably satisfy the authorities that they are what they represent themselves to be. There is room for fraud in such procedure, and we ought to take reasonable care of such situations.

Recently in my own State we had a reciprocity application presented by an applicant located in another State, who wanted to register in New Jersey. A search of the records disclosed that he registered here (Virginia) in 1892, and kept in good standing until 1895. We have a provision for annual re-registration. So far as we know this man's record is a blank from that date to this. Ought we to certify to his record, beyond a bare statement that he, or someone of the name he gives, did register in this State thirty-five years ago? Ought we to reinstate him merely by his paying his back renewal fees? Or should we satisfy ourselves that he has been engaged in the practice of pharmacy all these years, and that his record is

clean and clear for all those years? Personally, I believe that we should require that he furnish us with evidence of where he has been and what he has been doing for these thirty-five years before we put the stamp of approval on him. I believe that we should require unquestionable proof of his identity, and that should not be a hard thing for the applicant to furnish if he has conducted himself in a circumspect manner during his long absence from this State.

Perhaps we should not concern ourselves in the matter, but should leave that up to New Jersey, inasmuch as they are asked to extend hospitality to him. What is your idea of the matter? Perhaps your State has worked out a satisfactory solution to this problem.

Loose handling of these situations opens the way for fraud. Stolen credentials and the credentials of dead men might easily be turned to the use of a charlatan. How often has this occurred the country over?

We have all given thought to the matter of the men who wander away from the practice of pharmacy, and after a lapse of years decide to again take up the work. What do we owe to them? Should they be reinstated and allowed to practice a profession with which they have failed to keep up? Certainly the State is in most instances under no obligation to reinstate them without asking them to meet the present-day requirements, but few are made to meet these requirements. Are we fair to the public when we place a license in the hands of a man who has lost touch with the developments of the profession, on the assumption that he originally was qualified and will easily catch up with the procession? What does your State do under these circumstances?

Perhaps the N. A. B. P. can devise solutions for these problems. It would be well worth discussing and helpful to most of us if some set of rules or form of procedure for such cases could be decided upon and put into use.

#### SUPREME COURT UPHOLDS MINNESOTA ASPIRIN RULING.

A decision of national and far-reaching importance to Pharmacy was handed down by the Supreme Court of Minnesota on July 8, 1927, upholding the judgment of a lower court that the Minnesota Board of Pharmacy had the right to restrict the sale of aspirin to stores in charge of a registered pharmacist.

Those associated with Pharmacy need not be told of the condition prevalent with regard to the sale of aspirin; how the unscrupulous have put upon the market products claiming to be aspirin which are adulterations thereof; how aspirin may be purchased in confectionery, cigar and general stores. This condition had become such a menace that the Minnesota Board of Pharmacy asked the Attorney General of Minnesota for an opinion regarding the sale of aspirin and received the following reply:

"St. Paul, Minn.,  
October 3, 1925.

"The State Board of Pharmacy:

"It is provided in Section 5814, G. S. 1923, that no person not a registered pharmacist or a dealer employing and carrying a registered pharmacist in active charge of his place of business shall retail drugs, medicines, or poisons.

"The statute (Section 5805, G. S. 1923) declares that the term "drugs" shall include all substances commonly kept in drug stores and sold for medicinal purposes; but certain articles, among them castor oil, epsom salts, carbonate of soda, saltpetre and senna, commonly kept in

the home, are excluded. Aspirin is not mentioned as one of the excepted articles. It is a well-known coal tar product and harmful if employed to excess. The result of its use is to depress action of the heart, and it is said that its frequent and constant use results in an impairment of the functions of that organ.

"It has been held that the legislature may restrict the sale of harmless as well as harmful medicines to drug stores in charge of a registered pharmacist.

JAMES E. MARKHAM,  
Deputy Attorney General."

Briefly, the history of the case leading to the Supreme Court decision is as follows: In November 1926, a charge of selling aspirin illegally was made against the proprietor of a confectionery store. The trial court found the defendant guilty. The counsel for the defendant appealed to the Supreme Court of Minnesota, contending that the trial court was wrong in its ruling as aspirin is a proprietary and patent remedy requiring no special knowledge of drugs for its sale at retail in original packages and that limiting the sale of aspirin to stores in charge of a registered pharmacist in effect creates a monopoly in favor of such stores for the sale of harmless compounds.

The decision handed down by the Supreme Court on July 8, 1927, denies these contentions and upholds the decision of the lower court as follows:

No. 273	Hennepin County	Dibell, J.
State of Minnesota,	Respondent	
26136—vs—		Endorsed
		Filed July 8, 1927
		Grace F. Kaercher, Clerk
Mike Zotalis	Appellant.	

SYLLABUS.

G. S. 1923, S. 5814, restricting the sales of drugs, medicines and poisons, with certain exceptions, to pharmacists and sellers employing a pharmacist, except when the shop of the seller is more than two miles from a drug store, is a constitutional exercise of the police power, and valid when applied to sales of aspirin.

Judgment affirmed.

OPINION.

The defendant was convicted of the violation of G. S. 1923, S. 5814, which prohibits anyone not a registered pharmacist or a dealer having such a pharmacist in charge of his place of business from retailing drugs or medicines or poisons, excepting, however, 23 articles of common use. He appeals from the judgment.

The defendant conducts a confectionery store in Minneapolis. He is not a pharmacist and does not employ one. He sold aspirin and for selling it was convicted under the statute. The aspirin was in a container, with a label stating that it contained 5-grain aspirin tablets, that a dose was 1 or 2 tablets, and that it was distributed by a designated laboratory and chemical company of Minneapolis.

G. S. 1923, S. 5805, provides that the term "drugs, medicines and poisons" shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Aspirin is a coal-tar product commonly kept in drug stores and is used and sold for medicinal purposes. It is a drug or medicine within the statute. It is not a proprietary or patent medicine.

The statute should be sustained if enacted with reasonable reference to public health or welfare. If intended merely to give a monopoly to pharmacists or druggists by restricting sales to them it is not sustainable. It is only sustainable as a police measure.

The legislative thought that the dangers incident to its sale justified regulation and that a restriction of sales to pharmacists or to those under their supervision was effective. It is true that no technical skill is required in making a sale. This does not prove the statute invalid.

As remarked by the trial court, the pharmacist knows where to procure a pure and genuine article and his prescribing physicians will require him to furnish a pure drug.

It is not questioned that the sale of drugs, medicines and poisons may be regulated in the exercise of the police power. *State v. Donaldson*, 41 Minn. 74; *State v. Hovorka*, 100 Minn. 249; 19 C. J. pp. 772-774, SS 5-13. The restriction of the sale of aspirin as provided by the statute is within the legislative discretion. *State Board v. Matthews*, 197 N. Y. 353; *People v. Smith*, 231 N. Y. 531; *State Board v. Bellinger*, 122 N. Y. S. 651. It may be mentioned that G. S. 1923, S. 5805, permits the sale of a commonly used medicine put up for sale by a registered pharmacist when the shop of the seller is more than 2 miles from a drug store. This provision was held valid in *State v. Donaldson*, 41 Minn. 74.

Judgment affirmed.

John W. Dargavel, Secretary of the Minnesota Board of Pharmacy, and other members of that Board deserve much credit for the successful manner in which the case was handled. Due to their untiring efforts, the trail has been blazed and it should not be such a difficult matter now to obtain similar decisions in other States. In taking the position that protection of the public in enforcing the pharmacy laws was the most important factor, the Minnesota Board was practically assured of a favorable decision. So long as Pharmacy continues to emphasize that its most important duty is the welfare of the public it serves, it should encounter little difficulty in obtaining laws and decrees which protect the public and the pharmacist as well.

H. C. C.

#### CONGRESS OF DOMINICAN REPUBLIC PROHIBITS SALE OF DRUGS AND PRE- PARED MEDICINES BY OTHERS THAN PHARMACISTS, EXCEPT BY SPECIAL PERMIT.

By law No. 617, approved on March 30, 1927, it is provided that beginning with July 1, 1927, the sale of drugs, prepared medicines and chemical products will be permitted only by pharmacists. The principal articles of law are as follows: Article 1—From July 1, 1927 the sale of drugs, prepared medicines and chemical products will only be permitted by pharmacists. Where there are no pharmacists authorized to sell these products, their sale will be authorized by business houses. Article 2—The owner of a pharmacy or the person in charge, as the case may be, of a drug store or other establishment in which drugs are on sale, will be responsible for any violations of this law, committed by him personally or by his employees. All persons violating any of the provisions of this law for which specific penalty has not been established will be subject to a fine of not less than \$25 and not more than \$300 or prison of from one month to a year, or to both punishments. Aside from all other penalties that may be established, the

sentence of the Tribunal, in case of drugs offered for sale, sold, exchanged, given or distributed in violation of the provisions of this law, will contain a provision for the confiscation and immediate destruction of the drug or drugs in question. (Consul J. J. Murphy, Jr., Santo Domingo.)

#### OFFICERS OF THE AMERICAN ASSO- CIATION FOR THE ADVANCEMENT OF SCIENCE.

Arthur A. Noyes of the California Institute of Technology, Pasadena, Cal., is the President of the American Association for the Advancement of Science. The Secretary is Burton E. Livingston whose home address is c/o The Smithsonian Institute Building, Washington, D. C. The general officers of the Committee of one hundred on Scientific Research are Chairman A. A. Noyes, President of the Association, and Secretary Rodney H. Truc of the University of Pennsylvania. The dates of the annual meetings for this and next year have been fixed. The meeting this year will be held at Nashville beginning December 26th, and the one of the year following in New York City beginning on December 28th.