

# EDITORIAL

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## DRUG STORE OWNERSHIP DENIED—WHAT NEXT?

IT HAS been evident for several years that those interested in pharmacy have not been satisfied with some of the changes that have been taking place, particularly with those that have tended to lessen the sense of personal responsibility which has become a tradition with these who deal in drugs and medicines. Many have become deeply concerned by these changes and some are convinced that on their account pharmacy has a very unpromising future before it.

Limiting the ownership of drug stores to those licensed by the state to conduct them seemed to many, who really studied the situation, the best means of overcoming the undesirable effects of the changes referred to above and which could, they believed, be attributed to what might be termed "absentee landlordship" in the sense that the stores were owned and in most instances directed by those who were not pharmacists. Ownership legislation has therefore occupied the attention of organized pharmacy for several years to a greater extent than any other corrective method and the experiences of New York and Pennsylvania seemed to offer real hope that relief might be at hand.

Other thoughtful pharmacists have never put much faith in the effectiveness of ownership legislation but have been willing to support it in the hope that if it did not accomplish all that its proponents claimed, it would at least do some good.

The recent decision of the Supreme Court has settled the question of ownership legislation for the time being, if not permanently. As loyal citizens, we must accept the decision, but as loyal pharmacists, we will take up the fight along other lines.

It appears that in the decision, pharmacy has lost and gained, and that, after all, the gain promises to be greater than the loss provided advantage is taken of it. Briefly expressed, the decision holds that the health and welfare of the people are protected by laws already in existence and the validity of which is not questioned and that ownership legislation is not, therefore, a valid exercise of the police power of the state which brings it into conflict with the fourteenth amendment to the constitution, and this may be set down as a loss to pharmacy; at the same time, the decision recognizes, by inference, the importance of pharmacy and, directly, the necessity for regulating the practice of it, which is a distinct gain.

The decision sets out that the health and welfare of the public with respect to pharmacy are protected by laws which are specially referred to therein and which regulate the prescription, compounding of prescriptions and the purchase and sale of medicines by providing, as is briefly stated, that

1st.—None but a licensed physician may practice medicine or prescribe remedies for sickness.

Second.—No one but a licensed pharmacist lawfully may have charge of a drug store.

Third.—Every drug store must itself be registered and this can only be done where the management is in charge of a registered pharmacist.

Fourth.—Stringent provision is made to prevent the possession or sale of any impure drug or any below the standard strength, quality and purity as determined by the recognized pharmacopœia of the United States.

5th.—None but a registered pharmacist is permitted to compound physician's prescriptions.

Sixth.—And, finally, the supervision of the foregoing matters and the enforcement of the

laws in respect thereof are in the hands of the State Board of Pharmacy, which is given broad powers for these purposes.

The decision, of course, referred to laws already in existence in Pennsylvania, but laws of similar purport are in force in practically every state.

The decision then states:

"It, therefore, will be seen that without violating laws, the validity of which is conceded, the owner of a drug store, whether a registered pharmacist or not, cannot purchase or dispense impure or inferior medicines; he cannot, unless he be a licensed physician, prescribe for the sick; he cannot, unless he be a registered pharmacist, have charge of a drug store or compound a prescription. Thus, it would seem, every point at which the public health is likely to be injuriously affected by the act of the owner in buying, compounding or selling drugs and medicines is amply safeguarded."

Now if these laws mean what they say, as evidently the Supreme Court had accepted them to mean, and if they are enforced, as the Supreme Court evidently expected them to be in protection of the public health, would not the condition sought under ownership legislation be very closely approached? In other words, should pharmacy's attention not be turned toward an effective enforcement of the laws now in force, the validity of which is conceded, and which, it is reasonable to assume, will receive not only public but also judicial support since they are for the protection of the health and welfare of the people?

The laws referred to are evidently intended to require that any establishment which holds itself out to the public as a pharmacy or drug store shall be prepared to furnish the services expected of it and under the safeguards which protect the public, and that pharmacy shall be practiced only by those charged with that responsible duty by the state. It is equally evident that these laws are intended to require that an establishment, which is not prepared to meet these provisions, shall not use titles that mislead the public.

The effectiveness of these laws must depend to a very considerable extent on what the Supreme Court means by the words "have charge of a drug store" and the words of the same meaning as found in the pharmacy laws of the several states. If "no one but a registered pharmacist lawfully may have charge of a drug store" really means what the words indicate, then evidently many drug stores are not conducted in compliance with laws, the validity of which is conceded as the Supreme Court says, even though a registered pharmacist may be employed therein, for the pharmacist is not in responsible charge when the management of the store and its direction is under the control of some one else. It does not seem reasonable to suppose that large interests would invest in enterprises which were required by law to be in charge of a registered pharmacist if *in charge* really means *responsible management*.

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#### TO-DAY AND TO-MORROW.

**A**N OUTSTANDING event for Pharmacy in the year drawing to a close is the purchase of a most desirable site for the Headquarters Building, the satisfaction of which is enhanced because a large part of the purchase money was provided by liberal donors. Their disinterestedness adds a value to the gifts which bespeaks assurance to others which, it is hoped, will induce the founding of endowments that will insure the greatest possible service to pharmacy and the drug-trade industries.

The Laboratory of the Headquarters is provided for and, it is reasonable to assume, with a recognition of its possibilities further developments will follow. Further contributions have been made to the Museum during the year—it is hoped that, eventually, the collections will exhibit the history of *Materia Medica* and show the steps of the processes involved in pharmaceutical manufacturing and also in the production of articles of merchandise, utensils and apparatus. The Library has been added to by a number of donors; these gifts should be suggestive to others and also that endowments of the Library offer opportunities for memorials. The reports made at the Portland meeting of the progress of the Headquarters Fund are encouraging.

While the Headquarters is constantly in mind and therefore is the first item of this comment other events of moment have transpired. Perhaps the decision of the U. S. Supreme Court on the Pennsylvania Ownership Law should next be mentioned; it is the subject of an editorial in this issue and reference to the decision is also made in other sections of this number.

The SYLLABUS received editorial comment in the November JOURNAL. Likewise, the creation of a Pharmaceutical Corps in the Army. The Capper-Kelly Bill will come before Congress as a Committee report at this session. In the latter connection the slogan of the November JOURNAL is repeated here:

The success of all worthy endeavor requires that those who further it present a united front and have the backing and strong support of those they represent.

Among other projects under way and being seriously considered is a survey of pharmaceutical education and of institutions teaching pharmacy in which the National Association of Boards of Pharmacy, the American Association of Colleges of Pharmacy and the AMERICAN PHARMACEUTICAL ASSOCIATION join. The first edition of the A. PH. A. RECIPE BOOK will make its appearance about the first of the year; also another volume of the YEAR BOOK, and the General Index of the PROCEEDINGS and YEAR BOOKS beginning with 1903 will soon follow. All of this speaks for progressive activities.

The transactions and resolutions of the Portland meeting have been published in recent issues of the JOURNAL; a perusal of them will recall the busy sessions to those who attended, and give others an idea of the work accomplished and of equally important ASSOCIATION projects being activated.

Nearing the close of the year and at the threshold of another the following thoughts suggest themselves. The public is on familiar terms with pharmacists, perhaps not as much so as formerly, but its confidence frequently comes into evidence and this for the good of pharmacy should be maintained. The commercial and economic structure rests on confidence—when business men disregard agreements—whenever they find it to their interest to do so, they destroy mutual respect. Conditions have made it necessary for most pharmacists to earn their living by merchandising in addition to rendering professional services, in other words—pharmacists are concerned with both business and profession—the drug business rests on pharmacy; recent court decisions have taken cognizance of that. Liberty is taken in quoting from an address by Judge Chester A. Batchelor:

“By all honorable means preserve the traditions, integrity and usefulness of your profession. To so preserve them you must safeguard the privileges gained through your scientific study, work and experience.”