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| 10. Senna Leaves | 17. Carbonate of Magnesia | 24. Saltpetre |
| 11. Seidlitz Powders | 18. Quinine | 25. Ointments |
| 12. Cathartic Pills | 19. Chamomile Flowers | 26. Gum Camphor |
| 13. Caraway Seed | 20. Chlorate of Potash | 27. Anise Seed |
| 14. Moth Balls | 21. Plasters | 28. Salves |
| 15. Tincture of Iron | 22. Peroxide of Hydrogen | 29. Copperas |
| 16. Rochelle Salt | 23. Asafetida | 30. Saffron |

Tables 6-A to 6-R, inclusive, are not printed because of lack of space. They may be had by applying to the author.

Upon motion, duly seconded, the Conference approved sending a resolution to the AMERICAN PHARMACEUTICAL ASSOCIATION concerning the manufacture and sale of Drugs and Medicines.

At 12:40, upon motion, duly seconded, the Conference adjourned until 2:00 P.M., Friday, July 31, 1931.

R. L. Swain, *Chairman*.

M. N. Ford, *Secretary*.

SECOND SESSION.

The Second Session of the third annual meeting of the Conference of Pharmaceutical Law Enforcement Officials was called to order by Chairman Swain in Remington Hall, Hotel Columbus, Miami, Florida, at 2:00 P.M. with the following present:

E. D. Oslin, Arkansas; W. M. Hankins, M. H. Doss, H. R. Monroe, Florida; R. C. Wilson, Georgia; G. E. Bond, Illinois; John A. J. Funk, F. C. McCullough, Indiana; Geo. Judisch, J. W. Slocum, Iowa; George Wilhelmi, Kentucky; E. G. Eberle, E. F. Kelly, R. L. Swain, Maryland; R. W. Fleming, Nevada; F. C. A. Schaefer, New York; J. G. Beard, North Carolina; F. H. King, M. N. Ford, Ohio; L. L. Walton, Pennsylvania; Lester Hayman, West Virginia, and Dr. Cannon of the U. S. Public Health Service.

Chairman Swain appointed a nominating committee consisting of Messrs. L. L. Walton, George Judisch and John A. J. Funk.

Chairman Swain presented a paper on "The Legal Significance of the Maryland Prescription Survey." The paper was discussed by Messrs. Judisch, Walton and Monroe.

THE LEGAL SIGNIFICANCE OF THE MARYLAND PRESCRIPTION SURVEY.

BY ROBERT L. SWAIN.

The Maryland prescription survey,¹ a report of which has been presented before the joint meeting of the Scientific Section and the Section on Practical Pharmacy and Dispensing of the AMERICAN PHARMACEUTICAL ASSOCIATION, has raised in my mind many collateral questions, all of which I believe will be of interest to the members of this Conference.

First of all, I have been much impressed, and at times as much embarrassed, by the lack of authoritative data dealing with the extent, nature and value of pharmaceutical work. This is all the more remarkable when it is recalled that pharmacy is a profession of great antiquity and that its professional service has always been looked upon as a service of great value and distinction. Pharmacy laws are designed in the public interest. Through them it is sought to protect the public by making available a professional pharmaceutical service which shall be safe, efficient and dependable. That the purpose of the law shall be accomplished is, of course, the chief function of the members of this Conference. While some may appear to labor under the impression, or possibly the delusion, that the advancement of the commercial phases of the drug store is the objective of law enforcement, enforcement officials, themselves, know that this must be merely an incidental result, if indeed it is to result at all. The public interest is the supporting principle upon which pharmacy laws rely, and it is in the public interest that they must be enforced.

The commercial side of the drug store has been amply surveyed. It is quite true that every commercial department of the drug store has been subjected to an exhaustive study. The total volume of sales resulting from these side lines is known. The value which they attain

¹ See page 938, September JOUR. A. PH. A.

in the drug stores of the country as a whole may be easily ascertained. The cost of doing business, the average turn, the relationship of inventory to sales, the relationship of sales to profits, the profitable lines and the unprofitable lines, the loss from bad accounts, these and many other commercial problems of the drug store have been closely analyzed. In this work large drug interests have coöperated through the Druggists' Research Bureau, and some of the leading universities of the country have lent their aid.

Right at the outset, let it be understood that there is no disposition to criticize the agencies by whom these commercial and economic studies have been carried on. Modern business demands facts, and facts can be brought to light only by systematic and continuous effort. But in the earnestness with which these commercial studies have been carried on has not the basic side of pharmacy been made somewhat incidental? Hasn't a large economic superstructure been erected without first seeing to it that the foundation is sufficiently secure? In other words, has there been any effort to measure the professional service which pharmacy renders?

Very little authoritative data is available to show the real extent of professional practice or to determine its public health value. Even the most elementary questions remain unanswered. For instance, what is the extent of prescription practice in the average pharmacy? To what degree do pharmacists practice pharmacy? What is the public health value of professional pharmacy to the community? These are but random questions, and yet their significance is immediately apparent. Of course, each of us is certain that pharmacy is tremendously important, that it carries on an essential public service, and fills an exacting public need. But upon what does our certainty depend? Have we the data, the information, the convincing proof by which to make others, who know nothing of pharmacy, equally as certain? Whenever the question arises, aren't we reduced to assertions of our beliefs rather than facts? And how often will belief be accepted as of the same value as facts?

The Maryland prescription survey was undertaken to provide the facts. Each drug store in Maryland was personally visited by an official representative of the Maryland State Department of Health, and with the consent and assistance of the pharmacists themselves, the total number of physicians' prescriptions compounded and dispensed during 1930 was counted, compiled and tabulated. I shall not tire you with any details of how the work was actually done, other than to state that the work as it progressed was discussed with officials of the Bureau of the Census for the purpose of having it conform to accepted statistical standards. The project was carried out under my direction and supervision, and I believe the results shown can be accepted as accurate to a very high degree. While many highly interesting conclusions have been drawn from this survey, I need only state here that the total number of prescriptions were found to be 3,347,226; that each drug store was found to be filling 5018 prescriptions per year; that the average per man, woman and child in the state was two prescriptions per year, and that from these figures the huge total of 263,008,000 is shown as representing the number of prescriptions compounded by the drug stores of the country as a whole.

What is of great significance to the work of this Conference is that the survey establishes the real public health value of pharmacy. In Maryland, alone, each drug store is called upon over five thousand times a year to provide medicines for the treatment of persons actually ill. Be it in the large centres of population and industry or in the quiet villages and hamlets of the state, the pharmacist is called upon over five thousand times a year to render a highly specialized and highly important public service. In other words, the public health makes over five thousand demands a year upon the average drug store of the state. In all sincerity does any other public health profession touch the public interest any more vitally?

It is to be remembered, however, that prescription compounding and dispensing, important and essential as it is, constitutes only one phase of professional pharmaceutical work. It does not embrace the numberless occasions that the pharmacist is called upon to prepare and dispense medicinal compounds, sell poisons, and do the many other things embraced in store routine, but which, in the ultimate, are of real public interest. I am wondering just how much even we would be impressed if an adequate picture of professional pharmaceutical practice were actually presented.

I believe that we should immediately begin a study of this matter. The number of prescriptions compounded in each state should be ascertained. In addition, we should endeavor to learn all that can be learned of the other phases of pharmaceutical practice. The coöperation

of a sufficient number of pharmacists should be obtained and can be obtained to carry out a study for this purpose. Forms should be drawn up, upon which this data might be compiled. Let them be as simple and as uninvolved as possible, but let them depict professional pharmacy. Let them set out the times per day that professional work is done. Let them show the amount of medicinal preparations manufactured, the extent of compounding and dispensing, the sale of poisons, the sale of sick room requisites demanding professional skill and competency. In other words, let them show professional pharmacy. That this is a stupendous task is not denied. That it will entail a great burden upon the members of this Conference and upon the pharmacists coöperating must also be admitted. However, the legal significance of such data would be profound. It would answer many unanswered questions and, in my judgment, could be made the basis of pharmacy laws much more efficient than those now in effect.

For instance, the pharmacy law of Maryland as well as of several other states requires that a pharmacy shall be in charge of a pharmacist at all times. Is this a wise or defensible requirement? When this requirement has been before the courts, the courts have refused to sustain it on the ground that it is an unreasonable requirement. But with all due deference to the courts, is the requirement unreasonable? The answer is obviously to be found in the study of professional pharmaceutical practice. If the facts are shown to be what I instinctively feel they will be shown to be, I am certain that instead of being an unreasonable requirement, public opinion will demand that a pharmacy be properly controlled at all times. Such a study, in my opinion, will show that at practically every hour of the day the pharmacy is required to perform services so closely affecting the public welfare, that a due regard for the public interest will demand professional competency at all times.

It has been objected, of course, that to compel a pharmacy to be in charge of a pharmacist at all times is unnecessary and unreasonable because compliance with the law would compel many drug stores to close, thus reducing the number of drug stores in operation. In many of our cities and towns, such a reduction is a consummation devoutly to be wished. At any rate, this is an economic question and not one of public health.

I earnestly urge that this Conference endorse a study, in the fullest sense, of professional pharmacy. The legal significance of such a study will be profound. It will result in placing pharmacy firmly in the group of public health agencies. It will substitute facts for opinion. It will supply authoritatively the data from which a sounder legal status may be brought about, and from which professional pharmacy may be more intelligently developed.

"The need of reasonable restrictions in the sale of Drugs and Medicines" was presented by Mr. Walton in the absence of Mr. Woodside. Reference was made to their legislation and same was discussed by Messrs. Funk, King, Swain and Judisch.

"Enforcement¹ of the Kentucky Pharmacy Law by Injunction" was presented by Mr. Wilhelmi of the Kentucky Board, and he presented a decision of the Kentucky Court of Appeals sustaining the Board of Pharmacy. There was a demand for copies of the Court's decision and the Secretary promised members of the Conference, he would supply them. Editorial reference will be found in August JOUR. A. PH. A., pages 739-740.

Mr. Monroe of Florida explained their method of pharmacy law enforcement and discussion was entered into by Messrs. King, Judisch, Wilhelmi, Walton, Funk, Oslin, Schaefer, Hayman and McCullough. Mr. Walton suggested information be gathered showing pharmacy-law violations for different offenses.

Upon motion of Mr. Walton, seconded by Mr. Oslin, the Chairman was authorized to edit the report of the Conference meetings for publication.

Upon motion of Mr. King, seconded by Mr. Judisch, the Chairman and Secretary were authorized to act in regard to publishing and distributing the reports of the Conference meetings.

Upon motion of Mr. Judisch, seconded by Mr. Schaefer, the Chairman and Secretary were authorized to decide on the advisability of securing some sort of newspaper clipping service.

Report of the Committee on Nominations was made by Mr. Walton as follows:

Chairman, R. L. Swain; *Secretary and Treasurer*, M. N. Ford; *Delegate to the House of Delegates*, Clair Allen.

Upon motion of Mr. Walton, seconded by Mr. Judisch, the report of the Committee on Nominations was adopted and the officers duly elected.

¹ See appended paragraphs—end of Minutes.

Chairman Swain announced the reappointment of Messrs. Gilbert, Fischelis and King as the Finance Committee.

Mr. Walton proposed the Conference have a set of By-Laws submitted for the next annual meeting and the Chairman appointed Mr. Walton, a committee of one, to present same.

Upon motion of Mr. King, seconded by Mr. Walton, the Conference adjourned.

R. L. SWAIN, *Chairman*.

M. N. FORD, *Secretary*.

NOTE: Since the Miami meeting, the Conference has distributed multigraphed copies of the following court decisions:

Commonwealth ex rel., Attorney General *vs.* Brown, decided by the Kentucky Court of Appeals, May 22, 1931.

This decision dealt with the enforcement of the Pharmacy Law by Injunction.

Stanley J. Hagues *vs.* New York State Board of Pharmacy, decided by the Supreme Court of Oneida County, New York, April 6, 1931.

This decision upheld the constitutionality of the New York Pharmacy Ownership Law.

State of Minnesota *vs.* F. W. Woolworth Company. Decided by the Minnesota Supreme Court, July 17, 1931.

This decision established that Milk of Magnesia can be sold by registered pharmacists only.—R. L. S.



Pharmacy Week window of L. S. Williams, Baltimore; it is an educational exhibit and many items of historical interest are displayed. Mr. Williams is a former president of Maryland Pharmaceutical Association; he is said to have the largest individual collection of show globes in this country.

Joyful Christmas and a Prosperous 1932.