

CONFERENCE OF PHARMACEUTICAL LAW ENFORCEMENT  
OFFICIALS.ABSTRACT OF THE MINUTES OF THE MEETING HELD IN MIAMI, THURSDAY, JULY 30TH AND FRIDAY,  
JULY 31ST.

The First Session of the third annual meeting of the Conference of Pharmaceutical Law Enforcement Officials was convened by Chairman R. L. Swain, at 9:30 A.M., July 30th, in Remington Hall. Those present were: W. E. Bingham, Alabama; E. D. Oslin, Arkansas; Arthur D. Baker, Colorado; C. T. Gilbert, Louis Montanaro, Connecticut; W. M. Hankins, H. R. Monroe, Norman C. Edmondson, Wm. E. Fossett, M. H. Doss, Florida; John A. J. Funk, Russell Rothrock, F. V. McCullough, Indiana; George Wilhelm, Kentucky; R. L. Swain, Maryland; J. W. Dargavel, Minnesota; George W. Mather, Hugo H. Schaefer, Jacob Diner, F. C. A. Schaefer, New York; E. V. Zoeller, North Carolina; P. H. Costello, North Dakota; F. H. King, M. N. Ford, Ohio; D. F. M. Lemore, Oklahoma; L. L. Walton, Pennsylvania; Rowland Jones, South Dakota; Lester Hayman, West Virginia.

Chairman Swain delivered his address and upon motion of Mr. Oslin, seconded by Mr. Walton, same was accepted and received for publication. It follows:

## ADDRESS OF THE CHAIRMAN.

## THE NEED FOR A SOUND LEGAL AND PROFESSIONAL POLICY.

BY ROBERT L. SWAIN.

Many important developments of the past year have greatly enhanced the value and appreciation of law enforcement. It is recognized, perhaps as never before, that the security of society finds its chief assurance in the law, and the integrity of the law depends upon the reaction of the public mind. The relationship existing between law and society has been accepted as a basic factor in both legal and social policy. It is from this point of view that the past year was a notable one. During this period many important experiments and studies were carried out to measure and determine the significance of the relationship between society and the laws which society recognizes. There have been serious efforts made to note the public reaction to law, and to measure and evaluate the social effect of specific legislation. The Wickersham Committee has carried on an important study to determine the significance of national prohibition and to discern, if this be possible, the legal and social consequences of this new national policy. The Institute of Law at the Johns Hopkins University has been engaged in subjecting the law to the critical, analytical gaze of the scientist and research worker. The Institute of Public Affairs of the University of Virginia brought together an impressive array of social and legal scholars who gave much time and attention to problems of profound legal and social importance. The decisions of the Supreme Court have been considered of more than usual significance. Close students have discerned a distinctly liberal tendency in the opinions of the Court. This tendency or viewpoint may be strongly prophetic of a more liberal attitude in the development of the law as a whole. While it may be too optimistic to state that we are witnessing the development of a new national philosophy in meeting social needs, it is true that these needs have been given very earnest study and consideration. In my own State of Maryland, there has been brought about a state-wide organization of the states' attorneys for the purpose of making the law effective and for pointing out the legal defects of the present system, the thought being to evolve a legal system conforming to and expressive of the accepted social standard. These various movements are of much more than casual significance. They indicate an earnest effort on the part of earnest men to meet seriously the many legal, social and economic problems, which now challenge the integrity of our national institutions.

It would thus seem that the establishment of this Conference of Pharmaceutical Law Enforcement Officials is in line with the accepted thought of the day. If the broad study of legal problems is to be effective, it must be supported and paralleled by detailed studies of the many endeavors in which society is concerned. The more that is learned of the social value of a calling, the more intently we delve into the public significance of an undertaking, the more competent we

are to direct and develop it in the public interest. Then again, each undertaking presents a specialized phase that can be dealt with effectively only by those whose experience and training have made them competent for the task.

In approaching our problems and in seeking to meet them in the best possible manner, I think we should bear in mind always the public aspects of pharmacy. It is my firm belief that we are fast approaching a more intelligent public interest in the public value of pharmaceutical practice. I believe the public is beginning to more fully appreciate the real significance of the service which pharmacy renders. The public will become much more exacting and discriminating as its knowledge of drugs and medicines increases. The law will become the medium through which this discrimination will be made effective. It seems to me that this knowledge of public value and public interest should be kept in mind as a basic factor in the work of this Conference.

This Conference was designed to serve an essential purpose in the field of pharmacy. It was meant to be a force of coöperation and coördination. It was intended to serve as a clearing house for the many problems of fact and law which are encountered in the enforcement of pharmacy laws, and to become the source and inspiration of new pharmaceutical legislation. It should be remembered that this body represents public authority, and is composed of men engaged daily in applying definite legislative enactments in the name of the state. It follows obviously that the members of this Conference are familiar, in detail, with conditions in their own states, and conversant, in a general way, with conditions throughout the country. Our work should place us in a position of leadership so far as this specific field is concerned. All of us come into practical contact with practical conditions. We know the conditions which the law is designed to remedy, and we know the defects which inhere in the laws themselves. A vast experience, speaking collectively, is ours, and we should rely upon it and draw upon it as liberally as the necessities of the present demand in attempting to meet the problems which confront pharmacy to-day.

One of the difficulties in the way of effective enforcement arises from the fact that the laws themselves have not been carefully thought out, and thus have not been designed to meet a real public need. Too frequently, the real and only purpose of the law has been to develop trade advantages. The result is that pharmacy laws present many diverse phases. Uniformity in principle has not been achieved, and this arises from the absence of any deep rooted policy. That the result has not been altogether satisfactory, either from the public or the professional point of view, is easily read in the conditions with which we have to deal. My own view is that most of the problems which so deeply concern pharmacy are due to the failure of pharmacy to properly place its relationship to the public, and then to formulate its legal and professional policy upon those principles which contribute most to the public interest.

It is in this phase of the matter that I think this Conference finds its greatest inspiration and responsibility. As we as individuals come close to the source of the law, both from the legislative and administrative points of view, it is our responsibility to formulate a legal policy which will afford the maximum of protection to the public, and which at the same time will afford the widest limitations for the development of pharmacy as a dominant force in public health. It should be our duty to grasp the public appreciation of pharmacy and to crystallize it into certain legal principles, and to weave it into the very fabric of our professional obligations. It should be our duty to develop a pharmaceutical policy which will vitally touch the public.

Such a policy should be made the basis of our legal development and professional practice. Our pharmacy laws should be made expressive of the public health service which pharmacy renders. They should be based on a recognition of a public service, and should be so formulated as to serve the widest public need. The full responsibility of making drugs and medicines available to the public should be vested in the pharmaceutical profession, and the profession should be held to a strict accountability. Pharmacy should take in every form of manufacture, production and distribution. The whole drug field should be carefully surveyed, and every portion of it made safe in the public interest.

The logic of such a policy is compelling, once the significance of drugs and medicines is understood. The ultimate purpose of drugs and medicines is for the treatment and prevention of disease. And this is as true of the so-called simple remedies as it is of the more complex chemical compounds. Each and every one is designed to meet a serious need. It may well be that the designation "simple remedies" is most misleading when viewed in the light of the use to be made of them. My whole contention is that we have not sensed, in the fullest, the significance of

pharmacy. Even our view has been too casual, too much a matter of fact. In taking things for granted, we have largely missed the mark. There is no portion of the field of drugs and medicines that can be regarded as of no importance to public health. Pharmacy has a most direct relation to public health. The public health will be more amply protected by giving to the pharmaceutical profession control over this important matter.

Obviously, there are difficulties in the way, but these difficulties, it may be discerned, do not arise from any defect in the policy which I suggest. The difficulties are purely economic, and, being so, will yield to the pressure of public opinion once the public becomes aroused to the real importance of pharmaceutical practice.

In formulating the necessary policy, I should say we should give concern to the following points: A thorough survey should be made in each of the states for the purpose of ascertaining authoritatively the nature, scope, extent and value of pharmaceutical practice. Pharmacy should be given the responsibility of manufacturing, producing and distributing drugs and medicines, including all pharmaceutical preparations and proprietary medicines. In those cases where public convenience would require exceptions to the general rule, the nature and extent of the exceptions should be in the hands of the profession. An unceasing effort should be made to restrict the ownership of pharmacies to registered pharmacists. The practice of pharmacy should be regarded as an individual and personal practice. It should be regarded as imposing personal responsibility, the assumption of which by corporate or other business interests should be construed as inimical to the public good.

Such a policy would insure the maximum of protection to the public. It would also afford the widest opportunity for the development of pharmaceutical practice. It would be peculiarly consistent with the demands of public health by excluding the ignorant and untrained from producing and distributing drugs and medicines. Certainly a due regard for the public interest demands that every phase and aspect of the remedies used in the treatment and eradication of disease shall be rigidly controlled. Entrusting any portion to the untrained is simply to expose society to unwarranted danger. I frankly feel that much of our present-day difficulties has come from failure to delve deep enough into this subject. There should be a coördination of all pharmaceutical activities, and these should be directed and developed in the public interest. Our policy should be so elastic as to include all phases of pharmacy, and so rigid as to regard the public interest as its chief concern.

Of course, it can be said that this policy is too ideal to be practical. On the other hand, I prefer to view it as so practical as to be ideal. Certainly no one can contend against placing the responsibility for the medical phases of public health with the medical profession. The sanitary engineer is obviously best fitted to deal with matters of sanitation and hygiene. In other words, the public health is best served by placing responsibility with those fitted by training and experience for the task. The view with regard to drugs and medicines has been largely the opposite. The thought seems to have been that safety and due regard for the public interest is consistent with certain conditions more or less general in the production and distribution of drugs and medicines. The trouble is that the public interest is not, and has not been the controlling consideration even in the pharmaceutical point of view. The problem is largely an educational one. The public interest is present, and needs to be recognized in clearest perspective.

Another phase of the subject is to be found in the fact that law enforcement is an equalizing and stabilizing influence. By requiring all concerned in the production and distribution of drugs and medicines to conform to the same legal requirements would do much to eradicate many abuses which are, in reality, unfair business practices. Competition is most serious when it arises between groups meeting different standards but operating in the same field. This has been amply illustrated in the field of retail distribution. Many troublesome conditions have arisen simply because some groups have been able to profit through discrimination and unfair business methods. While, in theory, the protection of the law has been available to all, in practice, the law has been most effective in making this protection unavailable. Thus, it would seem that a sane and intelligent enforcement of laws, arising from a sound and deep rooted policy, would not only advance pharmacy in the field of public health, but it would be equally effective in bringing about a more wholesome reaction to questions of great commercial and economic importance.

In conclusion, I strongly recommend that this conference retain the closest affiliation with the AMERICAN PHARMACEUTICAL ASSOCIATION. All that the Conference stands for has been

recognized and sponsored by the AMERICAN PHARMACEUTICAL ASSOCIATION for many years. In the ASSOCIATION, the need for adequate pharmacy laws was first recognized. The ASSOCIATION has long been the foremost champion of sound educational development. It has taken a distinguished part in the establishment and maintenance of high standards for medicinal preparations. It has been always devoted to the development of pharmacy as a potent force in public health. The ideals of this Conference can be no less than the ideals of the AMERICAN PHARMACEUTICAL ASSOCIATION. The ASSOCIATION's environment is peculiarly appropriate to the growth of the ideas which this Conference must nurture and develop.

Secretary Ford submitted his report which also included recent pharmaceutical legislation. Upon motion of Mr. Lemore, seconded by Mr. Funk, the report was accepted with the thanks of the Conference for the work involved.

REPORT OF THE SECRETARY.

BY M. N. FORD.

Since our last meeting, your Chairman has been quite busy directing the Secretary what to do for the good of the Conference.

The October 1930 issue of the JOURNAL, published an abstract of the minutes of our Baltimore meeting and by direction of Chairman Swain, we mailed on December 11, 1930, 282 reprints of the minutes of the Conference to all state board members and others interested in pharmaceutical law enforcement.

On March 6, 1931, the following letter and questionnaire were sent to all the state boards of pharmacy:

Columbus, Ohio, March 6, 1931.

DEAR MR. SECRETARY:

Chairman Swain of the Conference of Pharmaceutical Law Enforcement Officials, has requested me to collect information from all states as to what drugs and preparations may be sold by persons other than registered pharmacists.

In order to compile this important information for the Conference, I would kindly ask you to fill in the enclosed sheets the best you can, with any other information on the subject you deem necessary and return to me as soon as possible.

This being general legislative year, I would like for you to assume the responsibility of forwarding to me, copies of all bills introduced into your legislature having any reference to pharmacy, medicine or public health.

In behalf of the Conference, we shall appreciate your cooperation.

(Signed) M. N. FORD, Secretary.

STATE OF.....

1. What Department of State enforces the following laws:

- a. Pharmacy.....
- b. Poison.....
- c. Narcotic.....
- d. Pure Drug.....
- e. How many Inspectors employed for the above.....
- f. How many inspections were made during the year 1930 for the above.....
- g. How many prosecutions during the year 1930 for the above.....
- h. How many drug stores in the State.....