

JOINT SESSION OF THE SECTION ON EDUCATION AND LEGISLATION,
A. PH. A., CONFERENCE OF PHARMACEUTICAL LAW ENFORCE-
MENT OFFICIALS AND CONFERENCE OF PHARMACEUTICAL
ASSOCIATION SECRETARIES.

ABSTRACT OF THE MINUTES HELD IN MADISON, WIS., AUGUST 31, 1933.

The meeting of the Section on Education and Legislation, Conference of Pharmaceutical Law Enforcement Officials, and Conference of Pharmaceutical Association Secretaries, convened August 31st, at 8:00 P.M. The meeting was called to order by Chairman R. L. Rivard, who suggested that reports on enacted and proposed legislation affecting pharmacy in various states be taken up. This idea was carried out.

Alabama.—W. E. Bingham stated that at the Toronto meeting he had made a report on legislative happenings and there had been no regular meeting of the Alabama Legislature since that time. He said further that three years ago the Department of Agriculture had charge of the state inspectors and paid all expenses and salaries, but when the depression came on these expenses were thrown back on the Board of Pharmacy. Two special sessions of the Legislature were held; the first, to create an income tax and place a special sales tax on drug stores; the sales tax was defeated but the income tax was passed. The latter was submitted to the people and it was killed by them. Another special session considered an income tax and a joint sales tax which applied to everybody. Through combined efforts of the druggists and others the bill was defeated; later, an income tax was passed.

Colorado.—Charles J. Clayton reported for Colorado, in part as follows: There was no legislation during the regular session of the Colorado Legislature and everything espoused by the drug trade organizations was successful; no sales tax was imposed. A "Junior Capper-Kelly" bill became a law; this was introduced by the Retail Merchants Association of Colorado, the membership of which is chiefly made up of grocers; success of the "Anti-Discrimination" bill was due to the same activities. Colorado druggists espoused and secured the passage of a bill forbidding the use of "Drug Store" or "Pharmacy" signs at or on places which are not licensed pharmacies by the Board of Pharmacy. A bill was passed under which others than pharmacists may sell certain specified drugs in original packages, in places located more than five miles from a licensed pharmacy—a license fee of five dollars per year is imposed for this privilege. A new alcohol law was passed, which liberalizes the conditions under which alcohol may be sold at wholesale, but forbids its sale at retail, except as a component part of some manufactured article which is unfit for beverage use.

The sale of beer in bottles, not to be consumed on the premises, was authorized at the regular session, and at a special session, held in August, this was amended to permit the sale of beer on draught, in any place that is willing to pay the license fee.

Georgia.—Robert C. Wilson reported for Georgia as follows:

A prerequisite law was passed which will require graduation from a generally recognized School of Pharmacy plus one year of drug store experience.

In the reorganization of the State Board of Health two pharmacists and two dentists along with physicians now compose the Georgia State Board of Health.

The "Uniform Narcotic Law" passed the Senate but was not acted upon in the House, largely due to the fact that physician members of the House blocked it until too late in the session to have it put on the calendar.

A bill was introduced prohibiting the sale of barbituric acid compounds or derivatives and other hypnotics except on physicians' prescriptions, but this failed of passage.

An additional ten per cent tax on cigars and cigarettes to an original ten per cent was defeated.

A tax of twenty-five cents per gallon on soda water syrup was defeated.

Maryland.—Robert L. Swain, reporting for Maryland, said that the Legislature had a very hectic session. A matter of early prominence was the financial status. A general sales tax was proposed which later was dropped and a commodity tax was discussed; finally, there was no sales tax passed and there was also a substantial decrease in state taxes. He referred to conditions in Maryland in saying that its bonds were sold at the highest price of any state bonds in recent

years. A chain store tax, modeled on that of Indiana, was passed; a maximum of \$150 is imposed when a chain reaches a total number of twenty stores. There was considerable opposition but, finally, it was passed almost unanimously in the House, only five votes against it, and the Senate passed the bill unanimously.

The Uniform Narcotic bill was presented. The speaker gave an historical account of this model. He referred to a meeting with the Committee in charge of the measure, at which time it was pointed out that the proposed measure was unsatisfactory. However, it was approved by the American Bar Association and the bill submitted in due course in about forty states. As soon as it was introduced in Maryland a conference was arranged, at which time it was emphasized that certain specific amendments were necessary before the bill would be acceptable to the drug group. It became evident that an effort was being made on the part of the Federal Commissioner of Narcotics to have the bill passed in Maryland as a proving ground. At the hearing on the bill the Federal Commissioner of Narcotics and his legal staff were present; the Maryland organizations voiced their objections; the members of the Medical Society voiced their protest and also the American Dental Society and the State Board of Health of Maryland. The hearing evidenced that the bill was hopelessly defective and the net results would be a great burden on druggists and others who were charged with prescribing and dispensing of narcotics. The bill was finally defeated; only nine states out of the forty in which it was introduced passed the measure. The speaker stated that the Federal Narcotic Commissioner is still working on the bill with the hope of making it more acceptable.

It was provided by the Maryland Legislature that druggists cannot sell beer in any form. A separate bill was enacted for the city of Baltimore, and another for the other part of the state. The Solicitor for the city of Baltimore had requested an interview with Dr. Swain, who informed the solicitor it would be a mistake to have drug stores handle beer; the latter was pleased with the stand taken by Dr. Swain. During the course of discussion in the Legislature the members of the drug group voiced their opposition to the sale of beer in drug stores, and the Governor accepted of provisions recommended by them.

During the year the Attorney General ruled that automatic vending machines could not be used for vending drugs. A copy of this opinion was sent to the secretary of the Conference of the Law Enforcement Officials and to the secretaries of the various State associations. Quite a number of states passed similar laws, prohibiting the vending of drugs by means of automatic vending machines.

Massachusetts.—Carl G. A. Harring stated that a Massachusetts bill prevented stores other than registered drug stores from displaying signs which indicated that they were registered drug stores, if they were not. It was defeated in the Senate. A bill was introduced which provided that insulin was to be given to every one who wanted it; this bill was defeated by the Board of Health. Another bill proposed a beverage tax by which it would have become necessary to keep account of all sales and tax paid. The bill was defeated. The "Uniform Narcotic" bill was introduced; it was defeated.

Michigan.—M. N. Henry reported for Michigan. He stated that much legislation was proposed by druggists but little enacted. A bill was introduced prohibiting the sale of drugs in other than drug stores; after considerable discussion the bill was defeated. It is contemplated to bring the bill back into the Legislature this year. A bill was proposed to cut out the *per diem* of members of the various Boards in Michigan. A "Paregoric" bill was introduced and this also was killed.

A chain store tax for a chain of over three stores was passed, but vetoed by the Governor and passed over his veto. A sales tax was passed and this is a great nuisance. The average druggist is only able to collect about one-half the tax. Another bill was the Trades Practice Bill which provided that a chain must have uniform prices all over the state for each article; this was defeated.

Pennsylvania.—C. Leonard O'Connell stated that they had some trouble with the Revenue Department in having prescriptions exempted from the Mercantile Tax. This required that the Mercantile Tax Law had to be amended and while there was some difficulty it finally was amended and signed by the Governor.

M. N. Henry, speaking for Michigan, stated that a bill was passed which provides that "Assistant Registered Pharmacists" after five years may become full "Registered Pharmacists."

Robert L. Swain referred to the Pennsylvania matter spoken of by C. Leonard O'Connell. He said that this was probably due to the terminology. It is much better to speak of prescription practice than prescription business.

Indiana.—F. V. McCullough stated that a tax of one-fourth of one per cent had been placed on gross receipts.

West Virginia.—J. Lester Hayman stated that the druggists had been very successful and had received, practically everything asked for. The Governor called a special session of the Legislature for raising revenue. After a 5-weeks' fight the session ended without revenue enactment. A bill was prepared prohibiting sales of drugs by vending machines, which was passed. A compromise on a sales tax resulted in a tax of three-fourths of one per cent. A bill providing for registered drug stores was passed after considerable effort. A chain store tax, maximum of \$250 for each store over seventy-five and \$2 for an individual, was passed. A bill providing for a 50 cent tax on whiskey and an annual tax of \$10 for the sale of medicinal wines was passed.

Texas.—Walter D. Adams stated that there was not much to report from Texas. There was a slight change in the State Narcotic Law sponsored by the State Medical Association.

There was trouble, because the Attorney General declared that part of the law by which the State Pharmacy Board collected the state registration money and turned it over to the State Association was unconstitutional. Attorneys were employed and, finally, they were convinced that if it was not turned over to the State Association it should be returned to the individuals. The Attorney General, later, ruled that the law was constitutional. About \$9000 was involved; a test case was made and the druggists won out.

Indiana.—F. V. McCullough stated that the Indiana Legislature continued in session for about 100 days during the past year. The "Uniform Narcotic Bill" was introduced, but it was finally killed in the Senate. It was reintroduced and the bill was turned over to an attorney of the Medical Association and Mr. McCullough was asked to assist in rewriting the bill. The objectionable features were cut out and the bill passed in that way. A poison bill brought about considerable publicity on account of a poison case in Indiana at that time. The bill passed the House but was killed in the Senate.

A bill permitting the sale of beer in drug stores is in effect and in some stores it is being sold; in his opinion, it would have a demoralizing effect on the drug business. An attempt will be made at the next session of the Legislature to prohibit the sale of beer in drug stores. A license tax has been imposed for the sale of whiskey and a tax of 25¢ a pint. A chain store tax bill was passed requiring a payment of \$3 for individuals and \$5 for chains.

South Dakota.—Rowland Jones reported that the grocers endeavored to have more privileges in selling drugs and had a bill introduced permitting the sale of patent and proprietary medicines as well as household remedies. After considerable discussion, household remedies were eliminated and the license fee was raised to \$3 for the sale of patent and proprietary medicines. Wholesale houses encouraged a number of vendors selling patent medicines, but as the grocers could not sell these most of the goods were returned. A gross income tax was passed and one-half of one per cent for manufacturers and one-quarter of one per cent for wholesalers. This has raised a large amount of money and created quite a good deal of criticism. The cigarette and cosmetic taxes were defeated.

New Jersey.—R. P. Fischelis stated that following some rather sad experiences in obtaining legislation, it was found preferable not to amend an existing statute as it gives the legislators a chance to amend in a way that is undesirable. If the amendment does not go through as wanted, the existing law is lost.

In New Jersey they had found it wiser to supplement with a new act. The first law passed by the present Legislature provides that prescriptions are to be compounded only by registered pharmacists; that a prescription bear the name and address of the customer and be kept on file. In order to substitute ingredients of a prescription the consent of the patron must be given.

Another supplement is the "Barbituric Law." Products included in this law may not be sold at retail except on prescription and under the direct supervision of registered pharmacists.

The Pharmacy Board now has to rule on several points of this law and information is being obtained from manufacturers. A question has come up as to whether prescriptions of that type can be renewed unless advised by the physician. The matter is now before the Attorney General for ruling. Legislation has been responsible for bringing together the various professions

and among these the inspectors' consolidation bill which brings all the boards under one unit. It has been presented several times during the past ten or fifteen years and came very nearly to adoption about three years ago. The Governor asked the president of Princeton University to conduct a survey on the consolidation of state institutions with a view to economize. This was hurriedly done and a great many statistics were used that did not apply at the present time. One of the recommendations made was that the professional boards be consolidated and a conference was had on the proposal. Formerly, the expenses were paid out of the money taken in by the Board but now it has been suggested that the money raised be turned into the fund and an appropriation made to the Board of Pharmacy. A former Attorney General was employed and finally it was agreed that the items be included in the budget, but that the Board be allowed to spend the money as collected and this has worked out very well. Support has been given by the professional groups.

Relative to the "Uniform Narcotic Bill," the editor of the *New York American* conferred with a group of professional people and told them he was going to have the bill introduced by the president of the Senate. Secretary Fischelis called a meeting of drug groups and some changes were proposed, but before these could be printed the bill had been passed. He commented, that this shows the power that is wielded by a large Metropolitan newspaper.

The beer legislation was so worded that local communities could arrange the sale and, as far as he knew, none of the drug stores were selling beer. An opinion was given by the Attorney General prohibiting the sale of drugs by automatic vending machines.

The Legislature is still in session (at this time). A bill was introduced providing that insecticides could only be sold by registered pharmacists.

In speaking of the Pharmacy Board as the sole regulatory body for pharmacy, Dr. Fischelis said that it seemed to him that if these various laws are to mean anything at all, they cannot be left in the hands of county or state officials. They must come under the state boards as these boards are the only bodies qualified to enforce the law. If it is under the State Board of Health a pharmacist should be on the Board, otherwise the Pharmacy Board should have supervision. He thought it was very important for protecting the health of the public. Local officers and district attorneys could not be depended upon to enforce these laws. In New Jersey there is a working arrangement with the Board of Health and in cases of adulteration the Board prosecutes on the ground of protecting public health.

Under the Narcotic Law, the matter of enforcement was left blank as the Board did not desire this work, it being a duty for detectives and not for pharmacists. The Board also did not have the necessary money and considerable money is required for enforcement. Enforcement of laws should be in the hands of those who are qualified.

J. W. Slocum asked why the State Board of Pharmacy bothered with the narcotic act. In Iowa it was left to the Federal government.

Secretary Fischelis said that they had a different proposition to contend with than those of an inland state. There was considerable forging of prescriptions and the reason for the state narcotic law was to give help to the Federal government.

F. V. McCullough stated that the Indiana Board of Pharmacy asked him to advise druggists who violated the narcotic law and warn them. The Federal narcotic inspectors informed him that there had been a number of violations and forging of prescriptions. They had the names of a number of violators who had ordered large amounts of paregoric shipped into the state.

W. H. Rivard stated that in Rhode Island the narcotic law is enforced by Federal officials and that there is little traffic in narcotics and practically no forging of prescriptions.

Connecticut.—A legislative attempt to restrict the opening of drug stores was read by Miss Garvin in the absence of Mr. Beirne, the author. A very brief abstract of this report is given in the following:

It was stated that pharmacists of Connecticut endeavor to pass laws which will serve the future—laws that will benefit the public and majority of druggists. Opposed to class legislation, the druggists of Connecticut consider the interest of the many instead of the few and these thoughts guided them in their legislative efforts during the year. A law was enacted making it illegal to exhibit within or without a store, or advertise by any name that a place of business is a pharmacy, unless a registered pharmacist is the owner or manager. A fine of \$200 or thirty days in jail is imposed for violation. A law was passed permitting the sale of certain medicines in stores other

than pharmacies that are distant from regular pharmacies. A tax of \$10 is imposed for this privilege in cities of over 5000 population and in small towns a fee of \$3 is exacted. Under the new regulations the number of stores dealing in drugs and medicines, outside of pharmacies, will be reduced by one-half or more.

A bill was introduced and passed providing for a fee of \$200 for the opening of a new drug store in Connecticut. The bill reads, in part, as follows:

"Any licensed pharmacist, or any person, firm, or corporation employing a licensed pharmacist in a pharmacy, may apply to said commission for a license to sell at retail drugs, medicines and poisons to be used in compounding medicines, and to dispense at retail medicines compounded from prescriptions of physicians, in a pharmacy owned or managed by such pharmacist, or owned or operated by any such person, firm or corporation, provided the pharmacy shall be under the supervision of a licensed pharmacist. Said commission shall grant such pharmacy license when the registration shall be for a new pharmacy on the payment of a fee of \$200 and upon satisfactory evidence to said commission that such pharmacy will be conducted in accordance with the rules and regulations of said commission. Renewals of such licenses shall be granted for a period not to exceed one year upon the payment of a fee of \$1. When an established pharmacy shall be moved to a new location, it shall be considered a renewal."

Comment was made on this measure in the following.

A fee of \$1 had been enacted in Connecticut for the opening of a new drug store. This encouraged the opening of stores that were unnecessary. In passing the new bill officials of the State Department of Health and the State Medical Society were very helpful. The distinction will be noted of a new store and one that has been licensed, when a pharmacy is moved from one location to another the fee of \$1 is in force, but if a new pharmacy is opened the \$200 fee is required. The bill provides that evidence must be given to the Board of Pharmacy that the location of such a new store is necessary. Heretofore the Board of Pharmacy issued registration certificates to ten or twelve new stores annually, since the new law has become effective only one store has been registered.

Relative to the sale of liquor, anyone who desires to engage in its sale must show his fitness to the Board of Pharmacy; this evidence must also be submitted to the Liquor Control Commission; to a certain extent this also applies to the right of opening a new drug store. The druggist's permit allows the use of alcoholic liquors for the compounding of prescriptions and for the manufacturing of U. S. P., N. F. and other medicinal preparations, provided they are not to be used for beverage purposes, but it does permit, under regulations, the sale of alcoholic liquors in quantities of not more than 1 quart and prohibits the drinking of alcoholic liquors on the premises of any drug store. It will be seen that proper distribution of drug stores rests largely with the Board of Pharmacy and the State Liquor Control Commission. It will not be such an easy matter to open up a new pharmacy because of these restrictions and also because of the \$200 tax for the opening of a new store. No applicant who has been in serious conflict with Federal regulations will be eligible for a certificate.

It was stated that copies of the Connecticut legislative program can be obtained by addressing Hugh P. Beirne, chairman of the legislative committee of Connecticut Pharmaceutical Association, 615 Howard Ave., New Haven, Conn.

R. C. Wilson said that an important question was involved in the report by Mr. Beirne. The beer question has brought about considerable discussion and trouble as to its sale in drug stores and this applies also to the sale of liquor.

W. H. Rivard stated that, as far as he knew, there was no other agency contemplated for the sale of any alcoholic liquors, excepting in drug stores.

Ralph W. Clark said there had been trouble with the beer question in Wisconsin. Quite a few druggists want to sell beer and many are now selling bottled beer, but there is a provision of the law which provides that beer cannot be cooled in the place of sale. The cigarette and cosmetic taxes were defeated. There was considerable discussion over allowing assistant pharmacists to become fully registered pharmacists without examination. It passed the Legislature but was vetoed by the Governor. It is understood that the bill will come up again in the special session.

Due to economic conditions the pharmaceutical experiment station was practically wiped out. It was expected that the appropriations would be drastically cut, but it was hoped that the

station could be kept up. The hectic session of the Legislature brought out coöperation among the druggists that had not obtained before.

Rhode Island.—W. Henry Rivard stated that no drastic legislation was passed in Rhode Island. No sales tax was passed and the law regarding assistant pharmacists was strengthened. Provision permitted assistant pharmacists to become fully registered, which after considerable difficulty was vetoed. Such a measure is apt to come up again. An effort is being made to increase the membership of the State association.

John P. Jelinek said that in Minnesota an effort was made to register pharmacists without examination. The Board of Pharmacy had a conference with the committees of both houses and compromised. It was agreed that a special examination would be held and those passed would be registered pharmacists under the Act. Two examinations were held and about 140 were passed.

W. H. Rivard said that under the law of Rhode Island there can be no further registration of assistant pharmacists. Provision has been made for students in the three-year course until 1936 and for professional men who have been in business since July 1931, to become registered until 1936. Anyone who has been in the drug business for ten years as assistant pharmacist may become a fully registered pharmacist without examination.

South Carolina.—J. M. Plaxco stated that in South Carolina all the nuisance taxes had been proposed. The legislative committee spent the entire session killing two general sales taxes and one other was to give physicians the right to fill prescriptions on their own premises.

Mrs. Fayette Philip said that many bills were introduced in California relating to pharmacy.

R. L. Swain made a motion that this conference of the Section on Education and Legislation, the Conference of Law Enforcement Officials, and Pharmaceutical Secretaries be continued at future meetings. This was seconded and unanimously carried.

Secretary Kelly expressed his thanks to the officers and those who had prepared the program and his regret, because he had not been able to attend the entire meeting.

On motion duly seconded and carried the meeting was adjourned.

REPORT OF THE 11TH ANNUAL MEETING OF THE PLANT SCIENCE SEMINAR.

BY F. J. BACON, SECRETARY-TREASURER.

The Plant Science Seminar held its 11th annual meeting in Madison, Wisconsin, at the Chi Omega House from August 21 to August 25, 1933. Chairman William B. Day presided at the regular sessions. According to the usual custom the program was divided into scientific sessions, field trips and special lectures on subjects of interest to pharmacognosists.

After registration and a short business session the Seminar visited the University of Wisconsin Medicinal Plant Garden. Dr. W. O. Richtmann conducted the group over the garden and explained the development of the garden from the very modest beginning on the University campus to the present location on University Drive. The plants cultivated and the methods of cultivation employed by the Garden were explained in detail.

At eight o'clock Dr. M. E. Diemer, Director of the Diemer Photographic Laboratories, gave a lecture on Wisconsin wild medicinal plants illustrated with colored lantern slides. The specimens were photographed with color plates in their native habitats and the slides prepared in true color. This beautiful presentation of familiar plants was greatly appreciated by the Seminar people.

Mr. Leroy D. Edwards, of Western Reserve University, School of Pharmacy, presented a paper on "A Study of *Cimicifuga racemosa* (L.) Nutt." The author discussed the methods employed in the treatment of the drug and the results obtained. Sucrose was isolated from the drug. No alkaloid was obtained.

Dr. Heber W. Youngken presented the results of his latest work on Psyllium Seed. Specimens of many varieties of Psyllium were discussed, and the histology and identification of the so-called "Adex Psyllium" as the fruits of *Lallemantia royleana* Benth. Dr. Youngken illustrated his talk with specimens and drawings and pointed out the danger of using the *Lallemantia* fruits as a substitute for Psyllium Seed.

Dr. B. V. Christensen, of the University of Florida College of Pharmacy, presented an illustrated lecture on the "Planning and Development of a Medicinal Plant Garden." Dr.