

Section on Education and Legislation

Papers Presented at the Sixty-First Annual Convention

PHARMACY LAWS PROPOSED, ENACTED OR AMENDED DURING 1912-1913.*

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AMENDMENT TO CONNECTICUT PHARMACY LAW.

Section 1. Section twelve of chapter 216 of the public acts of 1909 is hereby amended to read as follows: Said commission shall have power to investigate all alleged violation of the pharmacy law and all laws relating to the dispensing or sale of drugs, medicines, intoxicating liquors under a druggist's license or poisons, or the practice of pharmacy, which may come to its notice, and when there appears reasonable cause therefor, and on reasonable notice to the person accused of such violation, to take and hear testimony with reference thereto; to bring the same to the notice of the proper prosecuting authorities, or said commission may further examine into all cases of alleged abuse, fraud, or violations of the laws relating to the sale of intoxicating liquors and incompetence and may suspend the license of any licensed pharmacist or assistant pharmacist, and may revoke the license of any person convicted of violating any provision of this act.

Sec. 2. Section sixteen of chapter 216 of the public acts of 1909 is hereby amended to read as follows: Nothing herein shall prevent a practicing physician from compounding or dispensing his own prescriptions; or prevent the sale of insecticides; or prevent the sale of patent or proprietary medicines which do not conflict with the act concerning the sale of narcotic drugs; or prevent the sale of any drugs, medicines, or poisons at wholesale; or prevent any person from becoming a partner in or the owner of a pharmacy conducted by a licensed pharmacist; or prevent any keeper of a country store from keeping for sale and selling such domestic remedies as are usually kept and sold in such stores, except the following, viz.: Opium, morphine, and all other derivatives of opium, preparations containing opium in excess of two grains per ounce or morphine in excess of one-fourth grain per ounce, carbolic acid stronger than 10 percentum solution, prussic acid, oxalic acid, strychnine, arsenic, cyanide of potassium, chloral hydrate, chloroform, cobalt, sugar of lead, mercury in any form, belladonna and its preparations for internal use, and nux vomica and its preparations provided such keeper shall not compound medicines, and provided that when sold in such stores all medical preparations recognized by the United States Pharmacopoeia and National Formulary shall be of standard strength, and shall be prepared by a licensed pharmacist, and shall be sold only in original packages bearing the label of a licensed pharmacist.

Approved June 6, 1913.

*Continuation of the report of the secretary of the Section on Education and Legislation. See Journal for Dec., 1913.

DEFEATED ILLINOIS PHARMACY BILL.

Section 1. That it shall be unlawful for any person not a registered pharmacist within the meaning of this Act to open or conduct any pharmacy, dispensary, drug store, apothecary shop or store, for the purpose of retailing, compounding or dispensing drugs, medicines or poisons, and any person violating the provisions of this section shall be liable to a penalty of not less than twenty nor more than one hundred dollars for every such violation: Provided, however, that nothing in this Act shall prevent any person or persons owning a drug store or pharmacy, who shall employ and place in active and personal charge of the same, a registered pharmacist, and that nothing herein contained shall apply to nor in any manner interfere with the practice of any physician, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the exclusive wholesale business of any wholesale druggist: Provided, that nothing contained in this Act shall apply to the sale of patent or proprietary preparations which do not contain cocaine, alpha or beta eucaïne, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate or acetanilid or any salt or compound or any derivatives or preparations of the foregoing substances, when sold in original and unbroken packages.

Sec. 4. Any person shall be entitled to registration as a registered pharmacist who is of the age of twenty-one years or over, of good moral character and temperate habits, and who shall have passed a satisfactory examination before the board of pharmacy.

Every applicant for examination as a registered pharmacist must furnish proof of four years' experience under a registered pharmacist in compounding drugs and medicines in drug stores where the prescriptions of medical practitioners are compounded. Actual time of attendance, but not to exceed two years, at any recognized school of pharmacy, college of pharmacy or department of pharmacy of a university, may be accredited on the above required service under a registered pharmacist: Provided, that applicants are able to show by proper certificate from the school of pharmacy, college of pharmacy or department of pharmacy of the university which they have attended that their school work was satisfactory.

Every applicant for examination as a registered pharmacist who was not registered by said board of pharmacy as an apprentice or as an assistant pharmacist prior to the taking effect of this amendatory Act must furnish proof of having graduated from a school of pharmacy, college of pharmacy, or department of pharmacy of a university that is recognized by said board.

The board of pharmacy may, in its discretion, grant certificates of registration as a registered pharmacist to such persons as shall furnish with their applications satisfactory proof that they are graduates from a school of pharmacy, college of pharmacy or department of pharmacy of a university that is recognized by said board and that they have been registered by examination in some other state: Provided, that such other state shall require a degree of competency equal to that required of applicants in this state.

Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application.

The payment of said sum of money, as aforesaid, shall entitle the applicant to take a second examination, in case he failed in the first, but no more: Provided, said second examination is taken within six months after the first; and upon the payment of an additional five dollars, in case the applicant passes a satisfactory examination, the secretary of the board of pharmacy shall issue to him a certificate as a registered pharmacist.

The state board of pharmacy shall make rules to establish a uniform and reasonable standard of educational requirements to be observed by schools and colleges of pharmacy or pharmacy departments of universities, and said board may determine the reputability of such schools, colleges and departments of pharmacy by reference to their compliance with such rules.

Sec. 5. Any person shall be entitled to registration as a local registered pharmacist and shall be deemed a registered pharmacist within the meaning of this Act who is of the age of twenty-one years or over, of good moral character and temperate habits, and who shall have passed a satisfactory examination before the board of pharmacy.

Every applicant for examination as a local registered pharmacist must furnish proof of four years' experience under a registered pharmacist in compounding drugs and medicines in drug stores where the prescriptions of medical practitioners are compounded. Actual time of attendance, but not to exceed two years, at any recognized school of pharmacy, college of pharmacy or department of pharmacy of a university, may be accredited on the above required service under a registered pharmacist: Provided, that applicants are able to show by proper certificate from the school of pharmacy, college of pharmacy, or department of pharmacy of the university which they have attended that their school work was satisfactory.

Every applicant for examination as local registered pharmacist who was not registered by said board of pharmacy as an apprentice or as an assistant pharmacist prior to the taking effect of this amendatory Act must furnish proof of having graduated from a school of pharmacy, college of pharmacy, or department of pharmacy of a university that is recognized by said board.

Every applicant for registration as a local registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. The payment of said sum of money, as aforesaid, shall entitle the applicant to take a second examination in case he failed in the first, but no more: Provided, said second examination is taken within six months after the first; and upon the payment of an additional five dollars, in case the applicant passes a satisfactory examination, the secretary of the board of pharmacy shall issue to him a certificate as a local registered pharmacist. Said certificates shall be operative in and apply to the village, town, city, place or locality for which granted, and no other.

Provided, that no local registered pharmacist certificate shall be granted under this section for any village, town, or city, the population of which exceeds 500, according to the federal census next preceding.

Provided, further, that any and all persons holding registered pharmacist time service certificates heretofore issued may have the same renewed from year

to year in the same manner and under the same conditions as are provided herein for the renewal of registered pharmacist certificates.

Sec. 2. No person shall sell at retail any drug, medicine or poison without affixing to the box, bottle, vessel or package containing the same a label bearing the name of the article distinctly shown, with the name and place of business of the registered pharmacist from whom the article was obtained: Provided, that nothing in this section shall apply to the sale of patent or proprietary preparations which do not contain cocaine, alpha or beta eucaine, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate or acetanilid, or any salt or compound or derivative of the foregoing substances, when sold in original and unbroken packages, nor with the dispensing of prescriptions of licensed physicians, licensed dentists or licensed veterinarians, nor with the sale of paris green or lead arsenate or other poisonous substances or mixtures of poisonous substances in unbroken packages, for use in the arts or insecticide purposes: Provided, that they bear a label with the name or names of such poisonous substances and the word "poison" printed thereon in prominent type and the names of at least two readily obtainable antidotes with directions for their administration. Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years, the original of every prescription compounded or dispensed at such store or pharmacy, numbering, dating and filing them in the order in which they were compounded, and shall produce the same in court or before any grand jury whenever thereto lawfully required. Said book or file of original prescriptions shall at all times be open for inspection by duly authorized officers of the law. Any person failing to comply with the requirements of this section shall be liable to a penalty of \$5 for any and every offense.

Sec. 12a. No person shall sell any drug, medicine, medicinal preparation or ointment containing any morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate or acetanilid, or any salt or compound or any derivative or preparation of such substances without affixing to the bottle, box, vessel or package containing the same and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity in grains or minims in each ounce of each of the substances mentioned in this section, their salts, compounds or derivatives, with the name and place of business of the manufacturer: Provided, that nothing contained in this section shall apply to the dispensing of the prescriptions of licensed physicians, licensed dentists or licensed veterinarians. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty dollars and not more than one hundred dollars for each offense.

Sec. 12b. It shall be unlawful for any person to prescribe for, sell, retail, give away, or furnish to any habitual user of the same, knowing him to be such, any morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any salt or compound of said last named substances, or any preparation containing said last named substances, or their salts or compounds: Provided, any licensed physician may, in good faith, prescribe or furnish for the use of any habitual user of said drugs who is under his professional care such

substances as he may deem necessary for his treatment when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this Act. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty dollars and not more than one hundred dollars for each offense.

Sec. 13. Any person who shall willfully make any false representation to procure registration for himself or any other person or who shall make false representation as to his registration as an apprentice, assistant pharmacist or registered pharmacist shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars nor more than one hundred dollars for each and every offense.

Sec. 14a. It shall be unlawful for any druggist or other person to retail, sell or give away any cocaine, alpha or beta eucaine, or any salt or any compound, or derivative of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or any of their salts or compounds, or derivatives, except upon the written prescription of a duly registered physician, licensed dentist or licensed veterinarian, which prescription shall contain the name and address of the person for whom prescribed (or if prescribed by a licensed veterinarian shall state the kind of animal for which prescribed and the name of the owner thereof) and the date the same shall have been filled, and shall be permanently retained on file by the person, firm or corporation, where the same shall have been filled and it shall be filled but once, and of it no copy shall be given to any person, and the original bill shall at all times be open to the inspection of the prescriber, to the state board of pharmacy, and all officers of the law; except, however, that such cocaine, alpha or beta eucaine, or any salt, or any compound, or any derivative of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or any of their salts or compounds, or derivatives, may lawfully be sold at wholesale upon the written order of a licensed pharmacist, or licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist: Provided, that the wholesale dealer shall affix or cause to be affixed to the bottle, box, vessel or package, containing the article sold, and upon the outside wrapper of the package as originally put up, a label, distinctly displaying the name and quantity of cocaine, alpha or beta eucaine, or any salt or compound, or derivative of any of the foregoing substances, sold, and the word "Poison" with the name and place of business of the seller, all printed in red ink. And, provided, also, that the wholesale dealer shall, before delivering any of the articles, make or cause to be made in a book kept for that purpose, an entry of the sale thereof, stating the date of sale, the quantity, name and form in which sold, the name and address of the purchaser, and the name of the person by whom the entry is made; and the said book shall be always open for inspection by the proper authorities of the law, and shall be preserved for at least five years after the date of the last entry made therein.

It shall be unlawful for any person to have in his or her possession at any one time any cocaine, alpha or beta eucaine, or any salt or any compound, or any derivative of any of the substances mentioned in this sentence, unless it was

obtained by means of a prescription of a licensed physician, licensed dentist or licensed veterinarian: Provided, that the above provision shall not apply to registered pharmacists, licensed physicians, licensed dentists, licensed veterinarians, jobbers, wholesalers and manufacturers of drugs and medicines, or retail druggists or hospitals.

Sec. 15b. It shall be the duty of the board of pharmacy to procure full sets of weights, balances and measures used in compounding drugs, medicines and poisons, which it shall cause to be tried, proved and sealed by the state or United States standards, under the direction of the secretary of state, or bureau of standards of the United States government. The board of pharmacy shall have the power to inspect all weights, balances and measures used by retail druggists in compounding drugs, medicines and poisons, and shall have the power to enforce the keeping and use of proper weights and measures. Any person or persons failing to keep and use standard weights, balances and measures, as provided by the board of pharmacy, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten (\$10) nor more than fifty dollars (\$50) for each and every offense.

NOTE—This bill was amended before its final defeat by striking out wherever they appear, the words "acetanilid, chloroform, Cannabis Indica, heroin, chloral hydrate, morphine and opium."

KANSAS PHARMACY LAW, AS ENACTED AFTER AMENDMENT.

Section 1. It shall be hereafter unlawful for any person within the State of Kansas to open or conduct any drug store, pharmacy, retail store, shop or other place of business for retailing, dispensing or compounding medicines or poison, or to retail, except as is provided in chapter 70 of the General Statutes of Kansas of 1909, any drug, or medicinal preparation or any article containing the same for medicinal use, or dispense or compound any medicine or poison, unless such person be a registered pharmacist or under the supervision of a registered pharmacist within the meaning of this act. And it shall be unlawful for any person to compound or dispense any physician's prescriptions unless such person be a registered pharmacist or an assistant registered pharmacist within the meaning of this act, except as hereinafter provided. The term "medicine," as used in this act shall include all medicines and preparations, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of diseases of man; provided, none of the provisions of this act shall apply to or be construed to affect in any way the sale of patent or proprietary medicines or flavoring extracts, nor in any way interfere with, limit or repeal the provisions of chapter 70 of General Statutes of 1909.

SEC. 2. Any person who may desire a certificate as a registered pharmacist, shall apply for examination to the board of pharmacy, and shall pay the secretary of the board the sum of five dollars. If the board shall find that he has had practical experience for four years in compounding physicians' prescriptions, in the general duties of pharmacy, and has had at least one year of high school work or its equivalent, and otherwise duly qualified, they shall duly register him and issue him a certificate as registered pharmacist. In case of failure to pass a satisfactory examination, second examination may be granted within six months without further payment.

SEC. 3. Pharmacists registered as herein provided and dispensers of medicine shall have the right to keep and sell, under such restrictions as herein provided, all drugs, medicines and poisons authorized by the National Formulary, the United States Pharmacopoeia and other standard pharmaceutical and medical works of recognized utility; provided, that nothing herein contained shall be so construed as to shield any apothecary or pharmacist who violates or in way abuses this trust for the legitimate and actual necessities of medicine, from the utmost rigor of the law relating to the sale of intoxicating liquors, morphine, cocaine or chloral, and upon the conviction of any violation of the prohibitory law, or of this law, his name shall be stricken from the register, and in addition thereto shall be fined not less than one hundred dollars nor more than three hundred dollars, and not less than thirty days nor more than ninety days in jail, or both such fine and imprisonment. It shall be unlawful for any person, on and after the passage of this act, to retail any articles enumerated in schedules A, B and C, except as provided in sections 1 and 4.

Schedule A. Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, chloroform, strychnine, and all other poisonous vegetable alkaloids and their salts, and essential oil of bitter almonds, or opium and its preparations, excepting paregoric and other preparations of opium containing less than two grains to the ounce; or other habit-producing drugs, or preparations containing same having same effect.

Schedule B. Aconite, belladonna, colchicum, conium, nux vomica, henbane, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, permanganate of potassium, formaldehyde, and all other virulent poisons, except poison fly-killers, lye, ammonia, Paris green, arsenate of lead, wood alcohol, London purple, commercial poison for rats, mice and bed-bugs, and denatured alcohol when sold in sealed packages and plainly labeled "Not for Medical Use, Poison," may be sold through the regular channels of trade.

Schedule C. Oil of savin, oil of tansy, ergot and its preparations, cotton root and its preparations, and all other active emmenagogues or abortives.

SEC. 4. Articles enumerated in schedules A and B shall not be sold without distinctly labeling the box, vessel or paper in which said poison is contained; also the outside and inside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B unless upon due inquiry it be found that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any registered pharmacist or assistant registered pharmacist to sell or deliver any articles included in schedules A and B without, before delivering the same to the purchaser, causing an entry to be made in a book for that purpose stating the date of sale, the article sold, the quantity thereof, the purpose for which it is represented by the purchaser to be required, the name of the dispenser, and the name and address of the purchaser, signed by himself; such book to be always open for inspection by the proper authorities, and to be

preserved for at least five years. No article in schedule C shall be sold except on the prescription of a legally qualified physician. The provisions of this section shall not apply to the sale of poisons in not unusual doses and quantities upon the prescription of licensed practitioners of medicine. All prescriptions of practicing physicians shall be filed and retained by the dispenser, serially numbering, dating and filing the same. Said serial number and date and signature, together with proper directions, shall be placed upon package or container in which said medicine is dispensed. Failure to keep prescription files in accordance with the provisions of this act shall be prima facie evidence of violation of this law. The prescription files of the pharmacist shall be open to inspection by the proper authorities at all times.

SEC. 5. Nothing hereinbefore contained in this act shall prohibit any practitioner of medicine from compounding his own prescriptions and administering or supplying to his patients such articles as may be fit, proper and necessary, provided drugs and medicines dispensed by him shall comply with the Kansas food and drug law and be subject to inspection as provided in said law; and it is also further provided that it shall be lawful for retail dealers to sell the usual domestic remedies and medicines in unbroken packages, not including any article enumerated in schedules A and B of this act, in case such dealer shall procure a license from the board of pharmacy, at a fee of \$2.50 annually, not as a registered pharmacist but as a registered dealer; and said annual fee to be paid within thirty days from the expiration of said license, otherwise said annual fee to be five dollars.

SEC. 6. Every proprietor or conductor of a drug store or pharmacy, and everyone who dispenses from a private stock of drugs, shall be responsible for the quality of all drugs, chemicals and medicines he may sell or dispense; and should he knowingly and fraudulently adulterate or cause to be adulterated such drugs, chemicals or medicinal preparations, he shall be deemed guilty of a misdemeanor.

SEC. 7. That the State Board of Pharmacy is authorized and directed to make and publish uniform rules and regulations not in conflict herewith, which rules and regulations may include, if necessary for the proper execution of this law, the collection and examination of medicines and drugs kept for sale, offered for sale or for dispensing, or sold in the state of Kansas, by any pharmacist, or kept in stock by any physician, merchant or dispenser. Samples thus collected may be submitted for analysis to the drug laboratory established under the Food and Drugs Act, Section 4, Chapter 266, Laws of 1907, and the results of the analysis may be published in the bulletin of the Board of Health, which said rules and regulations shall be published in the official state paper of the state.

SEC. 8. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed fifty dollars, or imprisonment in the county jail for not more than six months, or both in the discretion of the court.

SEC. 9. The original Sections 8103, 8104 and 8105 of the General Statutes of Kansas for the year 1909 are hereby repealed. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its publication in the statute book.

MASSACHUSETTS PHARMACY LAW AMENDMENT.

(Chap. 705.)

An Act to Provide for Registering and Licensing Stores for Transacting Retail Drug Business.

Section 1. The term "drug business" as used in this act shall mean the sale of opium, morphine, heroin, codeine or other narcotics, or any salt or compound thereof, or any preparation containing the same, or cocaine, alpha or beta eucaine, or any synthetic substitute therefor, or any salt or compound thereof, or any preparation containing the same, and the said term shall also mean the compounding and dispensing of physicians' prescriptions.

Section 2. No store shall be kept open for the transaction of the retail drug business unless it is registered with and a permit therefor has been issued by the board of registration in pharmacy as herein provided.

Section 3. The board of registration in pharmacy shall, upon application, issue a permit to keep open a store for the transaction of the retail drug business to such persons, firms and corporations as the board may deem qualified to conduct such a store. The application for such a permit shall be made in such manner and in such form as the board shall determine. A permit issued as herein provided shall be exposed in a conspicuous place in the store for which the permit is issued and shall expire on the first day of January following the date of its issue. The fee for the permit shall be one dollar.

Section 4. No such permit shall be issued for a corporation to keep open a store for the transaction of the retail drug business, unless it shall appear to the satisfaction of the said board that the management of the drug business in such store is in the hands of a registered pharmacist.

Section 5. The said board may suspend or revoke a permit issued hereunder for any violation of the law pertaining to the drug business or the sale of intoxicating liquors or for aiding or abetting a violation of any such law; but before suspending or revoking any such permit the said board shall give a hearing to the person firm or corporation holding the permit, after due notice to such person, firm or corporation of the charges against him or it and of the time and place of the hearing. At the hearing, such person, firm or corporation may appear with witnesses and be heard by counsel. Witnesses at all hearings shall testify under oath and any member of the board may administer oaths to witnesses. Any person so sworn or affirming who willfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. The board shall have power to require the attendance of persons and to compel the production of books and documents. Three members of the board shall be a quorum for such a hearing, but no permit shall be suspended or revoked unless upon the vote of three or more members of the board.

Section 6. For the purpose of enforcing the provisions of this act the board may expend a sum not exceeding one thousand dollars annually.

Section 7. Whoever violates any provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Section 8. This act shall take effect on the first day of January, nineteen hundred and fourteen.

Section 9. All acts and parts of acts inconsistent herewith are hereby repealed. (Approved May 27, 1913.)

This bill as passed is the result of several conferences between representatives of the Board of Pharmacy, your Association, the Liggett stores people and the Watch and Ward Society. This is the first measure which has ever been enacted into law which gives the Board of Pharmacy actual supervision over drug stores. It will be possible for the Board under the provisions of this act to close a drug store for any infringement of law pertaining to the sale of drugs or intoxicating liquors. Your committee believes this to be a long step in the right direction.

MINNESOTA PHARMACY LAW AMENDMENT.

Section 1. Creation of State Board, Employment of Attorney, and When Violators shall be Deemed Guilty of a Misdemeanor.—That Section 2327, Revised Laws of 1905, be amended to read as follows:

2327. The state board of pharmacy shall consist of five registered pharmacists of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No person connected with any school or college of pharmacy shall be a member of the board, and, if a member become so connected, his membership shall cease. The Minnesota state pharmaceutical association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. It may employ an attorney and other necessary assistants, and make rules for the conduct of its business. It may, by its duly authorized representative, enter and inspect any and all places where drugs, medicines and poisons are sold, given away, compounded, dispensed or manufactured. Any person refusing to permit or otherwise preventing such duly authorized representatives from entering such places, shall be guilty of a misdemeanor. It shall enforce and obey the provisions of this subdivision, and report its proceedings to the governor annually, with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements.

Sec. 2. Examinations and Fees.—That Section 2329, Revised Laws of 1905, be amended to read as follows:

2329. The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be five dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit

him for the practice of pharmacy, and may refuse registration to any person so addicted.

Sec. 3. Qualifications of Applicants.—That Section 2331, Revised Laws of 1905 be amended to read as follows:

2331. An applicant for a certificate as assistant shall be eighteen years old, or over, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. Provided, however, if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but one year's experience shall be required. If upon examination, the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist.

Sec. 4. Registration of Pharmacists From Other States, and Fees.—That Section 2332, Revised Laws of 1905, be amended to read as follows:

2332. The board, without examination, upon receipt of a fee of twenty-five dollars, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state.

Sec. 5. Annual Fees to be Paid.—That Section 2334, Revised Laws of 1905 be amended to read as follows:

2334. Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed three dollars for a pharmacist and two dollars for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date.

Sec. 6. Definition of Drugs and Exceptions.—That Section 2335, Revised Laws of 1905 be amended to read as follows:

2335. Exceptions as to sale. Drugs, medicines and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in the subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles: Alum, blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, logwood, rolled sulphur, saltpetre, senna leaves, sublimed sulphur, water of ammonia, or paris green in sealed packages distinctly labeled "paris green, poison." Nor shall any dealer whose shop is more than two miles from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist.

Sec. 7. Physician's Prescriptions Required for Certain Drugs.—That Section 2337, Revised Laws of 1905, be amended to read as follows:

2337. No person, otherwise than on a physician's written prescription, shall sell at retail aconite, belladonna, digitalis, or nux vomica, or their preparations,

the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, chloral hydrate, chloroform, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood-naphtha or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor.

Sec. 8. Register to be Kept For Sale of Poisonous Drugs.—That Section 2338, Revised Laws of 1905 be amended to read as follows:

2338. No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations, (other than paris green), aconite, belladonna, or nux vomica, or their preparations, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin or tansy, or strychnine, without first recording, in a book kept for the purpose, the name and address to whom and the amount and kind of poison delivered. Every person who shall violate any provision of this section, give a false name to be recorded as aforesaid, or having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor.

Sec. 9. Penalty for Violation by Druggist.—That Section 2339, Revised Laws of 1905 be amended to read as follows:

2339. Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall willfully adulterate any drug, medicinal substance, or preparation authorized, or recognized by the United States Pharmacopeia, or National Formulary, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars.

Sec. 10. Punishment For Sale by Other Than Druggist.—That Section 2340, Revised Laws of 1905, be amended to read as follows:

2340. No person, not a registered pharmacist, or a dealer employing and keeping such a pharmacist in active charge of his place of business, shall retail, compound or dispense drugs, medicines, or poisons, or keep or conduct a place of retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be punished by a fine of not less than

fifty dollars, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony.

Sec. 11. Annual Fees May be Turned Over to State Pharmaceutical Association.—That the state board of pharmacy may each year turn over to the state pharmaceutical association for the advancement of the science and art of pharmacy, out of the annual fees collected by it, such sum, as it may deem advisable, but not to exceed one dollar for each pharmacist and one dollar for each assistant pharmacist, who shall have paid his renewal fee during such year. Said association shall annually report to said board on the condition of pharmacy in the state.

Approved April 28, 1913.

(To be continued)

THE TRADE-MARK EVIL OF MEDICINAL COMPOUNDS.*

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In this practical age, in which the spirit of mercantilism dominates and absorbs all thought and action, it is not inappropriate for us, in fact it has become a necessity to give our attention to the conditions created by this all absorbing thought of commercialism.

I think it therefore not out of place or time to present to the Association facts which are of such vital importance to ethical pharmacy, facts which have not been looked into as thoroughly as their importance demands, facts which may not be pleasant reading, but that should nevertheless have our undivided and careful attention and consideration.

I refer to the trade-mark evil pertaining not to the definite substances, but to the compound preparations, the mixtures, the ready-made prescriptions, placed on the market under the various trade names.

Much has been written about the so-called patent medicine houses or proprietary houses, but why has there not been more discussion about our ethical pharmaceutical houses?

A careful analysis of the conditions existing will show you clearly that these very ethical pharmaceutical houses are today the greatest offenders in placing on the market compound preparations, mixtures of all kind, ready made prescriptions to be poured from their bottles into your prescription bottles, and this is called the art of dispensing?

Is it any wonder then that we hear the remarks made: "What need for any education in pharmacy? Any one can be a dispenser, no knowledge is required to pour from one bottle into another bottle."

Let us look into these conditions created by these houses and not deny the existence of these evils because their recognition is disagreeable.

In looking over the proceedings of the American Pharmaceutical Association for several years past, we find many articles in regard to dispensing pharmacy.

*Read at the 60th Annual Meeting, Denver, 1912.