

reference to another standard or by statements which of themselves sufficiently indicate its quality and purity.

What such statements would need to be must, of course, vary with the nature of the product and with the character of the persons to whom addressed. When placed upon products intended for use by trained chemists and pharmacists, statements indicating percentages of important constituents, or the activity of the preparation for certain purposes, would be sufficient to convey all the needed information, while in the case of articles intended for popular purchase and consumption some additional or different statements might properly be regarded as necessary.

This is an interpretation that I think the courts would recognize as being in accord with the spirit of the enactment, and one that if enforced will effectually protect the innocent purchaser against intentional fraud and deception.

STATE ANTI-NARCOTIC LAWS.

M. I. WILBERT.

The enactment of the Federal anti-narcotic law, December 17, 1914, has suggested to many the desirability of bringing about greater uniformity in state anti-narcotic laws and in a number of states bills have been introduced that are designed to bring the requirements of the state law into accord with the present Federal law.

While greater uniformity in laws designed to restrict the sale and use of narcotic drugs is no doubt desirable, there are several points that may well be considered by pharmacists before they undertake to endorse any one of the proposed uniform state anti-narcotic laws modeled after the Federal law of December 17, 1914.

Not the least important of these several points is the fact that the Federal anti-narcotic law, quite unlike the Federal food and drugs act, is applicable and is now uniformly in force in all parts of the United States and is by no means restricted, as is the food and drugs law, to Federal territories and to interstate traffic.

With this fact in mind it would be manifestly unnecessary to re-enact in the several states any part or all of the Federal anti-narcotic law. Such enactment would only tend to duplicate the penalties that might be imposed on a person for not complying with the law, as conviction under one law would make the same person guilty or amenable under the other.

An article published in Public Health Reports for March 26, 1915 (page 893-923), presents a comparative analysis of the more important requirements embodied in the existing Federal and state laws that are designed to restrict or to regulate the distribution and use of opium, coca and other narcotic or habit-forming drugs. This analysis shows that even at the present time a number of the state laws include requirements similar to those embodied in the Federal law and to this extent duplicate that law and subject the individual found guilty of non-compliance to double punishment. On the other hand the existing state laws,

in some instances at least, are more comprehensive than is the Federal law, and for this reason it would be unfortunate indeed to repeal all of the existing laws or to restrict in any way the possible influence for good that may be embodied therein.

Future state legislation should be primarily designed to elaborate or to augment the present Federal law by reasonable exercise of the state police powers. To do this it will be above all necessary to restrict the prerogatives or privileges of persons who may be licensed under the Federal act as pharmacists, physicians, dentists, veterinary surgeons or chemists and to define in clear language the rights and limitations of hospitals and sanitariums to use or distribute the proscribed drugs. The state should also restrict the distribution, sale and use of dangerous drugs not already included in the Federal law. The desirability of the latter feature is evidenced even at the present time by the fact that no fewer than eighteen states restrict the sale and use of chloral and its derivatives, while four restrict the sale and use of cannabis indica, both drugs that may be used to produce deleterious habituation or intoxication.

The legitimate objects of a state anti-narcotic law, from this point of view would be:

A further restriction of the articles that may be sold without providing a satisfactory record;

Some reasonable form of definition as to the rights and privileges of practitioners of pharmacy, medicine, dentistry, and veterinary medicine;

A requirement for the prompt reporting of habitual users of any of the enumerated drugs;

Reasonable provisions for the committing of habitual users of habit-forming drugs to public institutions, where they will be properly taken care of;

Provisions for the revocation of licenses to practice pharmacy, medicine, dentistry, or veterinary medicine that may be held by habitual users of habit-forming drugs;

Provisions for the revocation of the license to practice any one of the above-named professions, after conviction under the Federal or state laws designed to restrict the sale and use of narcotic drugs; and finally

Satisfactory provisions for enforcing the several requirements embodied in the law.

A law of this type would of necessity be primarily designed to safeguard public health and its enforcement should therefore preferably be entrusted to the State Department of Health, providing an appropriation is made to secure a sufficient number of inspectors or agents necessary to enforce the provisions of the act.

The penalties imposed should be sufficiently severe to make violation of the law a matter of serious consequence and should for the second offense, at least, include the possibility of imprisonment in the discretion of the court.

Efforts to restrict the use or abuse of drugs that constitute a menace to the future welfare of our American people are generally admitted to be among the more serious problems confronting the citizens of this country at the present time. As pharmacists, we should not forget that we are by law entrusted with the distribution of these drugs and it is incumbent on us to make all reasonable efforts to safeguard their sale and eliminate as much as possible all illicit traffic in drugs

of this type. We pharmacists should not forget that unless we collectively and individually make strenuous efforts to convict the guilty, we as members of the drug trade, must suffer by being held in part responsible for the harm that may be done to the community at large.

UNIFORM STATE NARCOTIC LEGISLATION.*

CHARLES WESLEY DUNN.

In considering the form of a uniform state narcotic law the first problem for solution is the extent of its scope. It is fundamental that the obligation imposed upon the persons affected by this law should not be duplicated in the state law to the extent that two sets of records or two different acts will be required to satisfy a similar requirement, Federal and state. In view of the fact that the Federal law relates to all commerce, both interstate and intrastate, should the states leave the entire field of the regulation of commerce to the Federal law and only include additional and supplemental provisions of a police character? We believe that this question must be answered in the negative for the following reasons, viz.: First, and principally, and as the practical reason, the states will not be denied a very important exercise of their police power. They will not be content to leave the regulation of the commerce in narcotic drugs solely to the Federal Government. We believe that any propaganda along this line would be resented and futile, and therefore, not wise. Second, this duplication of law and enforcement is inevitable under our own system of national, state and municipal regulation, and is general at the present time. Uniformity and harmony of such regulation is the object to be sought, in order that no conflict in such regulation may exist and no unnecessary or undue provisions may be included. Third, and providing always that the Federal and local regulation is uniform and harmonious, the additional state regulation insures greater efficiency and breadth of enforcement. Duplication of penalty under similar Federal and state laws is not a substantial basis for criticism. For, after all, a uniform and effective law necessary in the public interest and fair and just in application is a proper subject for state enactment. Fourth, and finally, it should be considered that, while the state cannot, constitutionally, void the operation of the Federal law by conflicting provisions, yet it may supplement the Federal law and occupy a ground beyond that circumscribed by Congress in the Federal law. These supplemental provisions will not only relate to matters not included in the Federal law, of a police character, such as the treatment of habitual users, but will, also, supplement to a greater or less degree, the Federal provisions regulating the commerce in these drugs. The history of the existing and proposed narcotic legislation to date substantiates the soundness of these reasons.

It is our opinion, therefore, that a uniform state narcotic law should be com-

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