

REPORT ON THE PRESIDENT'S ADDRESS.

The recommendations of President Spease were referred to the Committee on Resolutions. Recommendation No. 1 was modified by pledging the member colleges and schools to the amount of \$16,000, distributed equally among them and levied over a period of three years.

Recommendations Nos. 2, 3 and 4 were adopted.

No. 5 was disposed of earlier in the session by the Association.

No. 6 was disapproved.

No. 7 was modified by endorsing the principle to establish distinct pharmacy corps as component part of the Medical Department of the Army and assist in securing legislation.

Recommendation No. 8 was adopted.

 PHARMACY FOR PHARMACISTS ONLY.*

BY LUCIUS L. WALTON.

It has been said that the law is one thing as construed by a court and remains that thing until some other higher court finds it different. Generally, our courts have held that the public interest in the sale, compounding and dispensing of drugs and poisons is *adequately* protected when these things are done by a qualified person, licensed by the State, regardless of the fact that the business in which such service is rendered may be owned by an unlicensed person. This is the law as it exists in most of our states to-day. It may be said to express the limit the lawmakers have been sustained in their attempts to apply the police power of the state in formulating regulations governing the practice of pharmacy, with but one exception.

The Legislature of the state of Pennsylvania enacted a law in 1927 which, by limiting the right to own a pharmacy to registered pharmacists only, fixes the entire responsibility connected with pharmaceutical service in retail drug stores upon registered pharmacists. And *now* the courts find that such legislation does bear a substantial relation to the public health and welfare, and is, therefore, a proper application of the police power; for thus has spoken The District Court of the United States for the Eastern District of Pennsylvania in handing down its decision in the Liggett case when it said:

"Even here, however, we are unable to say that there is not a substantial relation of ownership to the public interest. The medicines must be in the store before they can be dispensed to those who come to the store for the help which medicines afford them. What is there is dictated not by the judgment of the pharmacist who hands it out to the customers, but by those who have the financial control of the business."

"That financial ownership, interest and managerial sense of responsibility each has a relation to a wise public policy, and hence to the public interest, is evidenced by the experience of the Courts in Pennsylvania upon whom was thrown the responsibility of granting liquor licenses."

"Because of our inability to make the finding that the instant Act of Assembly has no substantial relation to the public interest, we cannot hold it unconstitutional."

Thus it appears that legislatures and courts are beginning to realize, that with the complex economic situation of the present day, something more is needed

* Section on Education and Legislation, A. PH. A., Portland, Me., 1928.

than what we have had in the past to give complete protection of the public interest in the distribution of drugs at retail.

The decision in the Liggett case is most favorable and far reaching in its application to the practice of pharmacy. It is the most encouraging thing that has happened since the enactment of our first pharmacy laws. It recognizes a professional status for pharmacy and brings the members of the profession within the purview of those persons who are entitled to that protection in the performance of their respective prerogatives which may be extended legally to professionals only. It bespeaks a slow but general acceptance ultimately of the claim that *full* protection of the public interest, in the matter of the sale and distribution of drugs at retail, requires that such a business must be owned by registered pharmacists. It also concedes that the practice of pharmacy includes the *selection, purchase and sale of drugs* and is, therefore, just as much a part of that practice as dispensing and compounding them. It is even prophetic of the coming day when we shall have in this country *pharmacy for pharmacists only*.

It has been held by pharmacists that the proper carrying out of the obligation of the seller toward those who seek service in a drug store demands the exercise of technical knowledge of a high order, and a high moral sense in selecting and purchasing the products which are sold and used. Only recently has this been stressed in efforts to obtain proper restrictive legislation. When it is urged and shown, as it can be, how inconsistent many of the present regulations are in respect to what is demanded, it is quite possible to impress both courts and legislators with the necessity for more consistent laws, as has been done in Pennsylvania.

It is difficult, however, to obtain legislation restricting ownership of pharmacies to pharmacists, owing to the inconsistent policy which has long prevailed of allowing the business of the profession to be owned and carried on by non-pharmacists; and thus separated from the person having the qualification as a practitioner of pharmacy. This is a conspicuous example of violation of the relation existing between things which should always be joined and not separated. It has brought about an appraisalment by the public of the drug business as little more than any other business in which general merchandise is handled. Therefore, when it is proposed to give to pharmacists exclusively the right to hold proprietorship of a *pharmacy* there quite naturally develops much public objection. This is perhaps the more because the public judges by what it sees of the average drug business and does not comprehend that only that phase of the business which requires a technical education and legal authority from the state for its intelligent and safe conduct is to be thus restricted.

Moreover, this policy has been the main cause of the development of merchandising features in so many drug stores. The attendant waning of the pharmacist's professionalism is marked by more or less indifference to his own best interests, as he is sometimes found an easy mark for those who would rob him of his birthright and make of him a stumbling block in the way of securing better regulations.

Notwithstanding these impediments, pharmacists should not allow themselves to be deterred from making every possible effort to have established a consistent legal status for the profession. We are nearer than ever before, to a proper appreciation by courts and legislatures of what constitutes the needed protection of both the public and the practitioners. We have precedent in law to support us in

insisting that our professional prerogatives be no longer violated. In seeking to have the practice of pharmacy regulated by law so that only those who are qualified may engage in it, we seek to have provided the safest and best pharmaceutical service, yet we ask nothing inconsistent with the laws regulating other professions.

The need of an aroused professional consciousness among pharmacists, and a union of all the forces of pharmacy in each state in an intelligent and aggressive drive to give pharmacy its proper legal standing everywhere, was never greater than exists at the present time. As conditions are now, the economic status of the pharmacists' business offers little or no incentive for entrance to the profession. Unless this situation is soon improved and the invasion of the pharmacists' prerogatives by the unfit, the mercenaries, the moral degenerates, the storekeepers, the corporations and the dispensing physicians stopped, the colleges of pharmacy will be without students, and the wholesale druggists and manufacturing pharmacists without customers.

The economic success of pharmaceutical educational institutions, of pharmaceutical manufacturers and of wholesale druggists depends upon the prosperity of the individual pharmacists. When no field becomes available for them to give unhampered expression to their professional attainments, and obtain compensation consistent with the greater cost in time and money of their technical education, it is inevitable that the passing of our ancient and honorable profession and its allied interests will be only a matter of time.

The pharmacists of Pennsylvania have won the first battle in the war which, it must be admitted, is now on for the preservation of the profession of pharmacy and the restoration of all its prerogatives to the members. There remains for the pharmacists, colleges of pharmacy, pharmaceutical manufacturers and wholesale druggists the necessity of carrying on this war in the other states. With these forces united in a vigorous campaign for ownership of pharmacies by pharmacists, other victories may be won, and the day hastened when pharmacy for pharmacists only shall prevail.

N. Y. COLLEGE OF PHARMACY LAYS PLANS FOR CENTENARY.

"The College of Pharmacy of the City of New York will celebrate the one-hundredth anniversary of its founding during the week beginning May 27, 1929. Next year, not only marks the one-hundredth anniversary of the founding of the school, but also the twenty-fifth anniversary of its affiliation with Columbia University.

"The following committee was recently appointed to draw up plans for the celebration: Representing the officers of the college, Dr. Nicholas Murray Butler, Dr. Henry C. Lovis, Edward Plaut, V. Chapin Daggett, C. O. Bigelow, Charles W. Holton, Arthur J. Bauer, Dr. H. H. Rusby, dean of the college and W. B. Simpson; representing the faculty, Professors, H. V. Arny, George C. Diekman and C. P. Wimmer; representatives of the board of trustees, David Costelo, J. Leon Lascoff and Richard H. Timmermann; representatives of the Alumni Association, Adolph Henning, Robert R. Gerstner and H. H. Schaefer; representing the college membership, H. M. Fraser, Otto P. Amend and John Scavo.

"The committee has held one meeting, at which the following officers were chosen: *Chairman*, Nicholas Murray Butler; *Vice-Chairman*, Dr. H. C. Lovis; *Secretary*, W. B. Simpson. Tentative plans for the celebration include the conferring of honorary degrees, a day devoted to the alumni, one for a reception at the college building and a banquet.

"The Secretary is now engaged in sending out invitations to the various State pharmaceutical associations for the appointment of delegates to be present during the celebration."