

## INSPECTOR'S PROCEDURE IN THE DISTRICT OF COLUMBIA.

BY R. A. SANDERS.

Synopsis of the Laws of the District of Columbia to regulate the practice of pharmacy, sale of poisons and other purposes, as enacted by Congress May 7, 1906, and as amended February 27, 1907, and March 4, 1927, and method of enforcement, which provides as follows:

The Commissioners of the District of Columbia shall appoint a Board of Pharmacy, consisting of five licensed pharmacists, each of whom shall have been, for the five years immediately preceding and during the term of his appointment, actively engaged in the practice of pharmacy in said District.

All appointments shall be made in such manner that the term of office of one member shall expire each year. Any member may be removed by the Commissioners after full hearing, for just cause.

The Board shall elect a president, a secretary and treasurer, and have a seal. Said Board shall hold meetings for the examination of candidates and for the discharge of such business as may come before it, in January, April, July and October of each year, and other times as the Board may determine. Said Board shall keep records of proceedings, which shall be *prima facie* evidence of all matters contained therein in all courts in the District of Columbia. In July of each year the Board shall make report to the Commissioners of its proceedings, receipts and disbursements, and of all licenses and permits issued.

During the month of November of each year every licensed pharmacist and dealer in poisons for use in the arts, or as insecticides, whose license or permit is not less than three years old, shall apply for renewal. Upon payment of the required fee, the Board is authorized to renew such license or permit for a period of three years, and every license or permit not renewed within the month of November shall be void until renewed. No person shall make any fraudulent representation to procure license, permit or renewal of same. Any license, permit or renewal procured by fraud shall be void. Should the Board fail or refuse to renew any license or permit for which application has been made, it shall make record of reasons for such non-renewal. Upon request of the person seeking renewal, he shall be granted a hearing with privilege of counsel, introduce evidence, examine and cross examine witnesses.

The Secretary to the Board is empowered to administer oaths. Said Board shall have power to issue subpoenas, require attendance of persons with documentary evidence and testify in any and all matters within its jurisdiction. Upon the failure of any witness to attend, testify, produce any book or paper, as the case may be, the Board shall have power to refer the matter to any Justice of the Supreme Court of the District of Columbia, where such witness may be punished for contempt of court.

Any party aggrieved by a decision of the Board may seek a review thereof in the Court of Appeals of the District of Columbia, who shall review the record of proceedings in the case and affirm, reverse or modify the judgment in accordance with law.

Every license to practice pharmacy, permit to sell poison for use in the arts or as insecticides, and renewals shall be displayed by the person to whom the same has been issued in their place of business.

Applicants for examination for license to practice pharmacy shall pay a fee of fifteen dollars; each renewal thereof, three dollars; permits to sell poison, one dollar; renewal thereof, fifty cents.

All expenses of the Board incident to the execution of the provision of this Act shall be paid from fees collected aforesaid. If any balance on hand June 30th of any year, the members of the Board shall be paid such amounts as the Commissioners of the District of Columbia may determine.

Every applicant for a license to practice pharmacy shall be not less than twenty-one years old, of good moral character, not addicted to the use of alcoholic liquors or narcotic drugs, must have had not less than three years' experience in the practice of pharmacy under the instruction of a licensed pharmacist, and be a graduate of an accredited school or college of pharmacy. Provided, however, the Board of Pharmacy, in its discretion, may establish, by general rules, conditions whereby credit for experience in the practice of pharmacy may be allowed, and submit to an examination by the Board of Pharmacy as to his qualifications to practice pharmacy.

If the applicant has complied with all the above requirements and successfully passed the examination, the Board shall issue a license, which shall entitle him to practice pharmacy subject to the provisions of this Act.

The Board may issue license to practice pharmacy in the District of Columbia without examination, or after limited examination, to licensed pharmacists in the states, territories or foreign countries, provided the applicant presents satisfactory evidence of qualifications equal to those required of licentiates examined under this Act, and that he was licensed after examination in such state, territory or foreign country not less than one year prior to date of application, and that such state, territory or foreign country accord similar recognition to licentiates of the District of Columbia. The fee for such license shall be ten dollars.

The license of any person to practice pharmacy may be revoked if such person procure same by fraud, or is addicted to the use of narcotics or alcoholic stimulants, or is suffering from physical or mental disease in such manner and to such an extent as to render it expedient that in the interest of the public his license be canceled, or to be of an immoral character, or if such person be convicted of any offense involving moral turpitude. It shall be the duty of the Major and Superintendent of Police to investigate such case and report the result of such investigation to the Board of Pharmacy, which Board shall, after full hearing, if in their judgment the facts warrant it, revoke such license.

Dealers in drugs, chemical compounds and combinations thereof are confined to four classes, first, drug store or apothecary shop or other place of business for retailing, compounding or dispensing of any drugs, chemicals or poisons on physicians' prescriptions or otherwise. Such places shall, at all times, be in immediate charge of a licensed pharmacist. No owner or manager shall permit any person other than a licensed pharmacist to compound, dispense or sell at retail any drug, medicine or poison, except as an aid and under the proper supervision of a licensed pharmacist. Nothing in this provision shall be construed to interfere with practitioners of medicine, dentistry or veterinary surgery in compounding of his own prescription, or prevent supplying his patients with such medicines as he may deem proper.

Second class—Exclusively wholesale dealer in drugs, who shall be a licensed pharmacist, or keep in his employ at least one person who is so licensed.

Third class—Dealer in poisonous substances by other than pharmacist by authority of a permit from the Board of Pharmacy, sold exclusively for use in the arts, and as insecticides, and in unbroken packages, labels bearing name of contents, the word "Poison," a suitable antidote, name and address of vendor, who shall be not less than twenty-one years old, nor can any poison be sold to a person under eighteen years of age, except upon a written order of a person known or believed to be an adult.

Fourth Class—Dealers in compounds commonly known as patent or proprietary medicines, not regulated by the provisions for poisons and narcotic drugs.

All dealers selling poison at retail shall first learn, by due inquiry, that person to whom delivery is about to made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose. The box, bottle or package shall be plainly labeled with name of the substance, the word "Poison" in plain uncondensed Gothic letters in red ink, and suitable antidote, the name and address of person, firm or corporation dispensing the substance, and before delivery there shall be recorded in a book known as a Poison Register the name of the article, the quantity delivered, the purpose for which it is to be used, date of delivery, name and address of the person for whom procured, and the name of the person dispensing the same. Said book shall be preserved by the owner thereof for at least three years after the date of last entry therein, and open to inspection by any duly authorized officer of the law.

The record of sale above mentioned shall not be required of manufacturers and wholesalers to pharmacist, but the package shall be properly labeled with the name of substance, the word "Poison," and the name and address of manufacturer or wholesaler. It shall not be necessary in sales at wholesale or retail to place a poison label upon, nor record the delivery of, preparation containing poison when a single box or package or bulk of half fluidounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of the poison; nor to liniments or ointments sold in good faith as such, when plainly labeled, "For external use only;" nor to preparations sold in the form of pills, tablets or lozenges containing poisons

intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

No person seeking to procure any substance the sale of which is regulated by the provisions of this Act shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

The proprietor or manager of a drug store shall keep a file in which shall be preserved for a period of not less than three years the original of every prescription compounded at such store. A copy of such prescription may be furnished the prescribing physician or the person for whom prescribed. All prescriptions and Poison Register shall be open to inspection by duly authorized officers of the law. No drug shall be dispensed without marking on container the name of drug or drugs contained therein or direction for using the same.

No person shall sell or offer for sale by peddling, or offer for sale from house to house, or by public outcry, or by vending in the street any drug, medicine, or chemical, or implement, appliance or other agency for the treatment of disease, injury or deformity. No person shall throw, cast, deposit, drop, scatter or leave, or cause the same, any drug, medicine, or chemical, compound or combination thereof, upon any public highway or place, or without the consent of the owner or occupant thereof, upon any premises.

No person not licensed as a pharmacist shall take, use or exhibit the title of pharmacist, or licensed or registered pharmacist, or title of druggist or apothecary, or any other title or description of like import.

No mention has been made of the provision of this law regulating the sale of narcotic drugs, as it conflicts with the Federal Harrison Narcotic Act, and is superseded by the same.

Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed two hundred dollars, or by imprisonment not exceeding six months, or both such fine and imprisonment, in the discretion of the Court, and if the offense be continuing in character, each week or part of a week during which it continues shall constitute a separate and distinct offense, and it shall be the duty of the Major and Superintendent of Police and the Corporation Counsel to enforce the provisions of this Act.

The Police Department has detailed one detective sergeant and one private, commonly known as Pharmacy Inspectors, who supervise the enforcement of the laws regulating the practice of pharmacy, sale of poisons, and for other purposes, practice of the healing arts, practice of dentistry, practice of veterinary medicine, and assist in the enforcement of the Harrison Narcotic Law in the District of Columbia. They are assigned to the Detective Office under the direction of the Assistant Superintendent of Police in Charge, and subject to all rules and regulations governing the same. All complaints and information reaching the department alleging violations or suspected violations of the laws supervised by the Pharmacy Inspectors are referred to them for investigation and proper action. All reports of suicides, attempted suicides by any drug or chemical or compounds or combinations thereof, and accidental poisoning, are investigated by the Pharmacy Inspectors to ascertain whether or not the poison was purchased lawfully, sold lawfully, or any foul play, resulting frequently in prosecution of the purchaser of poison for making false representation to procure the same, or the seller of the poison for failing to properly label or register.

Frequent and unexpected visits are made to all places where drugs are sold, to inspect records of poison sales, prescription files, license and renewals of pharmacist, observe their conduct, as well as that of the junior clerks, as to sobriety, and that all places where drugs are compounded and dispensed on prescriptions, or otherwise, are properly manned by licensed pharmacist. When making inspections, a complete record is made of the stores, showing the trade name and address, name of owner or owners, whether or not pharmacist, names of all pharmacists employed, and all junior clerks and their length of service as such. Any conduct on the part of a licensed pharmacist or a junior clerk serving his apprenticeship, observed by the Pharmacy Inspectors or disclosed by investigation, or any physical or mental condition that would render it expedient that in the interest of the public he should not practice, is reported to the Board of Pharmacy in detail for their consideration and such action as they deem advisable.

In all prosecutions for violations of the provisions of the Pharmacy Law it is the duty of the Pharmacy Inspector to present the facts in the case to the Corporation Counsel at Police

Court, who will file with the Clerk of the Court any information setting forth the facts. The case is called to trial in the District Branch of the Court, the Corporation Counsel appearing as prosecuting attorney to the conclusion of the case.

**M. N. Ford**, referring to the actual presence of a registered pharmacist in each store, asked Mr. Sanders what would be his procedure if he happened in a drug store in the afternoon and there was no registered pharmacist in charge.

**Mr. Sanders** replied that he would take the owner into court and charge him with permitting his clerk to practice pharmacy unlawfully and his clerk for practicing pharmacy unlawfully. If he happened in a store and the proprietor had stepped across the street, he would not take him to court unless he had reason to believe that it is a practice. "The proprietor is prosecuted for permitting his clerk to practice pharmacy and his clerk for practicing pharmacy without a license," he said.

**L. L. Walton** said that the Pennsylvania law penalizes the pharmacist for permitting an unregistered man to compound or dispense medicines. In order to prove that the gentleman practiced pharmacy, something must be shown to the court to prove that he was actually practicing pharmacy.

**Robert P. Fischelis** asked, "Suppose the registered pharmacist left the store and put up a sign 'Drug Department Closed?'"

**Mr. Sanders** replied that they have had one case of that kind. The pharmacist said he would go to court rather than give up his afternoons. The case went to court and conviction resulted.

**Mr. Legendre**, of Louisiana, presented an appeal for the states to have the state narcotic law repealed. The question was discussed by Messrs. Walton, Fischelis, Ford, Johnson and Swain, with no action taken by the Conference.

#### GEORGIA DRUG LAWS AND THEIR ENFORCEMENT.

BY A. M. STEAD.

"Georgia Drug Laws and Their Enforcement," was discussed by A. M. Stead, chief drug inspector of that state; it follows:

The Food and Drugs Act of Georgia was passed in August 1906, and is practically a duplicate of the Federal Food and Drugs Act. This Act, which authorized the office of the Chief Drug Inspector, is being enforced in conjunction with all of the Pharmacy Laws of the State, this being the purpose of the Act. The Chief Drug Inspector is appointed by the Commissioner of Agriculture at the suggestion of the Board of Pharmacy. He has charge of all drug inspection of the state. Assistant drug inspectors are appointed by the Commissioner of Agriculture. The Food and Drug Division has eight district food inspectors who coöperate with the Drug Division in Pharmacy Law enforcement in their districts. For the past three years, this has worked so admirably that when the Georgia Pharmaceutical Association, in assembly, was asked by wire signed by a member of pre-legislature committee whether they would like to remain in the Department of Agriculture or be placed under the Board of Health, or otherwise, the Association went on record as unanimously requesting that the drug inspection be left as one of the divisions of the Department of Agriculture.

It seems that our pharmacy laws are somewhat unique in that they are worded a little different than those of most other states.

Our pharmacy law expressly forbids anyone to vend medicines, drugs and poisons within the state and then, as it were, by three gates or exceptions, lets in three classes; namely, pharmacists, doctors and merchants. It defines the circumstances under which each of these classes may operate. In dealing with pharmacy, it defines a pharmacy or drug store as being a place where medicines, drugs and poisons are dispensed, compounded or sold at retail by persons who are duly licensed and registered by the Georgia Board of Pharmacy. Doctors may fill their own prescriptions in their offices and dispense medicines to their patients. The third exception, relating to merchants, must be construed in the interest of public health. It permits them to sell home remedies and patent or proprietary preparations—not poison—when sold only in the original and unbroken package. The best clause in the Pharmacy Law is that the law shall be construed in the interest of public health. This gives the department, charged with its en-