

THE DEPARTMENT OF THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY

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TIMELY SUGGESTIONS FOR LEGISLATION.

BY H. C. CHRISTENSEN, SECRETARY.

Legislatures will meet in some forty odd states the coming winter and spring. Already, many inquiries are being received by the N. A. B. P. office for advice and help relating to legislative matters. It seems, therefore, an appropriate time to consider legislative programs. Uniformity in certain fundamentals in pharmacy laws is important to avoid antagonism with neighboring states. Also, there is no sense in enacting meaningless technicalities which will deny the pharmacists of the state reciprocity elsewhere in later years. The legislative committees, state associations, board members, college faculties—in fact everyone interested in a legislative campaign—owe it to the pharmacists of that particular state to check on these fundamentals and particularly to determine that his reciprocal privilege has not been curtailed.

WARNINGS.

Sometimes a legislative committee has the feeling that if it picks the best provisions from the laws of a considerable number of states, the result will be a perfect law. Entirely the reverse usually happens, as all laws should be planned in such a manner as to make each section complete in itself, yet a coherent part of the whole. This can seldom be accomplished when separate provisions from different laws, often with little or no relation to each other, make up the whole.

Do not ask for too much. It is practically impossible to present an entirely new pharmacy law and have it enacted without many changes by the legislature. In the end, it may be worse than the law you now have. Therefore, decide on one, or at the most two, important changes that are necessary or desirable and concentrate on these. Each change or provision should be presented as a separate amendment, thus taking advantage of the fact that if one is defeated, the other

may be enacted. The difficulty in passing a whole new law is that opposition develops to various sections or provisions, and the combined opposition defeats the entire bill.

Do not introduce drastic commercial measures—limiting the sale of household remedies, patents, proprietaries, etc.—at a time when more important and fundamental provisions are being asked for. Such measures usually are doomed to failure, and quite likely would also bring about the defeat of the more important provisions. Such types of provisions have been declared unconstitutional in certain states in the past and therefore, if attempted, should be introduced as a separate section or amendment at a time when no other important measures are pending.

It is most important to remember that no legislature is particularly interested in passing laws designed to help your business interests as a pharmacist. It *is* interested, however, in the protection of the public welfare, and bills drafted with that object in view are usually given favorable attention. Quoting the assistant attorney general for Maryland, the Hon. Herbert Levy, on this point:

“When courts and juries and justices of the peace realize that what you are trying to do is to preserve the public health and safety and not subserve some selfish purpose, they are inclined to act in accordance with the spirit rather than the letter of the law and technicalities are often brushed aside. But this is only true if it appears that your action is necessary to eliminate a menace to public health and is not intended to harness or unduly interfere with the exercise of private rights.”

Do not attempt to be too specific in details. It is impossible to think of all the details. When detail is attempted everything must be enumerated, otherwise the law is weakened. Also, as conditions change, there is necessity for change in details, and amending laws is difficult work. A law drafted along general lines covering fundamentals, with the minor details to be worked out by the board of pharmacy in its by-laws and rules is far more practical and forceful. As an example of useless detail: Some laws specify the Pharmacopœia to be in effect, U. S. P. X. Such a law must be amended every ten years, and often the succeeding revision of the U. S. P. is in effect for a year or two before the legislature gets around to making the change. In the meantime, the state board, technically speaking, must recognize the U. S. P. IX, for example, while the national standard is the U. S. P. X. Simply stating “latest revision of the U. S. P.” is sufficient.

Attorney Levy said at the recent convention:

“If some things slip by from time to time which the law is not adequate to prevent, don’t rush to the legislature and ask for additional legislation, because you will find that the more laws you have on the books, the greater the number of things that slip by.”

FOR STATES WITHOUT THE COLLEGE PREREQUISITE.

The best possible legislative program for such a state is to concentrate on one thing—the amendment of the section providing the requirements for admission to examination. Thirty-six state laws now provide for college prerequisite, and it is extremely important that the remaining states enact prerequisite laws at the earliest possible date in order to entitle their registrants to general reciprocity. No other measures should even be considered at the same session.

The registration and reciprocity section must harmonize with similar provisions in other states, in order that the reciprocal privilege of the pharmacists of the state will be protected. Therefore, it should be drafted with great care and submitted to the N. A. B. P. for review and suggestion before being submitted to the legislature. Often the change of a word or two is very important.

The number of years of college attendance should not be specified; "graduation from a college of pharmacy recognized by the board" will suffice. This will take care of the three-year graduates until 1936, and after that the four-year graduates, without further amendment.

It has been reported that two or three states are contemplating prerequisite laws limiting the college course to two or three years. Such action would be a serious mistake, as the four-year course becomes effective for matriculation in 1932 and member boards are expected to enforce this ruling. Those boards that continue to recognize and examine graduates of the two- or three-year courses will find themselves in the same position as far as reciprocity is concerned, as if no college requirement were in effect in these states. Not only will their registrants be barred reciprocally, but they will be unable to qualify for examination in prerequisite states that require the four-year course. Such pharmacists will be obliged to practice for the balance of their lives in the state of examination or other non-prerequisite states. Not only the boards of pharmacy, but also the colleges in these states should give serious consideration to this before enacting any new laws. The N. A. B. P. is at present having considerable difficulty because of two-year course graduates who matriculated in 1925 in non-A. A. C. P. schools, and while some of these institutions have since been brought up to the standard for recognition, these two-year graduates are barred and they naturally do not now thank their college for giving them a two- instead of a three-year course, nor the board for examining them on these credentials.

AMENDING ENTRANCE REQUIREMENTS FOR FOUR-YEAR COURSE IN GRADUATE STATES.

Those states which are now on a college graduation basis may find some amendment of their laws necessary to provide for the four-year course. While the four-year course becomes effective for matriculation in 1932, the boards will not examine the first graduating class thereunder until June 1936. On account of crowded legislative programs, however, amendments should be introduced at the coming session. While we still have '32 and '34 sessions, those familiar with work of this kind know that it sometimes takes two or three attempts to get a law amended. An early start is advisable.

Types of amendments necessary:

(a) Laws of states at present on a four-year training basis, which specify that not to exceed two years credit shall be given for college graduation. Illinois is an example of this. Here the only change necessary is to make the word "two" read "three" years credit, thus automatically cutting the experience requirement to one year, the agreed minimum.

(b) Other state laws specify that a minimum of two or three years of experience shall be required in addition to graduation. In such states, the laws ought to be amended to require only *one* year of experience with the four-year course.

(c) Still another classification is that of certain states which permit giving a full calendar year of credit for a term in college. In such instances, no experience would be required with the four-year course under the present law. Ohio and Washington are examples. These laws should be amended to require one year of experience in addition to graduation, otherwise registrants will be barred for reciprocity because of insufficient prior experience.

Certain states which are now on a four-year training basis, where the law specifies that the Board shall give credit for actual time of college attendance but specifying no maximum or minimum credit, will not require any amendment. In such cases, however, the Board should rule that the credit for the college term shall be nine months, totaling 36 months for the four years of college, thus automatically requiring a minimum of one year of retail experience.

DRUG STORE DESIGNATION AND REGISTRATION ACTS.

States that have no legislative program as outlined and would like to improve the pharmacy law can do no better than to pass one of the "drug store designation and registration acts" where the same are not already in force. These provide that only a duly licensed pharmacy, registered with the Board for a fee, having a registered pharmacist in charge, is permitted to display signs, "pharmacy, drugs," or the equivalent. One big advantage of such a law is that it provides the Board with the proper statistical data as to the number of pharmacists in the state, and who is in charge of each pharmacy. Those not on the list are violators and can be fined. From an enforcement standpoint, this type of law has been found very beneficial in a considerable number of states.

The National Association Boards of Pharmacy, 130 N. Wells St. invites you to mail copies of your proposed legislative drafts for checking and suggestions. Assistance will also be given in drafting amendments, laws, etc., if desired. There is no charge for this service, as the constitution of the association cites as one of its objects "the fostering of a uniform minimum standard of pharmaceutic education and uniform legislation."

OBITUARIES.

A. E. CARLSON—NEBRASKA—SEPTEMBER 3RD, 1930.

Word reaches us of the sudden death of A. E. Carlson of Dannebrog, Nebraska, on September 3rd. He was an active member of the Nebraska Pharmacy Examining Board and an ex-president of the Nebraska Pharmaceutical Association. The National Association of Boards of Pharmacy particularly mourns his loss, as he showed a keen interest in the work of the Association although a comparatively new member.

RALPH C. ROOT—VERMONT—AUGUST 3RD, 1930.

Ralph C. Root, member and former president of the Vermont Board of Pharmacy, died on August 3rd following a heart attack, at the age of thirty-four years. He had only recently married, as an item was noted about his returning from his honeymoon in Washington, D. C. in time for the June Board examinations. He