

Section on Education and Legislation

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THE NEED FOR UNIFORMITY IN LAWS REGULATING THE SALE AND USE OF POISONS AND NARCOTICS.

M. I. WILBERT, PH. M., WASHINGTON, D. C.

There are but few problems at the present time that are more deserving of immediate and careful consideration than the loss of life and health due to readily preventable acute or chronic poisoning, accidental or otherwise.

While it is true that the undermining of the health of operatives in hazardous or specially dangerous occupations is a problem that is only beginning to attract the attention of economists and sanitarians, there is even now sufficient evidence available to demonstrate that occupational diseases due to the constant ingestion of poisons or the inhalation of poisonous gases, are much more common than was formerly supposed, and are, in fact, the causative factors for an appreciable portion of the morbidity observed among the employes in various industries.

While the several chemical industries have long since been recognized as being specially hazardous, so far as occupational intoxications might be concerned, there is another phase of the poisoning problem for which the drug business as at present constituted, is largely, if not entirely responsible. This more evident phase of the problem is reflected by the number of deaths annually recorded as being due to the ingestion of poisonous substances, and by the untold hundreds, if not thousands, of lives that are annually wrecked by narcotic or habit-forming drugs other than alcohol.

While we have, as yet, no authoritative figures on the actual number of drug habitues in this country, it is generally acknowledged that the number is much larger than need be and is rapidly increasing because of the ease with which habit-forming drugs can be obtained.

This widespread use of habit-forming drugs, particularly opium, is discussed at some length in two recent messages from the President of the United States to the Senate and House of Representatives (S. Doc. 61st Congress, Nos. 377, 736), and the conditions outlined in these several messages, with other evidence that has accumulated, will, no doubt, tend to bring about the enactment of radical if not drastic laws for controlling the traffic in narcotic or habit-forming drugs of all kinds.

Just what the nature of this legislation is destined to be it would be futile to attempt to outline at this time, but of one thing we can be assured, and that is, that the problem will not be considered as being finally disposed of until it has

been solved in such a way that the sale and use of narcotic drugs is effectually controlled at every point.

Theoretically, it should be possible to control the sale and use of narcotic drugs by means of any one of a number of the laws now in force, but practically, owing to the variability of the laws on the statute books of the several states, the better laws are inoperative because of the absence of laws, or the inefficient nature of the laws in the neighboring states.

The possible influence of the variability in the requirements of the several laws is emphasized by the fact that while we find some form of cocaine legislation on the statute books of 53 of the political divisions included in the United States, only 20 of the states make it unlawful for physicians to prescribe for habitual users, and only seven states make it unlawful, for others than those specifically authorized, to have cocaine in their possession.

Forty-five of the states or political divisions have laws restricting the sale or use of opium or its derivatives, but the greater number of these laws are so burdened with provisos and exceptions as to make them almost valueless from a practical point of view.

Much the same conditions prevail in regard to the laws designed to restrict or control the sale and use of poisons other than narcotics, with the possible exception that the available mortality statistics offer additional argument to emphasize the need for enforcing existing restrictions and for elaborating or amending the present laws so as to make them both uniform and practical.

A review of the mortality statistics for 1910 shows that the number of suicides by poison, in the registration area, totaled 2456. This already large number, when augmented by 1384 deaths from accidental poisonings, other than those from occupational poisons and the inhalation of poisonous gases, gives a total of 3840 deaths largely, if not entirely, preventable by efficient laws, actively enforced.

As with the anti-narcotic laws the reason for the general laxity in the enforcement of the provisions of the laws designed to restrict the sale of poisons is to be sought in the differences that exist in the laws as they occur in the several states and the impracticability of enforcing statutes that include requirements unusual or uncommon in the laws of other states.

Some idea of the variability existing at the present time can be had from the fact that of the 54 existing laws 53 require some form of poison label, 13 require statements regarding antidotes, 45 require registration for certain poisons, 27 require that the seller satisfy himself that the buyer is aware of the poisonous character of the substance and the law of one political division, the Canal Zone, restricts the sale of all poisons, except disinfectants, to prescriptions or requisitions signed by a physician.

These differences are further emphasized by the existing variation of opinion as to what is a poison? Some 18 or more of our state laws include definitions of the term that vary from the bare statement: "Any deadly poison" to "Any drug, chemical or preparation, which according to standard works on medicine or materia medica is liable to be destructive to adult human life in quantities of 60 grains or less."

No less than 42 of the laws include a more or less comprehensive enumeration of the articles considered to be poisonous. These several schedules contain upwards of 163 titles only 23 of which occur in 20 or more of the several laws, while 36 of the titles are found in but one of the laws.

The problem is further complicated by the fact that up to the present time we have no systematic records of the frequency with which certain poisons are used or of the number of deaths attributable to any certain substance.

The seventy-third annual Report of the Registrar-General of Births, Deaths and Marriages in England and Wales includes an enumeration of the deaths from various poisons, so far as known. This list (for 1910) contains a total of 60 or more titles and is particularly interesting in that it suggests the constant variability in the nature of the poisons used and the consequent need for accurate information on the subject. Of the titles enumerated in the above list no less than eight are not found in the schedules of any of our state laws. Some at least of the articles are not ordinarily considered as being poisons. Thus the English list includes fifteen deaths from the use of veronal, ten deaths from the use of sulphonal, and five deaths from the use of camphor and its preparations indicating how difficult it is to determine what is to be considered as a poison and suggesting the desirability of safeguarding or restricting the sale of various articles from time to time.

To even the cursory students of our American poison and narcotic laws it must be evident that we are in this respect as in many others suffering from a lack of coordination or uniformity in the requirements of the several states thus making it extremely difficult if not altogether impossible to enforce the laws of one state without imposing unnecessary hardships on, or placing a premium on the ignoring of the existence of the law by the citizens of adjoining states.

Considering the multiplicity of the problems that are involved it appears to me desirable to provide for:

1. A careful comparative study of existing legislation, on the part of all who should be interested in the subject, so as to determine the reasons for the evident inefficiency of the present laws.
2. Consistent and persistent efforts to secure uniform and practical legislation in the several states so as to effectually restrict the sale and use of poisonous and habit forming drugs.
3. The compiling of accurate and reliable information in regard to substances used as poisons and the nature and kind of substances used by so-called drug-habitues.
4. The compiling of accurate information in regard to the extent of drug habituation.
5. The securing of legislation, federal or state, that will actually and effectually control the manufacture, sale and use of all drugs that are used to destroy human life or which tend to engender the habitual use of the substance to the detriment of the user.