

Section on Education and Legislation

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THE ENFORCEMENT OF LAWS RELATING TO THE PUBLIC HEALTH.

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The principal laws which may be grouped under the above head are as follows:

1. General laws relating to sanitation, protection of water supply, quarantine against contagious diseases, etc., usually enforced by a commission of physicians known as the State Board of Health.

2. Laws regulating admission to the practice of medicine, pharmacy and dentistry, the enforcement of which is in the hands of boards or commissions known by various titles. We may also include in this class the laws regulating undertaking, and veterinary medicine.

3. Laws which relate to the adulteration of foods, beverages and drugs, the method of enforcement of which is various. In some cases their enforcement is in the hands of the board of health; in some cases, especially as relates to drugs, in the hands of the State Board of Pharmacy; and in still other cases in the hands of a special food and drug commissioner.

In the enactment of these laws there has generally been much contention as to the authorities to which their execution should be entrusted. Physicians, pharmacists, dentists, etc., have each insisted that the body of laws relating to their respective vocations should be administered by officials who are members of such professions, and each profession has been jealous of an interference with its so-called rights by any of the other professions.

If the laws regulating these various vocations were enacted solely for the benefit of the vocations concerned, then these contentions might be valid. As a matter of fact, however, the only justification that can be alleged for the legal regulation of any calling is the necessity of protecting the general public welfare; and unless this end is attained by the existence of the law it is vicious only. Since the general good is the sole excuse for these laws, the method of enforcement should be such as will be most economical, speedy, impartial and effective. Their execution divided as it now is among a number of different boards and commissions lacks most if not all of the foregoing qualities.

There is not a state wherein the laws regulating the practice of medicine, pharmacy and dentistry are not constantly being violated, and apparently with impunity. The members of the respective professions who comply with the legal requirements are burdened by various special fees and taxes, while those who

disregard them are free from such burdens. In other words, the law-abiding members of the profession are at a distinct disadvantage as compared to the outlaws, a situation which always tends to increase the number of outlaws and to decrease the number of those who comply with the law.

Druggists, as a rule, have been inclined to insist that the laws providing penalties for the sale of impure and adulterated drugs shall be administered by the board of pharmacy, the members of which are usually required to be men actually engaged in the drug business. Similarly the farmers have been inclined to insist that the board or commission charged with enforcing the law against the adulteration of foods shall be selected from the agricultural class because foods are agricultural products.

If these concessions be made to druggists and farmers why should they not equally be made to every other class of men whose business is the subject of legal regulation?

As a practical method of securing efficiency, impartiality and economy in administration I suggest the following:

That the state boards of health, medicine, pharmacy, dentistry, etc., be replaced in each state by one general board composed of one or more representatives from each of the professions, each of whom shall devote his whole time to the duties of his office, and that to this general board or commission there be entrusted the administration and enforcement of all of the laws relating to sanitation, admission to the practice of pharmacy, medicine and dentistry, adulteration and misbranding of foods and drugs, and prosecutions for the violation of any of these acts.

Naturally the inspectors, chemists, etc., upon whose recommendations and testimony prosecutions were begun would be men specially trained and experienced in their respective subjects, and therefore not likely to recommend prosecutions for frivolous or merely technical causes, but I contend that the prosecutions themselves should be directed by men whose personal interests would not be effected by the result of such prosecutions.

This general board should also have the authority to appoint committees of expert examiners to test the fitness of candidates for admission to practice, and upon the report of these special examiners the general board should issue the license or certificate of registration.

Some of the results which might be expected to follow such a change in the methods of administration are:

1. The very much greater economy—in proportion to the work accomplished—of one board of five to seven members as compared to four or five boards each having five or more members.
2. The better correlation of the laws and methods of administration.
3. The greater likelihood that the law would be impartially and rigidly enforced for the general public benefit.

The jealousy of each one of the branches of medicine of interference by another is such that an attempt to consolidate the various boards under one heading would no doubt be fiercely resisted. In the long run, however, I believe it would be to the distinct advantage of all of the branches of medicine if such a consoli-

dation and concentration of effort could be made, and that it would be the part of wisdom for us to lay aside our petty contentions and to work for this reform.

The foregoing suggestions are not offered with the idea that they will be favorably received by the present generation, but simply as the outgrowth of the writer's experience and observation.

DISCUSSION.

Dr. Albert Schneider, of San Francisco, stated that he approved most heartily of the remarks made by Mr. Beal, from a theoretical standpoint. He certainly approved of the centralization of power. If he had his own way about it, he would centralize all that in himself. It had been demonstrated in actual practice that it would not often do to attempt to administer the pure food and drug laws under one head. In California they were administered by the State Board of Health, and they had found it fairly satisfactory, for the reason that the doctors there were very fine men, "the best in the United States," were interested in the health of the state, and were doing most excellent work. But, unfortunately, they knew little about the purity of drugs.

Dr. H. H. Rusby, of New York City, said he approved of Mr. Beal's paper from a practical point of view, and believed it was the only practical way the thing could be worked out; and he wishes to add that he believed every municipality, every town, should have its own board to cooperate with the State Board, or they would not accomplish anything. The agitation must be kept going until the people in the neighborhood became interested enough to have their cow-stables cleaned and free from disease germs, and their ice cream of a suitable character.

SOME REFLECTIONS CONCERNING LEGAL AND MORAL STANDARDS.

WILHELM BODEMANN.

This is the age of specialization—and yet, as I undertake to write you a few remarks on legislation I find that some legislative work is a veritable campaign of education, and branches into commercial channels also. I am driven to the conclusion that the efforts to maintain living prices may as well be abandoned, there is too much lack of decision and cohesion in our ranks, even some of the so-called leaders preach maintenance of prices and practice "cutting." But there is one legislative stunt that can be tried that will and must result in better prices and diminish cutting; as it is the honest man suffers, the dishonest man rakes in the business and decent pharmacy is put to shame. The great A. Ph. A. should leave no effort untried to place the testing of drugs and pharmaceutical products with competent and independent Food and Drug Commissions, and change the Pharmacy Laws accordingly. One instance may suffice: Solution of magnesium citrate in larger cities is cut to 15 and 20 cents per bottle. It cannot be prepared according to U. S. P. to be sold at that price. But it is sold at that price, and made from magnesium sulphate, ordinary epsom salt!!

Some of our larger cities are cursed with a heavy percentage of druggists whose regard for the orthodox and antique creed of honesty and decency is absolutely nil—a class of undesirables who consider it smart and up-to-date to beat a competitor by ways that are mean and tricks that are dark! If this class of