

# THE CONFERENCE OF PHARMACEUTICAL LAW ENFORCEMENT OFFICIALS

MINUTES OF THE SESSIONS HELD IN HOTEL LORAINÉ, MADISON, WIS.,  
AUGUST 31 AND SEPTEMBER 1, 1933.

The fifth annual meeting of the Conference of Pharmaceutical Law Enforcement Officials was convened by Chairman R. L. Swain, at 9:00 A.M. in the Colonial Room, with the following present: Messrs. H. H. Schaefer and F. C. A. Schaefer, of New York; Pierce, of Maine; McShane, of Vermont; Jones, of South Dakota; Childs, Milne, King and Reese, of Kansas; Hayman, of West Virginia; Bingham, of Alabama; Meads, Teeters, Slocum, Judisch, of Iowa; Hankins, of Florida; Costello, of North Dakota; Henry, Durham, of Michigan; Fischelis, of New Jersey; Nye, of Missouri; Monias and Christensen, of Illinois; Netz, Bender, of Minnesota; Wilson, of Georgia; McCullough, Russell, of Indiana; Wilcox, of Pennsylvania; Philip, California; Jelinek, of Minnesota; Kremers, of Wisconsin; Kelly, Eberle and Swain, of Maryland, Ford, of Ohio.

Chairman Swain delivered his address and upon motion duly seconded, same was received for publication.

## THE CHAIRMAN'S ADDRESS.

BY R. L. SWAIN.

In presenting this address to the Conference of Pharmaceutical Law Enforcement Officials, I shall endeavor to establish one or two general propositions to which I think we should devote our earnest thought. First of all, I think it is our responsibility to point out the defects existing in the pharmacy laws, and to take the lead in having these defects corrected. Secondly, we should do all that we can, in our official capacity, to acquaint the public with the basic significance of pharmacy to public health. I couple these two thoughts together because I am not able to see any way of correcting the defects in pharmaceutical legislation unless our efforts are based upon the public function which pharmacy renders. The whole field of drugs and medicines is so closely connected with the public welfare that pharmaceutical legislation should seek to lodge its regulation and control with the pharmaceutical profession. I have no difficulty in feeling that proper and adequate pharmaceutical legislation is a logical and certain outcome of a due regard, on the part of the public, of the work which pharmacy does.

Assuming that these propositions are sound, and I doubt that any will contend against them, then it seems to me that enforcement agencies should carefully study existing laws, with the view of evaluating their effects upon the community.

Legislation, restricting the practice of pharmacy and the distribution of drugs and medicines to persons meeting lawfully established standards of education and experience, has long been a part of the public general laws of every state. The constitutionality of this legislation is no longer open to question. It is well established that such restrictive regulation and control is a proper exercise of the police power of the states. The police power of a state is the inherent sovereign authority under which its legislature may, within constitutional limits, prescribe the laws and regulations to safeguard the safety, health and morals of the people, prevent fraud and oppression, and promote the public convenience, prosperity and general welfare.

The purpose of these laws is to surround the distribution of drugs and medicines with certain definite legal precautions. Competency and skill are required of those seeking to engage in this important activity.

However, a casual study of the pharmacy laws discloses some major defects. While they do set up generally satisfactory standards for purely professional pharmaceutical practice, all of them recognize certain exceptions and exemptions which go far to defeat their public purpose. As a very general rule, pharmacy laws permit the free and unlimited sale of patent and proprietary medicines and the commonly used household or domestic remedies. True, the language varies, but the meaning and import are the same. This condition is far from new. It seems to have been coexistent with pharmaceutical legislation in this country. The first pharmacy law enacted in this