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The Journal of the American Pharmaceutical Association

Volume III

APRIL, 1914

No. 4

Office of Publication, 79-89 North Third St., Columbus, Ohio.

Subscription, \$4.00 per annum, within the United States. To Canada, \$4.35. To other foreign countries in Postal Union, \$4.50 per annum.

Entered at the Postoffice at Columbus, Ohio, as Second-Class matter.

THE SENATE AMENDMENTS TO THE HARRISON BILL.

AS is well known, the Harrison Bill, (H. R. 6282) seeks to require registration with Collectors of Internal Revenue of every person who produces, deals in, sells or distributes opium or coca leaves, their derivatives or preparations; and also levies upon such registrants a tax of \$100 annually.

Orders for any of the named drugs or preparations must be written in duplicate upon official order blanks which can be obtained only from collectors of internal revenue.

Persons not registered as dealers cannot obtain these order blanks, and hence cannot purchase the drugs for resale or consumption, though certain provisos permit physicians, dentists and veterinarians to dispense to their bona fide patients, and pharmacists to fill the prescriptions of physicians, dentists, and veterinarians without the furnishing of an order blank by the patients to whom they are dispensed.

By this means the bill aims to trace the drugs from their entry into the country to the hands of their last distributors, and thus afford to the several states the opportunity of obtaining evidence necessary to secure conviction for violation of the state laws.

The bill does not in express terms attempt to prohibit the sale of the drugs, because such a prohibition would not be within the powers conferred upon Congress by the Federal Constitution. Incidentally, however, it would operate as a strong deterrent to the illegitimate traffic by the requirement of the registration of dealers, the use of a specified official order blank which can be obtained only from collectors of internal revenue, and the evidence which the operation of the act will provide for the use of local prosecutors.

The bill has been reported out by the Committee on Finance, which has had it under consideration, and is now upon the Senate Calendar as No. 213.

In its passage through the committee the bill received several important amendments. One of these is the inclusion of dealers in hypodermic syringes or needles adapted to administer any of the drugs, who will now be required to register the same as dealers in the drugs themselves, and the sale of these articles can be made only on orders written upon the official order blank.

The wisdom of this amendment is not apparent. The possession of a hypodermic syringe or needle is not essential to the use of the drugs by habitues, and as a matter of fact the vast majority of them do not employ the hypodermic syringe at all. Hypodermic syringes are, however, used extensively as containers of serums and other medicaments in order to insure their perfect sterility up to the moment of administration. Why should the sale of such necessary medicaments be hampered by a restriction which is altogether useless as a measure for controlling the use of habit-forming drugs?

Two other amendments make it clear that officers of the State and Federal Governments may make purchases of the drugs for the various departments of the Army and Navy, and for government and state hospitals, and may have possession of them for such public purposes, without registration as dealers. Singularly enough, however, no means are provided whereby the dealer may sell to such persons without an order blank.

Another amendment, and one which may greatly affect the efficiency of the Act, is the change made in Sub-section a of Section 2, which originally relieved the physician, dentist or veterinary surgeon from requiring an order blank from his patient, "provided, however, that such physician, dentist, or veterinary surgeon shall personally attend upon such patient." From this proviso the words "personally attend upon such patient" have been stricken out, and replaced by "provided any such physician, dentist or veterinary surgeon shall have been specially employed to prescribe for the particular patient receiving such drug or article."

It is reported that the Committee was induced to make this change through the efforts of a manufacturer of a proprietary asthma cure which is said to contain a small proportion of cocaine, and to be widely used throughout the United States. It is advertised only through the mails, and is not sold through drug stores. Its proprietor is a physician who, it is said, operates by sending blank forms to be filled out by the patient. Since the filling of such a blank and the ordering of the medicine would create a specific contract between the physician and the patient, the amendment will relieve both parties from the obligations of the Act.

While it is possible that the proprietary remedy is harmless enough in itself, and would not be likely to either create or satisfy the cocaine habit, it is unfortunate that the Senate Committee found it necessary to open the door so widely to possible abuse. Any physician who is disposed to supply habitues with the drugs will be able to claim, and to prove by his own testimony and the testimony of the alleged patient, that he was specially employed in the case although he may never have seen the person.

The original reading that the physician should "personally attend such patient," would have required at least one bona fide consultation and examination.

The defect, unfortunately, is one which cannot be cured by state legislation,

because the drugs can be sent direct from the manufacturer in one state to a consumer in another, and thus will be under the protection of interstate commerce.

In addition to the above amendments, several others of minor character have been inserted here and there throughout the bill, such as extending the application of the act to the territories and Insular Possessions of the United States, and so on, most of which are unobjectionable. One, however, requires the statement on the label of the quantity of drug contained in certain preparations which are excepted from the operations of the Act, namely, those which do not contain more than 2 grains of opium, $\frac{1}{4}$ of a grain of morphine, $\frac{1}{12}$ of a grain of heroin, or 1 grain of codeine, etc., in a fluid- or avoirdupois-ounce. If this applies only to proprietary remedies, it is needless, since the subject is already covered by the Food and Drugs Act. If it can be held to apply to medicines compounded on physicians' prescriptions, it will be highly objectionable to both pharmacists and physicians, since the reason for excepting such preparations from the operations of the act is that they are not calculated either to create or satisfy a drug habit.

The Senate Committee not only made amendments of its own, but rejected those recommended by the National Drug Trade Conference at its January meeting. One of these recommendations was to strike out from Sub-section b of Section 2, the words "registered under this Act," so that the pharmacist would not be liable if he filled the prescription of a physician who was not registered under the act. The recommendation was a proper one, made after due consideration, and should have been heeded by the committee. Fortunately, the other requirements of the bill are such that practically all physicians will be compelled to register, and hence the danger to the druggist who is reasonably cautious and acts in good faith will not be great.

Another recommendation which the Senate Committee refused to adopt was one to substitute the word "dealer" for the word "druggist" in Sub-section b of Section 2. This recommendation was made because it has been alleged that the act would be unconstitutional, for the reason that it would favor a particular class of dealers, to wit, pharmacists, over all other classes of dealers, in that while paying the same tax as the pharmacist, the latter would have special privileges in dispensing.

The effect of the Senate Committee's amendments was carefully considered at a special meeting of the Executive Committee of the National Drug Trade Conference held at Washington, D. C., March 18, when a memorial was adopted setting forth the objections of the Conference to the changes made in the bill, and renewing its recommendations for the changes asked for by the Conference at its January meeting.

Some of the friends of the bill are predicting its early passage in practically its present form, but it would not be greatly surprising if the number of other pending measures of greater political importance, and the pressure of congressmen for an early adjournment should result in a postponement of the bill until another session.