

Of General Interest

CALIFORNIA; 1915!

Representatives from the various branches of the pharmaceutical profession located in and about San Francisco met in enthusiastic conference in that city on the evening of April 20, to take preliminary steps toward the entertainment of the members of the profession who will be in attendance upon the various meetings of the craft which are to be held in that city during the maintenance of the Panama Pacific Exposition. An organization was effected with Mr. J. A. Sanford, the President of the California Pharmaceutical Association, as chairman. The meeting was addressed by Mr. James A. Barr, Chief of the Bureau of Conventions and Societies for the Exposition, who told of the painstaking work of his department, in planning for the proper accommodation of the many associations, who are to have their meetings at the Golden Gate during the fair.

Mr. Fred I. Lackenbach spoke of the warm responses which he had received, from all sources, to his suggestion that the A. Ph. A. hold its meeting in San Francisco in 1915. Addresses were made by several other gentlemen, in support of Mr. Lackenbach's proposition, and the meeting voted to appoint a committee of three to "work out" the details of plans for the accommodations of the members of the profession who attend the fair.

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A SYMPOSIUM ON THE PROPOSED HARRISON BILL.

At the meeting of the Philadelphia Branch of the A. Ph. A., a number of letters were read on the subject of the so-called Harrison Bill, now pending in the U. S. Senate, and in view of the grave importance of the provisions of this bill to the pharmacists of the country, we give space to print these letters in the columns of the JOURNAL, trusting that a full and frank discussion of the matter will redound to the advantage of the profession.

Washington, D. C., May 4, 1914.

Dear Prof. Cook:

With reference to the so-called Harrison Bill and the misunderstanding of same by many retail pharmacists, permit me to discuss the question briefly and to say that this is largely due to their misconception of the necessity for such legislation by the Federal Government and also their lack of understanding of the provisions of the pending measure and what it is intended to accomplish.

The necessity for the so-called Harrison Bill was not made manifest by the medical profession, drug trade or any of its allied branches. It was the result of careful study, after due investigation, by Federal officers, covering a period of several years, into the evils of drug addiction all over the United States. The appalling conditions unearthed in Philadelphia and other large cities, where school children of tender age had contracted the drug habit, and the fact that a large majority of crimes the past ten years, and especially in the South, were directly traceable to the habitual use of narcotic drugs, led the Federal Government, through its officers, to originally draft a bill which had for its object the absolute control of narcotic drugs, so that they could be sold and used for medicinal purposes only.

This bill being so drastic in its provisions, and the knowledge that, if passed, it would cause no end of trouble for those who of necessity would be required to handle such drugs, led the American Pharmaceutical Association to consider the proposition and to suggest the advisability of the formation of a Conference, whereby all affected interests could come together on common ground, discuss the question and agree upon something feasible yet effective, that would not be unworkable nor prove a burden and at the same time would carry out the original object, the proper protection of the public. It therefore then is a public health measure, and not one, as some seem to think, which will grant special privileges to certain classes.

The American Pharmaceutical Association, in bringing together the Conference, acted with the noblest of objects in view, the welfare of the public, yet at the same time they have conserved the interests of the retail pharmacists as far as possible and have succeeded in removing what would have been a burden, namely, the keeping of records of all

sales of narcotic drugs and the making of returns of the same. * * *

(Then follows a brief review of the field covered by the bill as already printed.—ED.)

By comparing the sections of the amended "Harrison Bill" with the bill as originally proposed, it will be seen that the burdensome task of keeping a record of all sales of narcotic drugs and annually making returns of same, has been eliminated through the efforts of the National Drug Trade Conference, that was organized through the efforts of the American Pharmaceutical Association, and instead, records of purchases are provided for and returns are to be made only when demanded. Is not this work of the American Pharmaceutical Association to be commended and has not the organization conserved the welfare and interests of the retail pharmacists?

As this is a revenue measure it will require all dealers to obtain a license and further provides that the duplicate order blank shall be purchased from the collector of internal revenue, the license-fee is small and the price of the blanks nominal, so that while it is a revenue measure, it will furnish revenue sufficient only to properly carry the act and its enforcement.

With this act in operation and the coöperation provided whereby the present state officials can obtain information necessary for the enforcement of state laws, it will then become unnecessary for the various states to enact new laws, present state laws being quite sufficient if enforced; if not, they can be amended.

The enforcement of present state laws, with this act in operation, will reduce illicit traffic in narcotic drugs to the minimum. That is all that is expected, and it therefore then should receive the support of every self-respecting retail pharmacist in the United States.

A careful study of the provisions of this proposed act leads me to point out that the legitimate retail pharmacist will have but few burdens thrust upon him by its enactment into law; and that the necessary extra labor entailed will be more than compensated for by the good he will do toward humanity, preventing future drug-addiction, overcome the wrecking of individuals and homes and the prevention of crimes, consequently I believe every effort should be put forth to assist in

securing the passage of the bill, thereby cleaning out the dope-sellers and at the same time assist in placing our calling in the position to which it is entitled and where it will be more respected.

Sincerely yours,

S. L. HILTON.

April 30, 1914.

My Dear Professor Cook:

I am pleased, indeed, to learn that the Philadelphia Branch of the American Pharmaceutical Association is to discuss the so-called "Harrison Bill" and its relation to the retail drug trade. It appears somewhat unfortunate that drug associations in various parts of the country have not discussed this proposed legislation in as temperate and as thorough a manner as might have been done if more accurate information regarding the object and scope of the proposed legislation had been presented.

The so-called Harrison Anti-Narcotic Bill, usually referred to as "H. R. 6282," cannot in any sense be considered a regulatory measure and will at best only secure for state and local officials the necessary information to make existing laws operative. This information is to be secured by utilizing the taxing power of the Federal Government in such a way as to impose a nominal license-fee on all who are in any way engaged in the sale or distribution of certain enumerated drugs. In addition to the license-fee, the law also requires that all sales of the enumerated drugs be recorded in a specific way, the method outlined being designed to impose the minimum of trouble to the dealer and to secure the maximum information for officials entrusted with the enforcement of Federal, state or municipal laws and regulations.

How essentially necessary authentic sources of information really are, to enforce local laws, has been amply shown in the state of Pennsylvania, in connection with the cocaine law, and has been further emphasized in the state of New York, where the recently enacted Walker cocaine law was found to be quite inoperative because of the promiscuous introduction of cocaine from without the state, and the development of the illicit traffic by peddlers and others in no way connected with legitimate drug business.

That much misleading information has been published from time to time in regard to the extent of the abuse of narcotic drugs must

be admitted, but from the retail pharmacist's point of view, the opposition that has been evidenced to the enactment of the Harrison Bill has been altogether unfortunate, in that the public at large has been misled into interpreting this opposition as a justification of the frequently-made charge that retail druggists and men connected with the drug business generally, are primarily to blame for the very widespread misuse of opium and coca, their alkaloids and derivatives. It is for this latter reason alone, that it appears altogether unfortunate that the members of the drug trade have evidenced any, even passive objection, to the enactment of the Harrison Anti-Narcotic Bill, as adopted by the House of Representatives last June. The adoption of the various amendments that have been offered to the Committee on Finance of the Senate, and more recently in the Senate itself, do not in any way improve the measure as a source of information, and if embodied in the law as finally enacted, would serve to increase, unnecessarily, the difficulties of enforcing the law without securing any reasonable amount of additional information for the benefit of persons entrusted with the enforcement of local regulatory measures.

From the point of view of the retail druggists and members of the drug trade generally, it would appear desirable to endorse any reasonable legislation that will secure the necessary information to clearly place the onus of the drug abuse where it rightfully belongs, and if it should develop that members of the drug trade are to blame for the promiscuous use of drugs of this type, druggists themselves should be the first to insist that the continuation of such abuse be corrected by additional legislation, and thus clearly show that the promiscuous distribution of habit-forming drugs is not recognized in any way as being a part of the legitimate traffic in drugs and remedial agents.

Very truly yours,
M. I. WILBERT.

My Dear Professor Cook:

Mr. White has handed me your letter of April 29, 1914, with the request that as Counsel for the N. A. R. D. that I answer the same.

In reply I have to say that should the Harrison Bill be so drafted so as to include all parties handling narcotics, and place them under regulations, which will apply with equal

force to all alike, it will be of the greatest benefit. But should this bill pass in a shape so that it will apply unequally to the different classes of people who handle narcotics, it will not only be inefficacious, but it will create such bad feeling and friction as will make its enforcement well nigh impossible.

When Mr. Henry of your city was here I took pains to explain this situation to him and he no doubt will be glad to furnish you any details regarding the legislation.

Yours very truly,
ALONZO H. STEWART.

Dear Dr. Cook:

It gives me a real pleasure to discuss the so-called "Harrison Bill" for consideration by the Philadelphia Branch, and in doing so, I am not unmindful of the fact, that my views regarding the merits of the so-called "Harrison Bill" differ or at least have differed on some vital points from the views as held by two members of the Philadelphia Branch who are also members of the National Drug Trade Conference, and I must take it somewhat for granted, that the views held by said members of the Philadelphia Branch are largely the views of the Branch membership. In this connection I feel called upon to say, that I have always approached the subject as much as possible from the view point of the retail pharmacist seeking to serve best the public need and welfare.

You request a brief contribution, and briefness will be my endeavor, though I must point out, that the many important features will permit brevity only at the expense of clearness and adequacy. The discussion as you say is to be on the so-called "Harrison Bill," in its amended form as now before the Senate, and I take this to mean "H. R. 6282, Calendar No. 213."

The Harrison Bill, in its present form represents an exercise of the taxing power of the Federal Government, and is incidentally only an exercise of its control over interstate commerce, all for the purpose of providing necessary regulation for the distribution of narcotics, which the several states are either unable or unwilling to provide, and frequently indifferent to enforce, in so far as they can provide them. The taxing power is exercised nominally only, not so much with a view of yielding revenue, as with a view of affording a constitutional ground for Federal activity. Constitutional limitations will

not permit the Federal Government to prescribe in direct terms who may or may not sell or distribute within the several states, but to a large extent this can be accomplished by indirection based upon state legislation. On that account a proper Federal law will need to give every person the right to pay the proposed tax, and thus become registered as a dealer in narcotics. Now it may be argued, that under the circumstances the requirement for a \$1.00 tax which all can pay, will not be very helpful, because any drug fiend will gladly pay such a tax of \$1.00 to secure the right of purchase and possession, by becoming a dealer, and then simply supply his personal wants. However, the Harrison Bill, as drafted, gives the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, the right to make needful rules and regulations, for carrying out the provisions of the Act, and this authority would seem to be wide enough to prescribe such regulations as will successfully limit the right to become registered as a dealer, to such persons who in fact are dealers, so that there would be but little danger that one who intends merely to be a consumer, could secure the right of possession as a registered dealer. This feature might possibly have been strengthened, but to attempt to do so may not have been expedient. Assuming, that, under this requirement, the right of possession for further distribution can be successfully limited to actual dealers, it must be granted, that, to this point, nothing more has been secured but what already exists, because the supply of narcotics for illegitimate use to-day comes from dealers of some sort, and there is no need evidently at present, for illegitimate users to become nominally dealers. It follows, that whatever benefit we are to secure from the proposed Federal legislation, must depend upon the greater restrictions which are placed upon the present dealers, most of whom we must assume will be entitled to registration under the intended Act. It is here, where the authority and power of the Federal Government is dependent entirely upon what it may not do directly, but what it may do to a large extent by indirection. To accomplish by indirection what the Federal Government may not do directly, there has been adopted a record system which has been embodied in the Harrison Bill, and, presumably, for the proper enforcement of a revenue measure the

distribution is required to be evidenced by a record of some sort. If this requirement for a record were made applicable to every distribution a large measure of success would seem to be assured. The entire frame work of the Harrison Bill contemplates that the drugs may reach the consumer only through sources, which by state law are authorized to alone supply the consumer for legitimate purposes. This result is secured by making all other distribution dependent upon having an Official Order Form, which of course can be had only by registered dealers. Since the entire narcotic evil ultimately comes from the traffic, which reaches the consumer, the all important question is, whether the control sought to be secured by indirection is sufficient in that respect. If the control over the drug and its distribution to the consumer, is incomplete or insufficient, then the entire proposed legislation is condemned to failure, for every other feature of the bill is merely an incident to the ultimate aim of limiting distribution entirely to legitimate final use and consumption. As already stated, the success of the Federal Act in limiting consumption of the drug to legitimate purposes is greatly dependent upon existing proper state legislation, always provided of course, that the control and supervision sought by indirection, through record requirement, is made uniformly applicable, so as to reach every case in which the drug is distributed for consumption. In my opinion, generally speaking, existing state laws are sufficient to act as a basis upon which indirect Federal control can be built. To me it seems, that the sufficiency of the Harrison Bill is therefore dependent upon the question of whether it aims to be uniformly applicable. Not considering at this point preparations which contain minimum quantities and which are exempted, the Harrison Bill if otherwise so drawn as to be enforceable, will because of the record requirement, limit successfully all distribution by retail pharmacists to consumers on prescriptions exclusively, and thus this source of supply for the consumer will be restricted to legitimate use. The bill requires with one unfortunate exception, that every distribution to the consumer be evidenced by a record in the form of a physician's prescription. Since the right to write prescriptions is limited throughout to certain classes, who are licensed to do so under state law, and since the right to fill prescriptions is limited to an-

other class licensed by state law, it would appear, that by making a record requirement in the form of prescriptions, one source of supply to the consumer will be sufficiently safeguarded. Up to this point the provisions of the Harrison Bill command utmost respect. Right at this point it fails, and, if unchanged, it will be largely a useless measure representing an enormous waste of time, energy and trouble. By Sub-section (a) of Section II, of the Harrison Bill, as advocated by the National Drug Trade Conference, and as contained therein, altogether because of the action of said conference, the distribution by physicians, dentists and veterinarians to the consumer are to be altogether without the need for record requirement. Under the bill a physician, dentist or veterinarian may distribute ten ounces of cocaine during a day and not be required to show what he has done with them, further than to say, that he has used them in the course of his professional practice. The fundamental idea of the Harrison Bill, is to control the existing evil by means of a system of record keeping. We may assume, or at least hope, that this would be largely successful, but the fundamental idea is not carried through to a logical conclusion, and while the law contemplates that the consumer may secure narcotics from about two hundred and fifty thousand physicians, dentists, veterinarians and pharmacists, it would enforce the fundamental idea with which success is hoped for, as against only less than fifty thousand, and would ignore it altogether with reference to the other, about two hundred thousand. If the fundamental idea underlying this proposed legislation means success, if uniformly carried out, it must be doomed to failure if applied to only one-fifth of those to whom it then should apply.

It has always been, and is now, my judgment that the physician, dentist or veterinarian, who would assume the functions of a pharmacist, should be governed by the exact same legal requirements and restrictions. It is my contention that the illegitimate traffic in narcotics is not by any means confined to possible wrong doers who are druggists, but that at least an equal amount may be placed at the doors of medical men. Therefore, to stop up the loopholes with respect to wrongdoers who may be found among only one-fifth of all who are to have the right to supply the consumer, is to make

a useless effort. It is reasonable to assume, that the improper traffic, which may now be carried on by some who constitute one-fifth of the total number, will be readily transferred, if necessary, to those who are now found among the other four-fifths to be guilty of such improper traffic.

Already I come to appreciate that my intended brief contribution is running away from me, and my further remarks will need to be confined to very brief statements. As a whole, the general intent and outline of the Harrison Bill, in view of constitutional limitations, should find approval. It means to accomplish the desired end by comparatively simple method. It places no particularly burdensome requirements upon either the manufacturing, wholesale or retail pharmacist. The method adopted for controlling and supervising all distribution among all dealers is likely to be effective. The rights of the legitimate retail pharmacist are not interfered with any more than is absolutely necessary, and no fair-minded pharmacist should complain with reference to the restrictions placed upon him, excepting in the matter of some important detail to which I mean to refer, but which it even now seems understood will be changed. But what is the use of giving expression to many things which are commendable, when primarily because of one practical defect the entire proposition is useless, and will produce no practical good. Even if everything else contained in the bill proves to be an exercise of the highest intelligence and as perfect as human mind can make, it is doomed to failure, so long as four-fifths of all who may lawfully supply the consumer, are not included within its most important provision.

Other defects to which I would point particularly are:

1st. That pharmacists who would fill a prescription for narcotics, are forced to know under penalty of fine and imprisonment, that the prescription is written by a physician who is also a registered dealer in narcotics.

2nd. The provision in Sub-section (b) of Section 2, which specifically limits the right to fill prescriptions to pharmacists. In my opinion such a provision in a Federal act is not constitutional. The exact same result is secured by substituting the word "dealer" for the word "pharmacist," and then because of legislation which exists in the

several states, only dealers who are pharmacists will be permitted to fill prescriptions.

3rd. Both Sub-Sections (a) and (b) of Section 2, in their present form, seriously endanger the constitutionality of the entire act, but this danger will be largely removed if the word "dealer" is substituted for the word "pharmacist," and if the exception and discrimination, with reference to record requirement as now made in favor of physicians, is removed.

All of these objections have been pointed out by the last Annual Convention of the N. A. R. D., and though the National Drug Trade Conference has been unwilling to admit or say, that it has acted on these objections, because so pointed out, the fact nevertheless remains that it has adopted changes which largely meet the objections, in all but the matter of requiring record keeping on the part of the physician when he assumes the functions of a pharmacist. Even in this respect, the Executive Committee of the National Drug Trade Conference has of late found itself compelled to advocate some record requirement, but in the form proposed it is wholly insufficient, because a dispensing physician could meet the requirement by entering in a book that he had dispensed one (1) ounce of cocaine on the fifth day of

May, without stating to whom and in what quantity he had dispensed it to each of the separate parties. So far as I have been able to measure the needs with reference to record keeping by dispensing physicians, etc., it should be exactly the same as is now in the bill made applicable to pharmacists, and on the other hand, administration by the physician himself to the patient in cases of emergency should not require record keeping.

There are, of course, other provisions in the bill which deserve attention in its discussion, but I am sure that I have taken up enough time and feel also that others from whom you will hear are better prepared to discuss them. To be concise with reference to them all, I advocate such changes as are now advocated by the National Drug Trade Conference, excepting only its late proposition for record keeping on the part of the dispensing physician, which is insufficient to meet the needs of the case. I believe that every person, be he physician, dentist, veterinarian or pharmacist, who would supply the consumer with narcotics other than administration in cases of emergency, should be made to make, have and show the exact same kind of a record for every distribution of the drugs.

Very truly yours,

FRANK H. FREERICKS.

PERSONALITY.

Personality implies intelligence and self-consciousness. A beast is an individual, but not a person. The mere animal feeds itself, but is not conscious of itself. The seat of personality is the center of all our bodily and mental activities. The idea of the bodily structure does indeed enter into the general conception of the person, but it is related to it just as our clothes are related to our bodies—as a mere adventitious appendage. It is not essential to the reality of the person, as that which constitutes a man's self survives the body; it is not essential to the identity of the person, as that remains unchanged amid all the changes of the body. The personality of a human being is centered in that which thinks and reasons, and wills; which loves, and fears, and hopes; which suffers, enjoys and feels.—*George Bush.*