

pects for the new U. S. P. to be in print early this fall were very good indeed.

The annual convention of the Illinois Pharmaceutical Association at Fox Lake, June 11, 12 and 13th, was announced, and a general invitation to be present was issued.

Arrangements for the Chicago delegation to the convention at Detroit were also discussed.

The meeting adjourned until the third Tuesday in October.

E. N. GATHERCOAL, Secretary.

The Pharmacist and the Law

NEW YORK ANTI-NARCOTIC LEGISLATION.

The bill known as the Boylan bill, for the regulation of sales of chloral, opium, any of the salts, alkaloids or derivatives of opium, hypodermic syringes or needles, has become a law in the State of New York.

The bill prohibits the sale of these drugs and articles except upon the prescription of a physician, veterinarian or dentist, with the exception of preparations containing minimum quantities of such drugs. The law also provides for the keeping of records by the person prescribing any of the drugs mentioned in the bill, and also for the recording, by every dealer, of the name and the address of every person to whom such drugs or articles are sold. It also provides for the commitment to a hospital or institution of persons proven to be habitual drug-users, and for their detention therein until they are deemed to be cured of their morbid desire. It further provides for the revocation of the license of any pharmacist, physician, veterinarian, dentist or registered nurse, who may be addicted to the abuse of any habit-forming drug, or who has been convicted of violation of any of the provisions of the act, but, while in the first instance, it provides for the re-issuance of a license on the reformation of the habits of a habitual drug-user, the revocation of a license after conviction, seems to be intended to be of permanent continuance,

not subject to a revision. The full text of the bill follows:

AN ACT TO AMEND THE PUBLIC HEALTH LAW, IN RELATION TO THE SALE OF HABIT-FORMING DRUGS.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:—

Section 1. Chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," is hereby amended by adding after article 11 a new article to be article 11a thereof, to read as follows:—

ARTICLE 11a.

Habit-Forming Drugs.

Sec. 245. Sale prohibited; exception. No pharmacist, druggist or other person shall sell, have or offer for sale or give away any chloral, opium or any of its salts, alkaloids or derivatives, or any compound or preparation of any of them except upon the written prescription of a duly licensed physician, veterinarian or dentist, provided that the provisions of this article shall not apply to the sale of domestic and proprietary remedies, actually sold in good faith as medicines and not for the purpose of evading the provisions of this article, and provided further that such remedies and preparations do not contain more than two grains of opium or one-fourth grain of morphine or one-fourth grain of heroin or one grain of codeine or ten grains of chloral or their salts in one fluid ounce, or if a solid preparation, in one avoirdupois ounce, nor to plasters, liniments and ointments for external use only.

Sec. 246. Prescriptions; certificates. It shall be unlawful for any person to sell at retail or give away any of the drugs, their salts, derivatives or preparations mentioned in section 245 of this chapter, except as herein provided without first receiving a written prescription signed by a duly licensed physician, veterinarian or dentist. The prescription must contain substantially the following:— The name in full of the physician, veterinarian or dentist issuing such prescription, his office address, his office hours and telephone, and the name, age and address of the person to whom and date on which such prescription is issued. It shall be unlawful for any duly licensed physician, veterinarian or dentist to issue any such prescription containing any of the drugs, their salts, derivatives or preparations mentioned in section 245 of this chapter except after a physical examination of any person for the treatment of disease, injury or deformity. It shall be unlawful for any person to sell at retail any of the drugs or preparations of any of those mentioned in section 245 of this article without first verifying the authority of any prescription containing more than four grains of morphine, thirty grains of opium, two grains of heroin, six grains of codeine or four drams of chloral. Such veri-

fication can be made by telephone or otherwise. Such prescription so received shall be filled out at the time of receiving the same for the full quantity prescribed and no prescription so received shall be filled out more than ten days after the date which said prescription be dated. Such prescription, from which no copy shall be taken, shall be retained by the person who dispenses the same and shall be filled but once. Such prescription shall be kept on the general prescription file and given a regular consecutive number on such file. On such prescription shall be inscribed the name and address of the purchaser making such purchase and the date upon which said sale is made. Any person who sells at retail, furnishes or dispenses any of the drugs mentioned in section 245 of this chapter upon a written prescription by a duly registered physician or veterinarian or dentist shall at the time of dispensing the same, place upon the package a label or deliver therewith a certificate stating the name and address of the person selling or furnishing the same, the name and the address of the physician, veterinarian or dentist upon whose prescription such sale is made, the date of sale, and the name of the person to whom such sale is made. Any person, other than a manufacturer of any of the drugs mentioned in section 245 or a wholesale dealer in drugs or a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or a licensed dentist, who shall possess any of the drugs mentioned in section 245 or their salts, derivatives or preparations, shall be guilty of a misdemeanor, unless said possession is authorized by the certificate described in this section.

Nothing herein contained shall be construed to prohibit the sale of any of such drugs by any manufacturing pharmacists or chemists, or wholesale or retail pharmacists, or druggists, to other manufacturing pharmacists or chemists, or wholesale or retail pharmacists, or druggists, or to hospitals, colleges, scientific or public institutions, except that such sales shall be made in the manner provided in the next succeeding section.

Sec. 247. Order blanks; filing. The State Commissioner of Health shall prepare and furnish to all Boards of Health or officers official order blanks, serially numbered in duplicate, bound in book form, with carbon or transfer paper between the duplicate pages. The said official order shall be furnished by the local Health Board or officer to any local, duly licensed physician, dentist, pharmacist, druggist or veterinarian, upon which must be written all orders for the purchase of any of the drugs enumerated in section 245 of this chapter for the use of such physician, dentist, pharmacist, druggist or veterinarian. It shall be unlawful for any person to sell, furnish or dispose to any physician, pharmacist, druggist, veterinarian or dentist any of the drugs enumerated in section 245 of this chapter without first receiving from such physician, druggist, veterinarian or dentist an official order blank as provided in this section, which offi-

cial order shall be retained by the person or corporation who sells, furnishes or dispenses any of the drugs enumerated in section 245 of this chapter, and such official order shall be kept in a separate file or book and an entry made or caused to be made on the order stating the date of sale, the name and address of the purchaser and the name of the person making such sale.

Sec. 248. Physicians, etc., to keep records. All physicians, druggists, pharmacists, veterinarians and dentists shall keep on record the name and address of each person to whom such physician, dentist or veterinarian administers or disposes in any way whatsoever any of the drugs enumerated in section 245 of this chapter, and the quantity so administered, disposed of or given away. Such record shall be preserved for five years and shall always be open for inspection by the proper authorities. Any violation of this section is hereby declared to be a misdemeanor.

Sec. 249. Hypodermic syringe; sale of; record; penalty. It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist or veterinarian, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, without the written order of a duly licensed physician or veterinarian. Every person who disposes of or sells at retail, or furnishes or gives away to any person, either of the above instruments, upon the written order of a duly licensed physician or veterinarian, shall, before delivering the same, enter in a book kept for that purpose the date of the sale, the name and address of the purchaser, and a description of the instrument sold, disposed of, furnished or given away. Any person or persons who sell, dispose of or give away an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, except in the manner prescribed in this section, shall be guilty of a misdemeanor.

Sec. 249-a. Commitment of habitual drug users; procedure; discharge. The constant use by any person of any habit-forming drug, except under the direction and consent of a duly licensed physician, is hereby declared to be dangerous to the public health. Whenever a complaint shall be made to any magistrate that any person is addicted to the use of any habit-forming drug, without the consent or direction of a duly licensed physician, such magistrate, after due notice and hearing, is satisfied that the complaint is founded and that the person is addicted to the use of a habit-forming drug, shall commit such person to a state, county or city hospital or institution licensed under the State Lunacy Commission. Whenever the chief medical officer of such institution shall certify to any magistrate that any person so committed has been sufficiently treated or give any other reason which is deemed adequate and sufficient, he may discharge the person so committed. Every person committed under the provisions of this section shall observe all the rules and regula-

tions of the institution or hospital. Any such person who willfully violates the rules and regulations of the institution or repeatedly conducts himself in a disorderly manner may be taken before a magistrate by the order of the chief medical officer of the institution. The chief medical officer may enter a complaint against such person for disorderly conduct and the magistrate, after hearing and upon due evidence of such disorderly conduct, may commit such person for a period of not to exceed six months to any institution to which persons convicted of disorderly conduct or vagrancy may be committed, and such institution shall keep such persons separate and apart from the other inmates, provided that nothing in this section shall be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the evidence in which this commitment was made.

Sec. 249-b. Revocation of licenses. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist or registered nurse may be revoked by the proper officers or boards having power to issue licenses to any of the foregoing upon proof that the licensee is addicted to the use of any habit-forming drug or drugs after giving such licensee reasonable notice and opportunity to be heard. Whenever it shall appear after one year from date of revocation of such license that such licensee has fully recovered and is no longer an addict to any of the drugs herein prohibited, such board may grant a rehearing and in its discretion reissue the license of such licensee.

Sec. 249-c. Revocation of license after conviction. Whenever any physician, dentist, veterinarian, pharmacist or registered nurse is convicted in a court having jurisdiction of any of the violations of this article, any officer or board having power to issue licenses to any such physician, dentist, veterinarian, pharmacist or registered nurse may, after giving such licensee reasonable notice and opportunity to be heard, revoke the same.

Sec. 249-d. Penalties. Any violation of any of the provisions of this article shall be deemed a misdemeanor. Nothing contained in this article shall be construed to amend or repeal section 1746 of the penal law.

Sec. 2. This act shall take effect July 1, 1914.

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FOOD INSPECTION DECISION NO. 153.
AMENDMENT TO REGULATION 9, RELATING TO
GUARANTIES BY WHOLESALE, JOBBERS, MANU-
FACTURERS, AND OTHER PARTIES RESIDING IN
THE UNITED STATES TO PROTECT DEALERS FROM
PROSECUTION.

Regulation 9, of the Rules and Regulations for the enforcement of the Food and Drugs Act, June 30, 1906 (34 Stat., 768), is hereby amended, effective May 1, 1915, so as to read as follows:

REGULATION 9. GUARANTY.

(Section 9.)

(a) It having been determined that the legends "Guaranteed under the Food and Drugs Act, June 30, 1906," and "Guaranteed by (name of guarantor), under the Food and Drugs Act, June 30, 1906," borne on the labels or packages of food and drugs, accompanied by serial numbers given by the Secretary of Agriculture, are each misleading and deceptive, in that the public is induced by such legends and serial numbers to believe that the articles to which they relate have been examined and approved by the Government and that the Government guarantees that they comply with the law, the use of either legend, or any similar legend, on labels or packages should be discontinued. Inasmuch as the acceptance by the Secretary of Agriculture for filing of the guaranties of manufacturers and dealers and the giving by him of serial numbers thereto contribute to the deceptive character of legends on labels and packages, no guaranty in any form shall hereafter be filed with and no serial number shall hereafter be given to any guaranty by the Secretary of Agriculture. All guaranties now on file with the Secretary of Agriculture shall be stricken from the files, and the serial numbers assigned to such guaranties shall be canceled.

(b) The use on the label or package of any food or drug of any serial number required to be canceled by paragraph (a) of this regulation is prohibited.

(c) Any wholesaler, manufacturer, jobber, or other party residing in the United States may furnish to any dealer to whom he sells any article of food or drug a guaranty that such article is not adulterated or misbranded within the meaning of the Food and Drugs Act, June 30, 1906, as amended.

(d) Each guaranty to afford protection shall be signed by, and shall contain the name and address of, the wholesaler, manufacturer, jobber, dealer, or other party residing in the United States making the sale of the article or articles covered by it to the dealer, and shall be to the effect that such article or articles are not adulterated or misbranded within the meaning of the Federal Food and Drugs Act.

(e) Each guaranty in respect to any article or articles should be incorporated in or attached to the bill of sale, invoice, bill of lading, or other schedule, giving the names and quantities of the article or articles sold, and should not appear on the labels or packages.

(f) No dealer in food or drug products will be liable to prosecution if he can establish that the articles were sold under a guaranty given in compliance with this regulation.

W. G. McADOO,
Secretary of the Treasury.

D. F. HOUSTON,
Secretary of Agriculture.

WILLIAM C. REDFIELD,
Secretary of Commerce.

Washington, D. C., May 5, 1914.