

REPORT OF DELEGATES TO THE NATIONAL DRUG TRADE
CONFERENCE.

To the Officers and Members of the American Pharmaceutical Association:

The report of the delegates to the National Drug Trade Conference submitted at the last meeting of this Association covers briefly a history of the organization and the purposes of the Conference; and was necessarily devoted largely to the work of the Conference in connection with H. R. 6282.

From this it might appear that the main purpose of the Conference was to effect appropriate anti-narcotic legislation. Nothing could be further from the truth. The Harrison Bill is merely an incident, and yet, because of the situation that has existed in Congress for more than a year, it is practically the only legislation that the Conference has had much to do with.

Since the last meeting of the Association the Conference has held one session; the full proceedings of which were published in the JOURNAL OF THE AMERICAN PHARMACEUTICAL ASSOCIATION, for February, 1914; and are therefore not repeated at length in this connection. It may be pointed out, however, that the Form of the Organization was changed so as to provide for an Executive Committee of seven instead of five, thereby insuring representation on the Executive Committee of each constituent association of the Conference.

That the Association may have a better understanding of the scope of the work of the Conference, it is remarked at this point that besides the Harrison Bill, consideration was given to legislation regarding Bichloride Tablets, a regulation for the mailing of poisons, price standardization, and some fifteen bills amending the Food and Drugs Acts of June 30, 1906. Much of this proposed legislation is regarded as inimical to the interests of the drug trade, and, as the Proceedings will show, the Executive Committee was instructed to frame and file briefs with the proper committees of Congress, which work was divided between sub-committees at a subsequent meeting of the Executive Committee of the Conference, held March 18, 1914. The necessity of immediate action was eliminated by the fact that individual members of the Conference had been assured that Congress would not consider any of the several measures during the present session. The sub-committees are preparing to be heard when an opportunity is afforded during the next session of Congress, and the interests of the drug trade are being most faithfully conserved. It is almost superfluous to inform the Association of the present status of the Harrison Bill. The Bill, as it passed the House, was amended by the Senate in several particulars, and then passed. The House refused to accept the amendments of the Senate, and conferees were duly appointed. In the Senate a record-keeping-provision was put in the Bill as a result of the action of the Executive Committee at the meeting held March 18, 1914. The record-keeping-provision as adopted by the Executive Committee was not intended to compel the physician to make a record of administrations, but did require him to make a record of narcotics dispensed, sold, distributed, or given away. Unfortunately, as your delegates think, Senator Nelson introduced an amendment requiring physicians to make a record of narcotics administered, as well as those dispensed, sold, distributed, or given away. This unreasonable amendment brought out the determined opposition of the medical profession of the country, and resulted in an amendment being introduced by Senator Pomerene exempting the physician and his nurse from the operation of the act altogether, practically nullifying the law. To save the bill, because if there were a serious contest it would go over the present term, Senator Thomas consented to the elimination of the record-keeping-provision, otherwise the Beal amendment; whereupon Senator Pomerene withdrew his amendment.

Protest has been made against the Bill as it now stands on account of the absence of this record-keeping-feature; but as it was not in the Bill as adopted by the House or Senate, the question of putting the record-keeping-provision back in the Bill cannot come up before the conferees.

To repeat what already has been stated the real difference between the Senate and House appears to be the Senate's amendment to section (a), striking out the words "personal attendance upon such patient," and substituting therefor: "having been employed to prescribe for the particular patient receiving such drug." It is possible that the House conferees may yield to the Senate; but, anticipating that both sides may desire to compromise, the Secretary of the Conference has suggested the adoption of the following in lieu of paragraph (a):

"To the dispensing or distribution of any of the aforesaid drugs by a physician, dentist or veterinarian registered under this act to a patient, in the course of his professional practice only; or by a nurse or attendant of such patient in accordance with the directions and instructions of such physician, dentist, or veterinarian, and in regular pursuance of such professional practice; provided that such drug shall be dispensed in good faith, and not for the purpose of avoiding the provisions of this Act."

There seems to be no real difference between the House and the Senate respecting the intended effect of the provision. The real question has been: what construction will the courts put upon the words "personal attendance"? If it were certain that the courts would adopt the interpretation that the House intends, the Senate would not object to the language; and the change made by the Senate is intended only to make the intent of the House certain. The language of the Senate, however, seems to those who object to it, to leave the way open to obvious abuses. The Secretary's effort has been to provide language that can not be misunderstood.

Before concluding, the Association should be informed that the Bill as adopted by the Senate provides that a physician must register under the Act, in order to lawfully administer, dispense, distribute, or give away; so there will always be a record of what the physician purchases, since no one can obtain narcotics without using the official order blank delivered only to those who register. On the other hand, likewise at the instance of the Drug Trade Conference, the words "registered under this Act" in Section (b) have been stricken out; thereby relieving the pharmacist from the necessity of knowing whether the prescription he receives comes from a physician who is registered under this Act.

In conclusion, your delegates would say that they believe that the operation of H. R. 6282 will prove the wisdom of the action of the Conference; especially if it is supplemented by appropriate state legislation equally effective and less complicated and less burdensome than now exists in many states. The Harrison Bill will remove the necessity of many of these burdensome and complicated provisions of state legislation by the very fact that it automatically provides a record of sales in interstate commerce.

It is the purpose of the Conference to suggest amendments to present state laws which the Harrison Bill will make feasible and safe, and we recommend a continued affiliation with the N. D. T. C.

Respectfully submitted,

JOHN C. WALLACE.

J. H. BEAL.

S. L. HILTON.