

Our forefathers in pharmacy had their own ideas about "atmosphere." To the quaint old shelf bottles, dust-laden apparatus, more or less accurate—but none the less impressive—scales, they added the odors of hand-made pills of valerian, milk of asafetida, etc., etc. This was creating atmosphere in another sense of the word, and yet it was also atmosphere in the broad sense, for what member of the community upon entering the apothecary shop did not expect these very indications of the nature of the place into which he had come? Absence of these reliable indicators of the pharmaceutical establishment might have cast a doubt as to its reliability into the mind of the layman.

A little of this quaint mysterious atmosphere is a good thing in the general make-up of a drug store even to-day. The decorated shelf bottles are moving farther back all the time, and are out of sight in some places, but many recognize the value of these ancient landmarks of the apothecary shop and permit them to occupy a small corner somewhere in front near the prescription department. Keep them there—they do lend something to the drug store atmosphere.

Cleanliness, a sympathetic attitude toward the person having a prescription filled, the readiness to serve, the ability to serve promptly by having adequate stocks on hand, are some of the personal factors that give to the layman the idea of superiority of the drug store. Decorative schemes are great factors in influencing the attitude of mind of the person entering an establishment. The use of medicinal plant designs, as worked out at the University of Wisconsin and recorded in previous issues of this JOURNAL, is splendid.

The right kind of an atmosphere is necessary to successful business. It is right when the customer leaves the store with the thought "That is a 'real' drug store."

THE HARRISON NARCOTIC LAW.*

The enactment of the Harrison Narcotic Law, December 17, 1914, marked a step in legislation designed to protect the manhood of America, in advance of any other similar prior legislation. It was a tax measure, but obviously the incidental moral purpose of the law overshadowed in importance the comparatively small amount of tax imposed and collected.

Narcotic drug conditions prevailing at that time demanded remedial legislation. The leading public citizens of this country concluded that the Federal Government could best handle the situation. The problem was perplexing. A cancerous condition had developed which, if not arrested, threatened to undermine the health and moral stamina of our manhood and womanhood and was even stretching out its insidious and loathsome tentacles to strangle the youth of this fair country.

The eyes of far-seeing loyal Americans looked across the broad expanse of the Pacific and saw a great nation in the clutches of a foe that was stripping it of its strength and manhood and would soon make it little more than a pawn upon the international chess board. These Americans of vision realized that this same foe had already secured a footing in this land of ours and was insidiously striking at the heart and life of our people.

The Harrison Narcotic Law was a fourteen-inch gun fired in the war to save the health and manhood of this country. The law was attacked in various ways. Paid attorneys with skilfully drawn briefs struck at its vitals, alleging its unconstitutionality. Lower courts here and there, but not all of them, gave favorable consideration to such arguments and proceeded to extract the teeth out of the law. This occasioned in certain parts of the country a rather timid and hesitating policy of enforcement, natural but necessary under the circumstances.

* An address by B. W. Andrews, B.S., LL.M., Assistant Counsel Prohibition Unit, Internal Revenue Bureau, before Washington, D. C., Branch, American Pharmaceutical Association, February 25, 1920.

Government officials believed, however, that the law was right and just and having firm faith in its constitutionality, never gave up hope, but endeavored consistently and persistently in their fight for a higher moral standard, and looked forward with courage to the inevitable day when the law would be construed by the highest tribunal—the Supreme Court of the United States.

That court, last March, decided that the Harrison Narcotic Drug Act, being a revenue measure, is not an invasion of the police power reserved by the States; also that it could not be declared unconstitutional because its effect may be to accomplish another purpose (a moral end) as well as the raising of revenue. The law, therefore, was declared constitutional by that court, the highest which could pass upon the question. See *United States v. Doremus* (249 U. S., 86) and *Webb, et al. v. United States* (249 U. S. 96).

We are all familiar with the good intent and purpose of this law. It is unnecessary to elaborate on that subject to an intelligent audience. You gentlemen know also the practical side. You know what the narcotic drug addict is. You know how he is created. You are acquainted with his creator. You have seen them at their worst, both the poor unfortunate addict and his unscrupulous and mercenary creator. Is there any man who can defend narcotic addiction? Is there any man so morally blind as to defend the vile creature who would make a helpless, innocent, and ignorant person an addict? It would be more merciful in some cases for a man to cut his brother's heart out than to make a "dope fiend" of him.

The crooked person disguised as a physician who, with the aid of some masquerading druggist, invades your home and makes a drug addict of your wife, or your son, or your daughter, is on as low a plane of moral degradation as a murderer. The "addict maker" is beyond defense, no matter who he may be. He is justly condemned by every worthy physician and honest druggist.

I have heard, during the years I have labored patiently to advance the standards of the Government in the enforcement of this humane law, much twaddle about the Government's interfering with legitimate business and seeking to interfere with the sacred prerogatives of the medical practitioner. This Government of ours has done nothing of the kind. No reputable business man, be he druggist, pharmacist, wholesaler, manufacturer, or importer, has been interfered with or harassed, neither has the reputable physician been obstructed or prevented from carrying on his noble and high calling. Even those dwelling in the twilight zone and resorting to obscure methods have been kindly, patiently, and generously dealt with.

On the other hand the crooked physician, the dope doctor, the unscrupulous druggist, the petty peddler and those of that class who have preyed upon their fellow men, violated the laws of their country and brought untold suffering and misery to many homes for years, have when the evidence was clear and overwhelming been made to feel the strong arm of the law, but even then in an orderly and merciful manner.

I have even heard it said that the first four years of the administration of this law was a failure and that to-day addicts are multiplying at an increased rate and that "dope" is more easily obtained than ever before. You gentlemen know how little truth there is in such a statement. Is there any pharmacist or physician present to-night who will maintain that addicts are increasing in number in this capitol city of America, and that dope for illicit purposes is more easily obtained than it was five, or even three years ago? The fact is there are fewer addicts in this country than there were two, three, or four years ago, or even one year ago and no one having a knowledge of the subject can truthfully assert that the fresh supply of addicts is increasing.

You have likewise heard it alleged that National prohibition has increased narcotic drug addiction, that the habitual drinker of spirituous liquor when deprived of his drink seeks morphine, cocaine, or heroine as a substitute for intoxicating alcoholic beverages, and consequently becomes a "dope fiend." Such propaganda is without justification. Prohibition has not increased the number of narcotic drug addicts. It is unreasonable that it should. The "booze artist" wants his "red" liquor. Morphine would not satisfy his thirst for strong drink any more than spirituous liquor would cure the "dope fiend" of his desire for narcotic drugs. Let not this false propaganda discourage you in your laudable efforts to cooperate with your Government in the enforcement of law and order.

I know you will all be pleased to share my opinion that the future is bright. The sun is shining. The seed thought of righteousness has taken root in the minds and hearts of our people. With the cooperation of that splendid class of citizens comprising the pharmacists, druggists,

and physicians, it will not be a great many years, I trust, before an ordinary dope fiend will be as scarce almost as a man with the leprosy. I say this because I know of large areas in this country wherein four or five years ago there were numerous addicts and where to-day there are very few or no ordinary addicts, and only a few unfortunates suffering from some incurable illness who are incidentally addicts, together with possibly a few aged and infirm addicts physically unable to undergo treatment for the withdrawal of the drug.

The Government feels encouraged on account of your loyal coöperation and depending upon your assistance and coöperation together with that of millions of other high class citizens we will win the fight in due season!

The decision of the Supreme Court of the United States declaring the law constitutional is solid rock upon which we can safely stand. The Amendment of the Harrison Narcotic Law contained in the Act of February 25, 1919, will be of great help to us. The original Harrison Narcotic Law, as I have said before, was a step in the right direction. The Amendment of last February is a still greater step toward efficient enforcement.

You are now particularly concerned with the Amendment to the law. Doubtless most of you have read that Amendment. Regulations No. 35, commonly known as the "Narcotic Regulations," have been promulgated and a copy placed in the hands of every registered druggist, physician, and other qualified dealer in narcotics in this country. The Regulations were written with the assistance of the representatives of all the business and professional organizations having to do with the importation, manufacture, sale, or dispensing of opium, coca leaves, their salts, derivatives or preparations thereof. Long conferences were held with those prominent representatives and their advice, counsel, assistance, and coöperation were earnestly sought by the Government, and I take pleasure in saying that they responded generously and willingly. They gave up their time and their best thought to this matter, of which the Government was glad to avail itself.

Some of those gentlemen are closely connected with your local branch of the American Pharmaceutical Association. Dr. DuMez helped us wonderfully and Mr. Samuel L. Hilton has earned our gratitude for the many helpful suggestions that came from his well-equipped mind. It has been said that I was "the man who drafted these Narcotic Regulations." I take this opportunity of saying that is not exactly correct. The Regulations are the result of the joint efforts of all the gentlemen to whom I have alluded as well as a number of faithful, efficient, and painstaking Government employees. I esteemed it a privilege and an honor, as a service to my Government and to my fellow men, to have been able in a very humble way to assist in this great work.

After these Regulations were drafted they were submitted to the Solicitor's Office for review, that is, to trained legal minds, something after the manner in which the now famous peace treaty was submitted to the Senate. They have been ratified by the Solicitor's office but not, however, without certain reservations, and I might say amendments. After having been "held up" for several months the Regulations finally emerged from the Solicitor's Office in very much the shape that you have them now in the printed form and were duly approved November 24, 1919, by our worthy Commissioner, Honorable Daniel C. Roper, and by that great Secretary of the Treasury, Honorable Carter Glass.

These Regulations explain to you clearly the nature of the special taxes that you are required under the law to pay, which tax in the case of a retail dealer is \$6.00 per annum. If you should happen to be a wholesale dealer in narcotics the special tax is \$12.00 per annum. If you should engage in both of these occupations you will be required to pay both taxes. The special tax, you will note, on physicians, dentists, veterinary surgeons, and other practitioners is \$3.00 per annum, while the special tax on importers and manufacturers is \$24.00 per annum.

You will especially note further that a special tax of \$1.00 is imposed upon manufacturers of and dealers in exempt preparations, but that a person who has registered in any of the other classes and paid the higher tax will not have to pay this \$1.00 tax.

You will be required to file a return and re-register *on or before July 1* of each year and at the time you make that application and pay your special occupational tax you will be required to file an inventory of all narcotic drugs and preparations coming within the foregoing law on hand on the date of the application, excluding of course the so-called "exempt preparations." Your particular attention is invited to the fact that you must make your application, file your inventory and pay your special tax on or before July 1. If your application or return is

received by the Collector of Internal Revenue after July 1, you will be subject to a penalty of 25 percent of the amount of the tax on account of your delinquency. This is a matter of law, not of regulations. If you fail, neglect, or refuse through oversight or otherwise to get your application to the Collector and pay your tax on or before July 1, you will have no one to blame but yourself when called upon to pay the 25 percent penalty for delinquency. Least of all please do not blame it on the regulations. Prior to the amendment to the law you could pay your special tax and make your return any time prior to July 31, but not so under the new law, and I am emphasizing this because I would dislike very much to see any of you good fellows have to pay 25 percent for not getting your return in on or before July 1.

The forms will be furnished you upon application to the Collector of Internal Revenue of your district upon which to make your return (form 678) and upon which to make your inventory (form 713). I would advise you in case these blanks are not voluntarily mailed to you by the Collector on or about the last of May or thereabouts that you write the Collector and ask him to send you the blanks, and as soon as you get them make your "inventory" and "return" and send them together with your remittance of the special tax to the Collector.

After you have thus re-registered, filed your inventory and paid your special tax the Collector will send you a special tax stamp which, under the law, must be posted in a conspicuous place in your office, or if you have no office, in the place where you conduct your business. After that has been done you are in a position as pharmacists to fill proper and legitimate narcotic prescriptions issued by any registered physician in the course of the legitimate practice of medicine.

So-called "prescriptions" for narcotics issued otherwise than in the course of the physician's professional practice and strictly for legitimate medical purposes are not prescriptions at all but regarded simply as requests or illegitimate orders and it would be unlawful for you to fill them. You will note here that the day has passed when a doctor can dominate a pharmacist in the matter of furnishing narcotics. A great responsibility rests upon the physician, but a corresponding one rests upon the pharmacist or druggist, and rightly so because a pharmacist or druggist is the actual seller of the narcotics.

When a person presents a narcotic prescription to a druggist he is dealing with the druggist and if he gets the narcotic he gets it from the druggist and he pays the druggist for it. A druggist, therefore, who delivers narcotics to an addict for the purpose of satisfying the addicts craving for the drug knows what he is doing and if he reflects for a moment he will realize that he is violating the law.

Proper and legitimate prescriptions may, of course, be filled and you will note from mimeograph 2212, dated July 31, 1919, a copy of which has been sent to every registered druggist in the United States as well as to every registered physician, that you can fill such prescriptions issued in the treatment of incurable diseases such as cancer, advanced tuberculosis, and other diseases well recognized as coming within this class, where the physician directly in charge of a bona fide patient suffering from such disease prescribes for such patient, in the course of his professional practice and strictly for legitimate purposes, and in so prescribing, indorses upon the prescription that the drug is dispensed in the treatment of an incurable disease; also where the attending physician prescribes for an aged and infirm addict whose collapse from the withdrawal of the drug would result in death and in which case he indorses upon the prescription that the patient is aged and infirm, giving age, and that the drug is necessary to sustain life. You will note that this is set forth in Article 117 of Regulations No. 35.

Prescriptions filled by the druggist should show on the back thereof the signature and address of the person who secures the drug or preparation prescribed and must be preserved for a period of two years on a separate file in such manner as to be readily accessible to inspection by investigating officers.

You will note in Article 94 of the Regulations that narcotic drugs and preparations must at all times be segregated from the general stock of drugs or medicines and be kept under lock and key. This is for your own protection and in most cases will tend to prevent the theft of drugs, although under special circumstances someone might argue that it would be of assistance to any enterprising thief. I do not see how that can be. Numerous drug stores have been burglarized and nothing stolen but narcotics. If the thief was looking for money and the money was scattered around in plain sight, he would be more apt to get the money than if it was placed under lock and

key in some safe place. It is a difficult matter to make a general rule on this subject that would meet all cases, therefore, the best rule to be adopted is that which will cover a majority of cases.

You will find in the regulations explicit instructions as to your registration, the nature and amount of tax to be paid and various other details. You will also find a full explanation of the stamp tax on narcotics which tax, as you know, is to be paid by the affixing of narcotic stamps to the packages by manufacturers and importers. Detailed instructions as to the manner of using order forms whereby narcotic drugs and preparations are procured will also be found in these Regulations.

§ The matter of "exempt preparations" is discussed in Articles 139 to 148 of the Regulations and the manner of keeping your daily record of sales of such exempt preparations, which exempt preparations as you already know are those preparations or remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroine, or more than one grain of codeine, or any salt or derivative of any of them in one fluidounce, or, if a solid or semisolid preparation, in one avoirdupois ounce. Exempt preparations also include liniments, ointments or other preparations which are prepared for external use only, with certain exceptions, *viz.*, liniments, ointments, or other preparations which contain cocaine. These exempt preparations are not required to be stamped and the proper handling thereof should occasion you no difficulty especially if you will spend a few minutes in reading the regulations on that subject.

Paregoric, for instance, prepared according to the United States Pharmacopœia standard, contains not quite two grains of opium to the fluidounce and is, therefore, an exempt preparation. These exempt preparations may be sold with or without prescription, and such a prescription, unlike prescriptions for taxable narcotics, may be refilled, but you must bear particularly in mind the fact that exempt preparations as well as taxable narcotics *may only be furnished for strictly medicinal purposes*. If they are sold for the purpose or with the intent of evading the law and furnishing narcotics improperly the person guilty of such practice has violated the law and it is the intention of the Bureau in such cases to insist upon vigorous prosecution.

The law affords protection to the public from paregoric fiends as well as from laudanum, morphine, or cocaine fiends.

You will be interested as retail druggists and pharmacists in the regulations regarding prescriptions, Article 115 to 125 of the Regulations, to note what is provided therein regarding the issuance of the prescription, purpose of its issuance, the manner of its execution and particularly that narcotic prescriptions cannot be refilled and cannot under any circumstances be partially filled, that telephone orders for narcotics cannot be recognized and that while the narcotics furnished on a prescription are not required to bear stamps, yet the package must contain a label showing the name and registry number of the druggist, the serial number of the prescription, the name and address of the patient and the name, address, and registry number of the physician writing the prescription.

In conclusion, I may be pardoned if I urge upon you the importance of keeping these regulations on or near your prescription stand for ready reference and for frequent perusal. You will find the regulations plain, simple, and easily understood. They conform very strictly to the law and require nothing that is not in the law expressly or by necessary implication.

If you have lost your copy, another copy will be furnished by applying to the Commissioner of Internal Revenue, stating the number of the Regulations desired, which is No. 35. You may rest assured that a compliance with the regulations will insure that you will never be interfered with or harassed in any manner by any Government Narcotic Agent.

The Bureau is grateful to you for the coöperation extended in the past and will rely upon your earnest coöperation in the future. A proper public sentiment favorable to this law will do more toward its efficient enforcement than any other power, and that public sentiment should be fostered and encouraged fully and at all times by the powerful, intelligent, patriotic, and loyal class of citizens which comprise the retail druggists and pharmacists of America. I feel satisfied also that the physicians of this country will stand with you and with us in the enforcement of this law.
