

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 176.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to prevent incompetent persons from con-
ducting the Business of Apothecaries.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. From and after the passage of this
2 act, it shall not be lawful for any person within the
3 limits of the State, to conduct the business of an
4 apothecary, or any part thereof, except as herein-
5 after provided.

SECT. 2. The governor, under the advice and
2 consent of the council, shall appoint three suitable
3 persons to be commissioners of pharmacy, one com-
4 missioner to be appointed as the term of each of
5 those now holding office shall expire, to hold office

6 for the term of three years, unless removed for
7 cause, and until a successor is appointed and quali-
8 fied. If a vacancy occurs in said commission,
9 another shall be appointed as aforesaid to fill the
10 unexpired term thereof. Before entering on the
11 duties of their office, the commissioners shall be
12 sworn to faithfully and impartially discharge the
13 same, and a record shall be made thereof on their
14 commission.

SECT. 3. Said commissioners shall examine any
2 person who desires to carry on the business of an
3 apothecary, and if he is found skilled in pharmacy,
4 shall give him a certificate of that fact, and that he
5 is authorized to engage in the business of an
6 apothecary, and such certificate must be signed by
7 at least two commissioners. They shall register in
8 a suitable book to be kept in the office of the sec-
9 retary of state, the name and place of residence of
10 all to whom they issue certificates, and the date
11 thereof.

SECT. 4. Every person not registered, continuing
2 in or hereafter entering on the business of an apothe-
3 cary, shall be examined by said commissioners, and
4 shall present to them satisfactory evidence that he
5 has been an apprentice, or employed in an apothe-
6 cary store where physicians' prescriptions are com-

7 pounded, at least three years; or has graduated
8 from some regularly incorporated medical college
9 or college of pharmacy, and is competent for the
10 business; and the commissioners may then grant
11 him a certificate and registry as hereinbefore pro-
12 vided; but only one of the partners in a firm need
13 be a registered druggist, provided the partner who
14 compounds medicines be registered. And any
15 physician who has a diploma as the graduate of a
16 duly established medical college, and in active
17 practice, may do the business of an apothecary
18 without being registered.

SECT. 5. For each examination under the pro-
2 visions of this act, the commissioners shall be
3 entitled to receive from the persons examined *ten*
4 dollars, which shall be in full for all services and
5 expenses. In case the result of the examination
6 is unsatisfactory, and no certificate is granted, the
7 applicant shall have the right to another examina-
8 tion without charge after an interval of two
9 months, and within twelve months after the date
10 of his first examination.

SECT. 6. Certificates of two grades or kinds may
2 be issued, whereof one shall declare that the
3 holder is skilled in pharmacy as in section four of
4 this act, and the other kind, which after the ex-

5 amination of the applicants therefor, may be issued
6 to such as shall be not less than eighteen years of
7 age and who have served two full years in an
8 apothecary store where physicians' prescriptions
9 are compounded, shall declare that the holder is a
10 qualified assistant and is competent to take charge
11 of the business of an apothecary, during the temp-
12 orary absence of his employer.

SECT. 7. It shall not be lawful for any store or
2 place of business to be kept open for the sale of
3 medicines or poisons, or for compounding physi-
4 cians' prescriptions, unless the same is placed and
5 kept under the personal control and supervision of
6 a registered apothecary, except temporarily in case
7 of the death of the proprietor, or other emergency,
8 when a registered apothecary shall be put in charge
9 of medicines to be compounded, and no holder of
10 a certificate of registration can be permitted to
11 carry on branch stores without full compliance
12 with the provisions of this act.

SECT. 8. Any person engaged in the business of
2 an apothecary on the eleventh day of March, in
3 the year of our Lord one thousand eight hundred
4 and seventy-seven, may receive a certificate and
5 be registered as aforesaid on application to said
6 commissioners, with proof of his competency.

SECT. 9. If any person who was not engaged
2 in the business of an apothecary on the eleventh
3 day of March, A. D. eighteen hundred and seventy-
4 seven shall hereafter engage in, or carry on the
5 business of an apothecary contrary to the pro-
6 visions of this act, he shall be subject to a penalty
7 of fifty dollars per month upon conviction of the
8 first offense; and of one hundred dollars per month
9 upon each and every subsequent conviction, whether
10 of continuance in said business or for engaging
11 anew therein in violation of the provisions of this
12 act. And it shall be the duty of the commmis-
13 sioners to prosecute all such cases as may be
14 brought to their notice accompanied by testimony;
15 the penalty to be recovered by an action of debt in
16 the name of the county attorney in any court of
17 competent jurisdiction, to be paid into the county
18 treasury.

SECT. 10. The provisions of this act shall apply
2 in cases of women who shall hereafter enter upon
3 and carry on the business of apothecaries.

SECT. 11. This act shall not apply in the case of
2 physicians who prepare and dispense their own
3 medicines, nor to the sale of proprietary prepara-
4 tions.

SECT. 12. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

SECT. 13. Any person may enter upon the bus-
2 iness of an apothecary without the certificate
3 required by the foregoing act; *provided*, he does
4 not personally do the duties of an apothecary but
5 employs a duly registered apothecary who has sole
6 charge of compounding, putting up and dispens-
7 ing medicines and drugs under the provisions of
8 this act.

SECT. 14. No action shall hereafter be com-
2 menced for any penalty or forfeiture incurred prior
3 to the approval of this act.

SECT. 15. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 25, 1885. }

Reported from Committee on the Judiciary, by Mr. HEATH; ordered
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*