

MAINE STATE LEGISLATURE

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FIFTH REVISION.

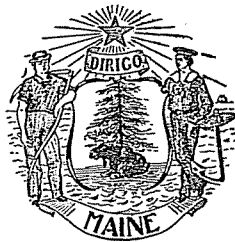
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 30.

APOTHECARIES, AND THE SALE OF POISONS.

SEC. 1. No person shall within the limits of the state conduct the business of an apothecary or any part thereof, or display any drugs, medicine, drug store fittings or furnishings or any sign recognized as peculiar to a drug store to give the appearance of an apothecary store, or claim to be or represent himself to be an apothecary, except as hereinafter provided.

Business of apothecaries regulated. 1899, c. 96, § 1.

SEC. 2. A board of commissioners of pharmacy consisting of three suitable persons, shall be appointed, and may be removed for cause, by the governor with the advice and consent of the council. The terms of office of said commissioners shall be so arranged that one member of said board shall be appointed annually for a term of three years from the first day of December in each year. Vacancies caused by death, resignation, removal or inability to perform the duties of the office shall be filled by appointment for the unexpired term. The Maine Pharmaceutical Association may, at its annual meeting each year, nominate six members of said association, whose names shall be forthwith certified by the president and secretary of said association to the governor, and members of said commission, appointed during any year, shall be selected from the persons whose names are so certified for said year, unless in the opinion of the governor said persons are manifestly unsuitable or incompetent. The compensation of said commissioners of pharmacy shall be five dollars a day, for time actually employed in performance of their official duties, and they shall be paid all necessary expenses incurred therein.

Commissioners of pharmacy, appointment. 1899, c. 96, § 2.

—tenure.

—vacancies, how filled.

—nomination of members. 1903, c. 221, § 1.

—compensation.

SEC. 3. The members of said board shall meet on the second Wednesday of December in each year at such time and place as they may determine, and shall organize by electing from their number a president and secretary, who shall hold their respective offices for the term of one year, and shall give to the treasurer of state a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties thereof. The said board shall hold three regular meetings in each year, one on the second Wednesday of December, one on the second Wednesday of April and one on the second Wednesday of August, and such additional meetings at such times and places as they shall determine.

Meetings. 1899, c. 96, § 3.

—election of president and secretary.

—bond to treasurer of state.

—regular meetings, when held.

SEC. 4. The board shall keep a record of the names of all persons examined and registered thereunder, and a record of all moneys received and disbursed by said board, a duplicate of which record shall always be open to inspection in the office of the secretary of state. Said board shall annually in December make to the governor and council a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month. Said accounts shall be audited by the governor and council, and when so audited and allowed by them, said board shall pay any and all balance shown by said accounts to be in its hands and possession, to the treasurer of state on or before the first day of January annually.

Shall keep record of persons examined and money received. 1899, c. 96, § 4. 1903, c. 221, § 2.

—report annually.

—accounts shall be audited by governor and council.

SEC. 5. Said board shall hear all complaints against any person registered as an apothecary for the violation of any of the requirements of this chapter to be performed by a registered apothecary. Such com-

Complaints against registered apothecaries. 1899, c. 96, § 5.

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—notice and hearing.

—oaths may be administered by any member.

Penalty if person complained of, is guilty.
1899, c. 96, § 6.

Shall examine apothecaries entering business, and issue certificate.
1899, c. 96, § 7.
77 Me., 462.

—if applicant is rejected, may be again examined.

—certificates shall be displayed in shop.

Certificates of two grades may be issued.
1899, c. 96, § 8.

—applicant must not be less than 18 years of age.

Shall pay an annual registration fee.
1899, c. 96, § 9.

plaints shall be made in writing under oath, shall set out the offense alleged, and shall be made within sixty days after the act complained of has been committed. The person against whom complaint is made, shall be notified of the charge made against him and of the time and place when and where the matter will be heard, at least fourteen days before the date fixed for the hearing. He may then and there appear before the board with his witnesses and be heard by counsel. Either member of the board may administer oaths to the witnesses at such hearings, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board may send for persons and compel the attendance of witnesses at said hearings by process duly served.

SEC. 6. If the full board sitting at such hearing shall find that the person so complained against is guilty of the acts charged against him, said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SEC. 7. Every person not already registered, entering on the business of an apothecary, upon the payment of the fee of ten dollars, to the secretary of said board, except as hereinafter provided, shall be examined by said commissioners, and shall present to them satisfactory evidence that he has been an apprentice, or employed in an apothecary store where physicians' prescriptions are compounded, at least three years; or has graduated from some regularly incorporated medical college or college of pharmacy, and is competent for the business; the commissioners may give him a certificate of that fact and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two commissioners. In case the result of the examination is unsatisfactory, and no certificate is granted, the applicant shall have the right to another examination without charge, after an interval of two months, and within twelve months after the date of his first examination. Only one of the partners in a firm need be a registered druggist, *provided*, the partner who compounds medicines be registered. All certificates issued under the provisions of this chapter shall be constantly displayed, in a conspicuous place, in the store or shop of the persons to whom the same were issued.

SEC. 8. Certificates of two grades or kinds may be issued, whereof one shall declare that the holder is skilled in pharmacy as in the preceding section, and the other kind which after the examination of the applicants therefor, may be issued to such as shall not be less than eighteen years of age and who have passed the junior year in a college of pharmacy or in a department of pharmacy in any incorporated college, or served two full years in an apothecary store where physicians' prescriptions are compounded, shall declare that the holder is a qualified-assistant and is qualified to take charge of the business of an apothecary during the temporary absence of the registered apothecary, and the fee for such assistant's examination shall be five dollars.

SEC. 9. Every registered apothecary or qualified assistant who desires to continue the business of an apothecary shall annually thereafter, during the time he shall continue such business on such date as said board may determine, pay to the secretary of said board a registration fee to be fixed

by said board, but which shall in no case exceed, if a registered apothecary, one dollar, if a qualified assistant, fifty cents for which he shall receive a renewal of said registration; and he shall not continue in such business after the date set by said board for said renewal unless he shall have complied with the requirements of this section. Any registered apothecary or qualified assistant, who shall fail to obtain a renewal of registration as herein provided within three years after the date set by said board for said renewal, shall forfeit the right thereto. The fees paid to said board by virtue of this section may be used by said board for the detection and prosecution of violations of this chapter.

—penalty for failure to renew registration.

—fees, how disposed of.

SEC. 10. No registered apothecary shall suffer or permit the use of his name or certificate of registration in the conduct of business of pharmacy when he himself is not actively engaged in such business in the store where his certificate is displayed.

No registered apothecary shall permit use of his name. 1899, c. 96, § 10.

SEC. 11. No store shall be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or medicines be exposed or displayed for sale in any store, except as otherwise provided herein, unless the same is placed and kept under the personal control and supervision of a registered apothecary or qualified assistant, but such store may be under the charge of a qualified assistant during the temporary absence of such registered apothecary.

Unlawful to keep for sale, or to compound physicians' prescriptions, unless by registered apothecary. 1899, c. 96, § 11.

SEC. 12. Whoever engages in or is found in charge of or carrying on a business, or displays any drugs, medicines, drug store fittings or furnishings, or any sign recognized as peculiar to a drug store to give the appearance of an apothecary store, or claims to be or represents himself to be an apothecary, contrary to the provisions of this chapter, shall be subject to a penalty of fifty dollars a month for the first offense, and one hundred dollars a month for each and every subsequent offense, whether for continuance in said business or for engaging anew therein in violation of the provisions of this chapter. The county attorney in each county upon complaint made by any one of said commissioners shall prosecute all violations of the provisions of this chapter.

Penalty for falsely claiming to be an apothecary. 1899, c. 96, § 12.

SEC. 13. The provisions of this chapter shall apply to women who enter upon and carry on the business of apothecaries. This chapter shall not apply to physicians who prepare and dispense their own medicines, nor to the sale of non-poisonous domestic remedies and patent or proprietary preparations usually sold by grocers and others.

Chapter shall apply to women. —shall not apply to physicians who dispense their own medicines. 1899, c. 96, § 13.

SEC. 14. Any person may enter upon the business of an apothecary without the certificate required by this chapter; *provided*, he does not personally do the duties of an apothecary, but employs a duly registered apothecary who has sole charge of compounding, putting up and dispensing medicines and drugs under the provisions hereof.

Any person may conduct the business, by employing registered apothecary. 1899, c. 96, § 14.

SEC. 15. Whoever, engaged in the business of an apothecary, knowingly uses any drugs or ingredients in preparing or compounding a written prescription of any physician different from those named in the prescription, shall upon conviction thereof be fined not less than five, nor more than one hundred dollars.

Penalty for using drugs not named in physicians' prescription. 1899, c. 96, § 15.

SEC. 16. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicine shall be forfeited, and destroyed under the direction of the court.

Penalty for adulterating drugs and selling the same. 1899, c. 96, § 16.

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Sale of
poisonous
drugs without
prescription
from a physi-
cian, regu-
lated.
1899, c. 96, § 17.

—shall keep
record of such
sales.

—penalty for
not keeping
record.

—label on
poisonous
articles,
without pre-
scription,
must show
the word
"poison"
and the
antidote.

—penalty for
neglect to
affix label.

—§ 17 does not
apply to
wholesale
dealers, chem-
ists, or firms
selling in un-
broken pack-
ages, Paris
green, Lon-
don purple,
etc.

—word "poi-
son," shall ap-
pear on every
package.

—penalty.

Registered
apothecaries,
their duties
and restric-
tions.
R. S., c. 28, § 5.
96 Md., 456.

—no liquors
to be sold.

Sale of opium
restricted.
1887, c. 124.

—penalty.

Poisons not
to be deposit-
ed near high-
ways or im-
proved lands.
R. S., c. 28, § 8.
See c. 128, § 1.

—penalty.

SEC. 17. Whoever sells arsenic, arsenious acid, atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, Fowler's solution, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, laudanum, McMunn's elixir, morphia or any of its salts, sugar of lead, oil of savin, oil of tansy, opium, Parson's vermin exterminator, phosphorus, prussic acid, rough on rats, strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, crystals of carbolic acid or a strong solution of carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except to dentists or on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large letters the word "poison," and also the word "antidote," and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article sold before the delivery thereof to the purchaser shall be punished by a fine not exceeding fifty dollars. Whoever purchases poisons as afore- said and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this section shall be construed to apply to wholesale dealers or to manufacturing chemists in their sales to retail trade, nor to the general merchant, nor to a firm or corporation in trade, who may sell in unbroken packages prepared by the manufacturers, Paris green, London purple or other poisonous preparations or compounds used for the destruction of bugs, beetles, insects, slugs, grubs, caterpillars or worms. Upon each and every package so sold shall be printed in large letters the word "poison." Every neglect to affix such label with the word "poison" thereon to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars.

SEC. 18. Apothecaries registered as herein provided, may keep, under such restrictions as the legislature may impose, all medicines and poisons authorized by the United States Dispensatory and Pharmacopœia as of recognized medicinal utility; *provided*, that nothing herein contained authorizes the sale of intoxicating liquors.

SEC. 19. No person except a registered apothecary, or a physician of regular standing in his profession, shall furnish, sell or keep for sale any opium, morphine or laudanum. Whoever violates this section shall be punished by a fine of not less than five, nor more than fifty dollars for each offense, to be recovered by complaint or indictment.

SEC. 20. Whoever for the purpose of killing wolves, foxes, dogs or other animals, and not for the destruction of insects or vermin in a building, leaves or deposits any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid within two hundred rods of a highway, pasture, field or other improved land, shall be fined not less than twenty, nor more than fifty dollars; or be imprisoned not less than thirty, nor more than sixty days.