

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 246

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND NINETY-NINE.

AN ACT to prevent Incompetent Persons from Conducting
the Business of an Apothecary.

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

Section 1. From and after the passage of this act it shall
2 not be lawful for any person within the limits of this State to
3 conduct the business of an apothecary or any part thereof,
4 or display any drugs, medicine, drug-store fittings or furnish-
5 ings or any sign recognized as peculiar to a drug-store to
6 give the appearance of any apothecary store or claim to be
7 or represent himself to be an apothecary, except as herein-
8 after provided.

Sect. 2. The governor, with the advice and consent of the
2 council shall appoint three suitable persons to compose the

3 board of commissioners of pharmacy. The members of the
4 present board shall continue to hold their offices during the
5 terms for which they were appointed. At the expiration of
6 their respective terms of office, appointments shall be so
7 made that the term of each commissioner shall expire on
8 the first day of December in each succeeding year, and there-
9 after the appointment to fill vacancies occurring from expira-
10 tion of terms of office shall be three years from the first day
11 of December in each year. The governor by and with the
12 consent of the council may remove said commissioners for
13 cause. If a vacancy occurs in said commission, another shall
14 be appointed as aforesaid to fill the unexpired term thereof.
15 Before entering upon the duties of their office, the commis-
16 sioners shall be sworn to the faithful and impartial discharge
17 of the same, and a record shall be made thereof on their com-
18 mission.

Sect. 3. The members of said board shall meet on the
2 second Wednesday of December in each year at such time
3 and place as they may determine, and shall immediately
4 proceed to organize by electing a president and secretary,
5 who shall be members of the board, and who shall hold their
6 respective offices for the term of one year, shall give to the
7 treasurer of the State a bond with sufficient sureties, to be
8 approved by the governor and council, for the faithful dis-
9 charge of the duties of his office. The said board shall hold
10 three regular meetings in each year, one on the second
11 Wednesday of December, one on the second Wednesday of
12 April, and one on the second Wednesday of August, and such
13 additional meetings at such times and places as they shall
14 determine.

Sect. 4. The board shall keep a record of the names of all
2 persons examined and registered hereunder, and a record of
3 all moneys received and disbursed by said board, a duplicate

4 of which records shall always be open to inspection in the
5 office of the secretary of State. Said board shall make to
6 the governor and council on or before the first day of January
7 in each year a report stating the condition of pharmacy in the
8 State, with a full and complete record of all its official acts
9 during the year, and the receipts and disbursements of the
10 board. The governor and council are hereby authorized to
11 have published as many copies of said report as may be
12 deemed necessary.

Sect. 5. Said board shall hear all complaints against any
2 person registered as an apothecary for the violation of any
3 of the requirements of this act to be performed by a regis-
4 tered apothecary. Such complaints shall be made in writing
5 under oath, shall set out the offence alleged, and shall be
6 made within sixty days after the act complained of has been
7 committed. Said board shall thereupon notify the person
8 complained against of the charge made against him and of
9 the time and place when and where the matter will be heard
10 by them; but notice of hearing shall be given at least four-
11 teen days prior to the same. He may then and there appear
12 before the board with his witness and be heard by counsel.
13 Either members of the board may administer oaths to the
14 witnesses at such hearings and any person so sworn who
15 wilfully swears or affirms falsely respecting any matter upon
16 which his testimony is required shall be deemed guilty of
17 perjury. Said board shall have the power to send for per-
18 sons and compel the attendance of witnesses at said hearings
19 by process duly served.

Sect. 6. If the full board sitting at such hearing shall find
2 that the person complained against is guilty of the acts
3 charged against him said board may suspend his registra-
4 tion as a pharmacist and his certificate thereof, for such term
5 as the board in their judgment, after due consideration of

6 the facts, may deem for the best interest of the public, or
7 may revoke it altogether, but the certificate of registration of
8 a registered pharmacist shall not be suspended or revoked
9 for a cause punishable by law until after conviction by a
10 court of competent jurisdiction.

Sect. 7. Every person not now registered, hereafter enter-
2 ing on the business of an apothecary, by the payment of the
3 fee of ten dollars, to the secretary of said board, except as
4 hereinafter provided shall be examined by said commis-
5 sioners, and shall present to them satisfactory evidence that
6 he has been an apprentice, or employed in an apothecary
7 store where physicians' prescriptions are compounded, at
8 least three years; or has graduated from some regularly
9 incorporated medical college or college of pharmacy, and is
10 competent for the business; the commissioners may give him
11 a certificate of that fact and that he is authorized to engage
12 in the business of an apothecary, and such certificate must
13 be signed by at least two commissioners. In case the result
14 of the examination is unsatisfactory, and no certificate is
15 granted, the applicant shall have the right to another examin-
16 ation without charge after an interval of two months, and
17 within twelve months after the date of his first examination.
18 Only one of the partners in a firm need be a registered drug-
19 gist, provided, the partner who compounds medicines be
20 registered. All certificates issued under the provisions of
21 this act shall be constantly displayed, in a conspicuous place,
22 in the store or shop of the persons to whom the same were
23 issued.

Sect. 8. Certificates of two grades or kinds may be issued,
2 whereof one shall declare that the holder is skilled in phar-
3 macy as in section seven of this act, and the other kind which
4 after the examination of the applicants therefor, may be
5 issued to such as shall not be less than eighteen years of age

6 and who have passed the junior year in a college of phar-
7 macy or in a department of pharmacy in any incorporated
8 college, or served two full years in an apothecary store where
9 physicians' prescriptions are compounded, shall declare that
10 the holder is a qualified assistant and is qualified to take
11 charge of the business of an apothecary during the tem-
12 porary absence of the registered apothecary, and the fee for
13 such assistant's examination shall be five dollars.

Sect. 9. Every registered apothecary or qualified assistant
2 who desires to continue the business of an apothecary shall
3 annually thereafter, during the time he shall continue such
4 business on such date as said board may determine, pay to
5 the secretary of said board a registration fee to be fixed by
6 said board, but which shall in no case exceed, if a registered
7 apothecary, one dollar, if a qualified assistant, fifty cents for
8 which he shall receive a renewal of said registration; and he
9 shall not continue in such business after the date set by said
10 board for said renewal unless he shall have complied with
11 the requirements of this section. Any registered apothecary
12 or qualified assistant, who shall fail to obtain a renewal of
13 registration as herein provided within three years after the
14 date set by said board for said renewal, shall forfeit the right
15 thereto. The fees paid to said board by virtue of this sec-
16 tion may be used by said board for the detection and prose-
17 cution of violations of this act.

Sect. 10. No registered apothecary shall suffer or permit
2 the use of his name or certificate of registration in the con-
3 duct of business of pharmacy when he himself is not actively
4 engaged in such business in the store where his certificate is
5 displayed.

Sect. 11. It shall not be lawful for any store to be kept
2 open for the sale of medicines or poisons, or for compounding
3 physicians' prescriptions, nor shall drugs or medicines be

4 exposed or displayed for sale in any store, except as other-
5 wise provided herein, unless the same is placed and kept
6 under the personal control and supervision of a registered
7 apothecary or qualified assistant, but such store may be under
8 the charge of a qualified assistant during the temporary
9 absence of such registered apothecary.

Sect. 12. If any person hereafter engage in or be found in
2 charge or carrying on a business or displays any drugs,
3 medicines, drug-store fittings or furnishings or any sign
4 recognized as peculiar to a drug-store to give the appearance
5 of an apothecary store or claim to be or represent himself to
6 be an apothecary, contrary to the provisions of this act, he
7 shall upon indictment and conviction be subject to a penalty
8 of fifty dollars per month for the first offense, and one hun-
9 dred dollars per month for each and every subsequent offense,
10 whether for continuance in said business or for engaging
11 anew therein in violation of the provisions of this act. The
12 county attorney in each county upon complaint made by any
13 one of said commissioners shall prosecute all violations of
14 the provisions of this act.

Sect. 13. The provisions of this act shall apply in the cases
2 of women who shall hereafter enter upon and carry on the
3 business of apothecaries. This act shall not apply in the
4 case of physicians who prepare and dispense their own med-
5 cines, nor to the sale of non-poisonous domestic remedies and
6 patent or proprietary preparations usually sold by grocers
7 and others.

Sect. 14. Any person may enter upon the business of an
2 apothecary without the certificate required by the foregoing
3 act; provided he does not personally do the duties of an
4 apothecary, but employs a duly registered apothecary who
5 has sole charge of compounding, putting up and dispensing
6 medicines and drugs under the provisions of this act.

Sect. 15. If any person engaged in the business of an
2 apothecary knowingly uses any drugs or ingredients in
3 preparing or compounding a written prescription of any
4 physician different from those named in the prescription he
5 shall upon conviction thereof be fined not less than five dol-
6 lars nor more than one hundred dollars.

Sect. 16. Whoever fraudulently adulterates, for the pur-
2 pose of sale, any drug or medicine, or sells any fraudulently
3 adulterated drug or medicine, knowing the same to be adul-
4 terated, shall be punished by imprisonment in a jail not
5 exceeding one year, or by fine not exceeding four hundred
6 dollars; and such adulterated drugs and medicine shall be
7 forfeited, and destroyed under the direction of the court.

Sect. 17. Whoever sells arsenic (Arsenious acid), atropia
2 or any of its salts, chloral hydrate, chloroform, cotton root
3 and its fluid extract, Fowler's solution, corrosive sublimate,
4 cyanide of potassium, Donovan's solution, ergot and its fluid
5 extract, laudanum, McMunn's elixir, morphia or any of its
6 salts, sugar of lead, oil of savin, oil of tansy, opium, Parson's
7 vermin exterminator, phosphorus, prussic acid, "rought on
8 rats," strychnia or any of its salts, tartar emetic, tincture of
9 aconite, tincture of belledonna, tincture of digitalis, tincture
10 of nux vomica, tincture of veratrum viride, crystals of car-
11 bolic acid or a strong solution of carbolic acid, without the
12 written prescription of a physician, shall keep a record of
13 such sale, the name and quality of the article sold, and the
14 name and residence of the person or persons to whom it was
15 delivered, which record shall be made before the article is
16 delivered, and shall at all times be open to inspection by the
17 police authorities and officers of cities and towns; but no sale
18 of cocaine or its salts shall be made except to dentists or on
19 the prescription of a physician. Whoever neglects to keep
20 or refuses to show to said officers such record shall be pun-
21 ished by fine not exceeding fifty dollars. Whoever sells any

22 of the poisonous articles named in this section without the
23 written prescription of a physician, shall affix to the bottle,
24 box or wrapper containing the article sold a label of red
25 paper, upon which shall be printed in large letters the word,
26 poison, and also the word, antidote, and the name and place
27 of business of the vender. The name of an antidote, if there
28 be any, for the poison sold, shall also be upon the label.
29 Every neglect to affix such label to such poisonous article
30 sold before the delivery thereof to the purchaser shall be
31 punished by a fine not exceeding fifty dollars. Whoever
32 purchases poisons as aforesaid and gives a false or fictitious
33 name to the vendor shall be punished by fine not exceeding
34 fifty dollars. But nothing in this section shall be construed
35 to apply to wholesale dealers or to manufacturing chemists
36 in their sales to retail trade, nor to the general merchant, nor
37 to a firm or corporation in trade, who may sell in unbroken
38 packages prepared by the manufacturers, Paris green, Lon-
39 don purple or other poisonous preparations or compounds
40 used for the destruction of bugs, beetles, insects, slugs, grubs,
41 caterpillars or worms. Upon each and every package so
42 sold shall be printed in large letters the word "Poison."
43 Every neglect to affix such label with the word poison there-
44 on to such poisonous article before the delivery thereof to
45 the purchaser shall be punished by fine not exceeding fifty
46 dollars.

Sect. 18. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

Sect. 19. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 2, 1899.

Reported by Mr. SMITH of Presque Isle, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*