

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 230

STATE OF MAINE.

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

AN ACT to amend chapter thirty of the Revised Statutes
relating to Apothecaries and the Sale of Poisons.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section seven of chapter thirty of the revised
2 statutes is hereby amended by inserting after the word
3 "pharmacy" in the eighth line thereof the words 'and has
4 been employed in such an apothecary store for at least one
5 year,' so that said section as amended shall read as follows:

'Sect. 7. Every person not already registered, entering
7 on the business of an apothecary, upon the payment of the
8 fee of ten dollars, to the secretary of said board, except
9 as hereinafter provided, shall be examined by said com-
10 missioners, and shall present to them satisfactory evidence

11 that he has been an apprentice, or employed in an apothecary
12 store where physicians' prescriptions are compounded, at
13 least four years; or has graduated from some regularly
14 incorporated medical college or college of pharmacy and
15 has been employed in such an apothecary store for at least
16 one year, and is competent for the business; the commis-
17 sioners may give him a certificate of that fact and that he is
18 authorized to engage in the business of an apothecary, and
19 such certificate must be signed by at least two commis-
20 sioners. In case the result of the examination is unsatis-
21 factory, and no certificate is granted, the applicant shall
22 have the right to another examination without charge, after
23 an interval of two months, and within twelve months after
24 the date of his first examination. Only one of the part-
25 ners in a firm need be a registered druggist, *provided*, the
26 partner who compounds medicines be registered. All cer-
27 tificates issued under the provisions of this chapter shall
28 be constantly displayed in a conspicuous place, in the store
29 or shop of the persons to whom the same were issued.'

Sect. 2. Section eight of said chapter is hereby amended
2 by striking out after the word "have" in the fifth line there-
3 of the words "past the junior year in a college of pharmacy
4 or in a department of pharmacy in any incorporated college,
5 or," so that said section as amended shall read as follows:

'Sect. 8. Certificates of two grades or kinds may be is-
7 sued, whereof one shall declare that the holder is skilled
8 in pharmacy as in the preceding section, and the other kind

9 which after the examination of the applicants therefor, may
10 be issued to such as shall not be less than eighteen years of
11 age and who have served two full years in an apothecary
12 store where physicians' prescriptions are compounded, shall
13 declare that the holder is a qualified assistant and is quali-
14 fied to take charge of the business of an apothecary during
15 the temporary absence of the registered apothecary, and
16 the fee for such assistant's examination shall be five dollars.'

Sect. 3. Section nine of said chapter is hereby amended
2 by adding after the word "thereto" in the twelfth line there-
3 of the words 'and shall forfeit the sum of twenty-five dol-
4 lars for every month he continues the business of an apothe-
5 cary without obtaining said renewal,' so that said section
6 as amended shall read as follows:

'Sect. 9. Every registered apothecary or qualified assist-
8 ant who desires to continue the business of an apothecary
9 shall annually thereafter, during the time he shall continue
10 such business on such date as said board may determine,
11 pay to the secretary of said board a registration fee to be
12 fixed by said board, but which shall in no case exceed, if a
13 registered apothecary, one dollar, if a qualified assistant,
14 fifty cents, for which he shall receive a renewal of said
15 registration; and he shall not continue in such business
16 after the date set by said board for said renewal unless he
17 shall have complied with the requirements of this section.
18 Any registered apothecary or qualified assistant, who shall
19 fail to obtain a renewal of registration as herein provided

20 within three years after the date set by said board for said
21 renewal, shall forfeit the right thereto, and shall forfeit
22 the sum of twenty-five dollars for every month he con-
23 tinues the business of an apothecary without obtaining said
24 renewal. The fees paid to said board by virtue of this
25 section may be used by said board for the detection and
26 prosecution of violations of this chapter.'

Sect. 4. Section ten of said chapter is hereby amended
2 by adding thereto the following words, 'for at least six
3 hours in each business day,' so that said section as amended
4 shall read as follows:

'Sect. 10. No registered apothecary shall suffer or per-
6 mit the use of his name or certificate of registration in the
7 conduct of business of pharmacy when he himself is not
8 actively engaged in such business in the store where his
9 certificate is displayed, for at least six hours in each busi-
10 ness day.'

Sect. 5. Section twelve of said chapter is hereby amended
2 by striking out after the words "a penalty of" in the sixth
3 line thereof the words "fifty dollars a month for the first
4 offense, and one hundred dollars a month" and inserting
5 in place thereof the words 'two dollars a day for the first
6 offense and four dollars a day.' Said section is further
7 amended by adding thereto the following words, 'All fines
8 and forfeitures collected under this section shall be paid
9 to the treasurer of state and shall be considered funds of
10 the board of commissioners of pharmacy, to be expended

11 by them for the enforcement of laws relating to apothecaries and the sale of poisons and for expenses incurred 12 in their official work,' so that said section as amended shall 13 read as follows:

'Sect. 12. Whoever engages in or is found in charge of 16 or carrying on a business, or displays any drugs, medicines, 17 drug store fittings or furnishings, or any sign recognized 18 as peculiar to a drug store to give the appearance of an 19 apothecary store, or claims to be or represents himself to 20 be an apothecary, contrary to the provisions of this chap- 21 ter, shall be subject to a penalty of two dollars a day for 22 the first offense and four dollars a day for each and every 23 subsequent offense, whether for continuance in said busi- 24 ness or for engaging anew therein in violation of the pro- 25 visions of this chapter. The county attorney in each coun- 26 ty upon complaint made by any one of said commissioners 27 shall prosecute all violations of the provisions of this chap- 28 ter. All fines and forfeitures collected under this section 29 shall be paid to the treasurer of state and shall be considered 30 funds of the board of commissioners of pharmacy, to be 31 expended by them for the enforcement of laws relating to 32 apothecaries and the sale of poisons, and for expenses in- 33 curred in their official work.'

Sect. 6. Section seventeen of said chapter is hereby 2 amended by inserting after the word "by" in the four- 3 tenth line thereof the words 'any member of the board of

4 commissioners of pharmacy or by,' so that said section as
5 amended shall read as follows:

'Sect. 17. Whoever sells arsenic, arsenious acid, atropia
7 or any of its salts, chloral hydrate, chloroform, cotton root
8 and its fluid extract, Fowler's solution, corrosive sublimate,
9 cyanide of potassium, Donovan's solution, ergot and its
10 fluid extract, laudanum, McMunn's elixir, morphine or any
11 of its salts, sugar of lead, oil of savin, oil of tansy, opium,
12 Parson's vermin exterminator, phosphorus, prussic acid,
13 rough on rats, strychnine or any of its salts, tartar emetic,
14 tincture of aconite, tincture of belladonna, tincture of digi-
15 talis, tincture of nux vomica, tincture of veratrum viride,
16 crystals of carbolic acid or a strong solution of carbolic
17 acid, without the written prescription of a physician, shall
18 keep a record of such sale, the name and quantity of the
19 article sold, and the name and residence of the person or
20 persons to whom it was delivered, which record shall be
21 made before the article is delivered, and shall at all times
22 be open to inspection by any member of the board of com-
23 missioners of pharmacy or by the police authorities and
24 officers of cities and towns; but no sale of cocaine or its
25 salts shall be made except to dentists or on the prescription
26 of a physician. Whoever neglects to keep or refuses to
27 show to said officers such record shall be punished by fine
28 not exceeding fifty dollars. Whoever sells any of the poi-
29 sonous articles named in this section without the written
30 prescription of a physician, shall affix to the bottle, box

31 or wrapper containing the article sold a label of red paper,
32 upon which shall be printed in large letters the word "poi-
33 son," and also the word "antidote," and the name and place
34 of business of the vendor. The name of an antidote, if
35 there be any, for the poison sold, shall also be upon the
36 label. Every neglect to affix such label to such poisonous
37 article sold before the delivery thereof to the purchaser
38 shall be punished by a fine not exceeding fifty dollars.
39 Whoever purchases poisons as aforesaid and gives a false
40 or fictitious name to the vendor shall be punished by fine
41 not exceeding fifty dollars. But nothing in this section
42 shall be construed to apply to wholesale dealers or to man-
43 ufacturing chemists in their sales to retail trade, nor to
44 the general merchant, nor to a firm or corporation in trade,
45 who may sell in unbroken packages prepared by the manu-
46 facturers, Paris green, London purple or other poisonous
47 preparations or compounds used for the destruction of
48 bugs, beetles, insects, slugs, grubs, caterpillars or worms.
49 Upon each and every package so sold shall be printed in
50 large letters the word "poison." Every neglect to affix
51 such label with the word "poison" thereon to such poison-
52 ous article before the delivery thereof to the purchaser
53 shall be punished by fine not exceeding fifty dollars.'

Sect. 7. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

STATE OF MAINE.

IN SENATE,

February 19, 1909.

Presented by Mr. WALKER of Hancock and on his motion
tabled for printing pending reference to Committee on Legal
Affairs.

F. G. FARRINGTON, *Secretary*.