

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 154

S. P. 378

In Senate, Mar. 1, 1927.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Morrison of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-SEVEN

AN ACT 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 twenty-one of the
2 revised statutes, as amended by chapter seventy-eight of
3 the public laws of nineteen hundred and twenty-five, is here-
4 by further amended by striking out in the fourteenth and
5 fifteenth lines thereof of the words "and has had a general
6 education, including at least two years at a high school,"
7 and inserting in place thereof the words 'and shall be a
8 graduate of a high school or its equivalent,' so that said
9 section, as amended, shall read as follows:

'Sect. 7. Every person not already registered, entering on
2 the business of an apothecary, upon the payment of a fee

3 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 had been an apprentice, or employed in an apothecary
7 store where physicians' prescriptions are compounded, at
8 least four years; or has graduated from some regularly
9 incorporated medical college or college or pharmacy and has
10 been employed in such an apothecary store for at least one
11 year, and is competent for the business; the commissioners
12 may give him a certificate of the fact and that he is author-
13 ized to engage in the business of an apothecary, and such
14 certificate must be signed by at least two members of the
15 commission. No such certificate shall be issued unless the
16 applicant is at least twenty-one years of age, of good moral
17 character, a citizen of the United States, and shall be a
18 graduate of a high school or its equivalent. Provided, that
19 exemption from the high school graduate requirement to
20 examination for registration as apothecary, shall be allowed
21 to persons, who, before this act becomes effective, have been
22 employed for at least four years in a drug store under the
23 supervision of a qualified apothecary and who presents to
24 the board satisfactory evidence of such service and success-
25 fully passes the examination of said board within three years
26 of the passage of this act. In case the result of the exami-
27 nation is unsatisfactory, and no certificate is granted, the
28 applicant shall have the right to another examination. with-
29 out charge, after an interval of two months, and within

30 twelve months after the date of his first examination. The
31 board may, in its discretion, grant certificates of registration
32 to such persons as shall furnish with their application satis-
33 factory proof that they have been registered by examination
34 in some other state, provided that such other state shall
35 require a degree of competency equal to that required of
36 applicants in this state. Only one of the partners in a firm
37 need be a registered druggist, provided, the partner who
38 compounds medicines be registered. All certificates issued
39 under the provisions of this chapter shall be constantly dis-
40 played, in a conspicuous place, in the store or shop of the
41 persons to whom the same were issued.'

Sect. 2. Section eleven of said chapter twenty is hereby
2 amended by striking out in the sixth line thereof the word
3 "two" and inserting in place thereof the word 'five,' and by
4 striking out in the seventh line thereof the word "four" and
5 inserting in place thereof the word 'ten,' so that said section,
6 as amended shall read as follows:

'Sect. 11. Whoever engages in or is found in charge of or
2 carrying on a business, or displays any drugs, medicines, drug
3 store fittings or furnishings, or any sign recognized as pecu-
4 liar to a drug store to give the appearance of an apothecary
5 store, or claims to be or represents himself to be an apothecary,
6 contrary to the provisions of this chapter, shall be
7 subject to a penalty of five dollars a day for the first offence
8 and ten dollars a day for each and every subsequent offence,
9 whether for continuance in said business or for engaging

10 anew therein in violation of the provisions of this chapter.
11 All fines and forfeitures collected under the provisors of
12 this section shall be paid to the treasurer of state and shall
13 be considered funds of the board of commissioners of
14 pharmacy, to be expended by them for the enforcement of
15 laws relating to apothecaries and the sale of poisons, and
16 for expenses incurred in their official work.'

Sect. 3. Section twelve of said chapter twenty is hereby
2 amended by adding in the fourth line thereof after the
3 word "non-poisonous" the word 'non-potent,' so that said
4 section, as amended, shall read as follows:

'Sect. 12. The provisions of this act shall apply to women
2 who enter upon and carry on the business of apothecaries.
3 This chapter shall not apply to physicians who prepare and
4 dispense their own medicines, nor to the sale of non-poison-
5 ous, non-potent domestic remedies and patent or proprietary
6 preparations usually sold by grocers and others.'

Sect. 4. Section seventeen of said chapter twenty is hereby
2 amended by striking out said section and substituting in
3 place thereof the following:

'The drugs and medicinal preparations of a potent charac-
2 ter of the United States Pharmacopoeia, Dispensatory, or
3 National Formulary may be sold only by registered apothec-
4 aries in towns or districts where registered apothecaries
5 are located; that in towns or districts where registered
6 apothecaries are not available, and where necessity exists
7 for some means of obtaining ordinary drugs and medicines,

8 the commission shall designate such articles as might with
9 safety to public health be sold in original packages where
10 put up and labelled by qualified pharmacists; provided that
11 nothing herein contained authorizes the sale of intoxicating
12 liquors.'