

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-THIRD LEGISLATURE

Senate Document

No. 361

S. P. 610

In Senate, Apr. 5, 1927.

Reported by Senator Morrison from Committee on Legal Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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 of the revised statutes, as amended by chapter seventy-eight of the public laws of nineteen hundred and twenty-five, is hereby further amended by striking out said section and substituting in place thereof the following:

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

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 of pharmacy and
10 has been employed in such an apothecary store for at least
11 one year, and is competent for the business; the commis-
12 sioners may give him a certificate of the fact and that he
13 is authorized to engage in the business of an apothecary,
14 and such certificate must be signed by at least two members
15 of the commission. No such certificate shall be issued unless
16 the applicant is at least twenty-one years of age, of good
17 moral character, a citizen of the United States, and shall
18 be a graduate of a high school or its equivalent. Provided,
19 that exemption from the high school graduate requirement
20 to registration as apothecary, shall be allowed to persons,
21 who, before this act becomes effective, have been employed
22 for at least four years in a drug store under the supervision
23 of a qualified apothecary and who present to the board
24 satisfactory evidence of such service and successfully pass
25 the examination of said board within three years of the
26 passage of this act. In case the result of the examination
27 is unsatisfactory, and no certificate is granted, the applicant
28 shall have the right to another examination without charge,
29 after an interval of two months, and within twelve months
30 after the date of his first examination. The board may, in
31 its discretion, grant certificates of registration to such per-
32 sons as shall furnish with their application satisfactory

33 proof that they have been registered in some other state,
34 provided that such other state shall require a degree of
35 competency equal to that required of applicants of this state.
36 Only one of the partners in a firm need be a registered
37 druggist, provided, the partner who compounds medicines
38 be registered. All certificates issued under the provisions
39 of this chapter shall be constantly displayed, in a conspicuous
40 place, in the store or shop of the persons to whom the same
41 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 sec-
6 tion, as amended, shall read as follows:

'Sect. 11. Whoever engages in or is found in charge of
2 or carrying on a business of, or displays any drugs, medi-
3 cines, drug store fittings or furnishings, or any sign recog-
4 nized as peculiar to a drug store to give the appearance of
5 an apothecary store, or claims to be or represents himself
6 to be an apothecary, contrary to the provisions of this chap-
7 ter, shall be subject to a penalty of five dollars a day for
8 the first offence and ten dollars a day for each and every
9 subsequent offence. All fines and forfeitures collected under
10 the provisions of this section shall be paid to the treasurer
11 of state and shall be considered funds of the board of com-

12 missioners of pharmacy, to be by them expended for ex-
13 penses incurred in their official work.'

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

'Sect. 17. The drugs and medicinal preparations of a
2 poisonous character of the United States Pharmacopœia,
3 Dispensatory, or National Formulary may be sold or dis-
4 pensed only by registered apothecaries in cities, towns, or
5 villages where registered apothecaries are located; that in
6 cities, towns or villages where registered apothecaries are
7 not located, and where necessity exists for some means of
8 obtaining drugs and medicines, the commission shall desig-
9 nate such drugs and medicines as might with safety to pub-
10 lic health be sold in original packages as and when put up
11 and labelled by qualified pharmacists; provided that nothing
12 herein contained authorizes the sale of intoxicating liquors.'

Sect. 4. Chapter twenty of the revised statutes is hereby
2 amended by adding the following section to be known as
3 section thirty-one.

'Sect. 31. "Commission" means Maine Commission of
2 Pharmacy.

"Board" means Maine Board of Pharmacy.

"Medicine" means a drug or preparation of drugs for use
2 as a curative or remedial substance.

"Pharmacy" means the place registered by the board in

2 which drugs, chemicals, medicines, prescriptions or poisons
3 are compounded, dispensed, or retailed.

“Physician” means a practitioner of medicine duly registered
2 under the laws of Maine or some other state.

“Dentist” means a practitioner of dentistry duly registered
2 under the laws of Maine or some other state.

“Veterinarian” means a practitioner of veterinary duly
2 registered under the laws of Maine or some other state.

“Poison” means any drug, chemical or preparation liable
2 to be destructive to human life in quantities of sixty grains
3 or less.

“Supervision” means under the direct charge or direction
2 and does not contemplate any continued absence of such
3 supervision.

“Proprietary Medicine” means remedies that certain indi-
2 viduals, firms, associations, or corporations have the exclu-
3 sive right to manufacture or sell.

“Apothecary” or “Pharmacist” means a person who pre-
2 pares, dispenses, or sells drugs or medicines and authorized
3 by the commission to conduct the business of apothecary.

“Apothecary store” means a place where drugs or chemi-
2 cals or medicines are compounded, dispensed or sold, and
3 registered by the commission.

“Secretary” means the secretary of the Maine Board of
2 Pharmacy.