

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 507

H. P. 986 House of Representatives, Feb. 11, 1931.

Referred to Committee on Public Health and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hathaway of Milo.

STATE OF MAINE

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

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 2 of chapter 23 of the revised statutes is hereby amended by adding after the word "year" in the fifth line the following words, 'or until successor is appointed and qualified', so that said section as amended shall read as follows:

'Sec. 2. Commissioners of Pharmacy, nomination and appointment; tenure; vacancies, how filled. R. S. c. 20, 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 or until successor is appointed and qualified. 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.'

Sec. 2. Section 7 of chapter 23 of the revised statutes is hereby repealed and a new section is hereby substituted in place thereof to be numbered section 7 and to read as follows:

'Sec. 7. Examination and certification of apothecaries; certificates issued to persons registered in other states; certificates to be displayed. R. S. c. 20, sec. 7. 1925, c. 78, sec. 1. 1927, c. 209, sec. 1. Every person not already registered, entering upon the business of an apothecary, upon the payment of a fee of fifteen 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 had been an apprentice, or employed in an apothecary store where physicians' prescriptions are compounded, at least four years; or has graduated from some regularly incorporated medical college or college of pharmacy and has been employed in such an apothecary store for at least one year, and is competent for the business; the commissioners may give him a certificate of the fact and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two members of the commission. No such certificate shall be issued unless the applicant is at least twenty-one years of age, of good moral character, a citizen of the United States, and a graduate of a school or college of pharmacy or a department of pharmacy of a university, recognized by the board of pharmacy, and shall file proof satisfactory to the board, substantiated by proper affidavits, of sufficient service and experience in a retail pharmacy, under the supervision of a registered or licensed pharmacist, to make a total, together with actual time of college attendance, of at least four years of pharmaceutical training; and shall pass an examination by the board of pharmacy; provided, that in all cases the actual time of attendance at a school or college of pharmacy, or a department of pharmacy of a university, to be credited on the required four years of pharmaceutical training, shall not exceed three years. Service and experience in a retail pharmacy under the supervision of a licensed or registered pharmacist as required in this section shall be predominantly related to

the selling of drugs, compounding physicians' prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under the state and federal statutes. And provided, that exemption from the graduate in pharmacy requirement for entrance to examination for registration as pharmacist shall be allowed to persons who, before this act becomes effective, have been employed for at least six months in a retail pharmacy under the supervision of a registered or licensed pharmacist, and who within not more than five (5) years from the date on which this act becomes in force, produce and file evidence satisfactory to the board of having had at least four (4) years of pharmaceutical training under the supervision of a registered or licensed pharmacist; not to exceed two (2) years of which may be successfully completed actual time of attendance in a school or college of pharmacy or department of pharmacy of a university, recognized by the board or of which not to exceed two years may be credited for pharmaceutical training acquired in a regularly chartered public hospital, or a hospital corps of the United States army or United States navy; but, of the four years pharmaceutical training required, each applicant shall have had not less than two years of service and experience in a retail pharmacy under the supervision of a registered or licensed pharmacist, and shall prove to have acquired the requisite fitness and knowledge by passing successfully the examination required by the said board for registration as pharmacist, within the said five years; if such applicant cannot or does not qualify by successfully passing such an examination within the said five years, he shall, in keeping with public welfare, be required thereafter to become a graduate of a school or college of pharmacy, or department of pharmacy of a university, recognized by the board, before again being permitted entrance to examination for registration as pharmacist. In case the result of the examination is unsatisfactory, and no certificate is granted, the applicant shall have the right to subsequent examination or examinations at half original fee (\$7.50) after an interval of two months, and within twelve months after the date of his first examination. The board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered in some other state, pro-

vided that such other state shall require a degree of competency equal to that required of applicants of this state. Excepting, that persons of good character who have become registered as pharmacists by examination in other states prior to the time this act becomes in force shall be required to satisfy only the requirements which existed in this state at the time when they became registered in such other states, and provided also, that the state in which such person is registered shall, under like conditions, grant reciprocal registration as a pharmacist, without examination, to pharmacists duly registered by examination in this state. Only one of the partners in a firm need be a registered druggist, provided, the partner who compounds medicines be registered. All certificates or permits 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. 3. Section 11 of chapter 23 of the revised statutes is hereby amended by adding after the word "all" in line 8 the word 'fees'; and by striking out the word "section" in line 9 and substituting in place therefor the word 'chapter', so that said section as amended shall read as follows:

'Sec. 11. Penalty for falsely claiming to be an apothecary; disposal of fines and forfeitures. R. S. c. 20, sec. 11. 1927, c. 209, sec. 2. Whoever engages in or is found in charge of or carrying on the business of an apothecary, 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 punished by a fine of five dollars a day for the first offense and ten dollars a day 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. All fees, fines and forfeitures collected under the provisions of this chapter shall be paid to the treasurer of state and shall be considered funds of the board of commissioners of pharmacy, to be by them expended for the enforcement of laws relating to apothecaries and the sale of poisons and for expenses incurred in their official work.'

Sec. 4. Chapter 23 of the revised statutes is further amended by adding thereto another section to be known as section 36 and to read as follows:

‘Sec. 36. Annual store registration; procedure; penalties. The board of pharmacy shall require and provide for annual registration of every pharmacy, drug store, pharmacy department, prescription laboratory, dispensary or apothecary in this state. Any person, firm, corporation or co-partnership desiring to operate, maintain, open or establish a pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, in this state shall apply to the board of pharmacy for a permit or license to do so. The application for such permit or license shall be made on a form prescribed and furnished by the board of pharmacy, which when properly executed shall indicate the ownership, trustee, receiver or other person or persons desiring such permit or license, including the name of the registered pharmacist owner or manager in charge or to be placed in charge, as well as the location of such pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, including street name and number, and such other information as the board may require. If it is desired to operate, maintain, open or establish more than one pharmacy, drug store, pharmacy department, prescription laboratory, dispensary or apothecary, separate application shall be made and separate permit or license shall be issued for each.

Every application for a permit shall be accompanied by the required fee of two dollars, which amount shall also be paid annually as the fee for renewal of such permit or license. If an application is found to be satisfactory by the board of pharmacy, the secretary of said board shall issue to the applicant a permit or license for each pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary for which an application is made.

Permits or licenses issued under this section shall not be transferable, and shall expire on December thirty-first of each calendar year, and if application for renewal of permit or license is not made and a new one granted on or before the last day of February, the old permit or license shall lapse and become null and void. Change of ownership, management, or registered pharmacist in charge, must be reported promptly to the board in writing. The board of pharmacy is hereby authorized to revoke any permit or license issued under the provisions of this section at any time when examination or

inspection of the pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, for the operation of which the permit or license was granted, shall disclose that such place is not being conducted according to the law.

Any person, firm, corporation or co-partnership opening, operating or maintaining a pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, in violation of this section by failing to secure a permit or license as required, shall be guilty of a misdemeanor, and upon conviction hereof, shall be fined not less than twenty-five dollars and the cost of prosecution, and each and every day that such violation continues shall constitute a separate and distinct offense.

There shall be kept in every pharmacy or drug store a copy of the latest revision of the United States Pharmacopoeia and the latest revision of the National Formulary, which books must be available for the inspection of the board of pharmacy and its properly authorized agents and employees. Any person failing to comply with the requirements of this section shall, upon conviction, be fined the sum of ten dollars and the cost of prosecution.'