

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 797

H. P. 1773

House of Representatives, March 20, 1935.

Reported by Mr. Austin from Committee on Public Health. On motion of Mr. Demers of Sanford tabled pending acceptance of report. New draft ordered printed. Specially assigned for Tuesday, March 26.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1349—L. D. 586

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Apothecaries and Sale of Poisons.

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

Sec. 1. R. S., c. 23, § 1, amended. Section 1 of chapter 23 of the revised statutes is hereby amended to read as follows:

‘Sec. 1. Business of apothecaries regulated. No person shall within the limits of the state conduct the business of an apothecary or any part thereof, or sell, or offer for sale, any drug or preparation official in United States Pharmacopoeia, Dispensatory or National Formulary, or chemical equivalent intended for medical use, or display any drugs, medicine, drug store fittings or furnishings, or any sign recognized as peculiar to a drug store such as: pharmacy, pharmacist, apothecary, drugs, drug store, druggist, druggists’ sundries or medicine, to give the appearance of an apothecary store, or claim to be or represent himself to be an apothecary or employ or permit advertising of any character which would convey such impression except as hereinafter provided.’

Sec. 2. R. S., c. 23, § 10, amended. Section 10 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 10. Drug stores under control of registered apothecary. No store shall be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or medicines **official in United States Pharmacopoeia, Dispensatory or National Formulary** be exposed or displayed for sale in any store, except as otherwise provided herein, unless the same is placed and kept under the personal control and supervision of a registered apothecary, ~~or qualified assistant~~ but such store may be under the charge of a qualified assistant during the temporary absence of such registered apothecary.'

Sec. 3. R. S., c. 23, § 11, amended. Section 11 of chapter 23 of the revised statutes as amended by chapter 48 of the public laws of 1931 is hereby further amended to read as follows:

'Sec. 11. Penalty for falsely claiming to be an apothecary; disposal of fines and forfeitures. 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, **such as pharmacy, pharmacist, apothecary, druggist, drugs, drug store, druggists' sundries or medicine** to give the appearance of an apothecary store, or claims to be or represents himself to be an apothecary **or employ or permit advertising of any character which would convey such impression** contrary to the provisions of this chapter, shall be punished by a fine of \$5 a day for the first offense and \$10 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. R. S., c. 23, additional. Chapter 23 of the revised statutes is hereby amended by adding section 16-A, to read as follows:

'Sec. 16-A. Form of record. The record required in section 16 shall be kept upon such form as may be approved by the commission of pharmacy.'

Sec. 5. R. S., c. 23, § 12, amended. Section 12 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 12. Application of chapter. The provisions of this chapter shall apply to women who enter upon and carry on the business of apothecaries. This chapter shall not apply to physicians, **hospitals and sanitariums who charge their patients and** who prepare and dispense ~~their own~~ medicines, nor to the sale of non-poisonous domestic remedies **not official in the United States Pharmacopoeia and National Formulary** and patent or proprietary preparations usually sold by grocers and others.'