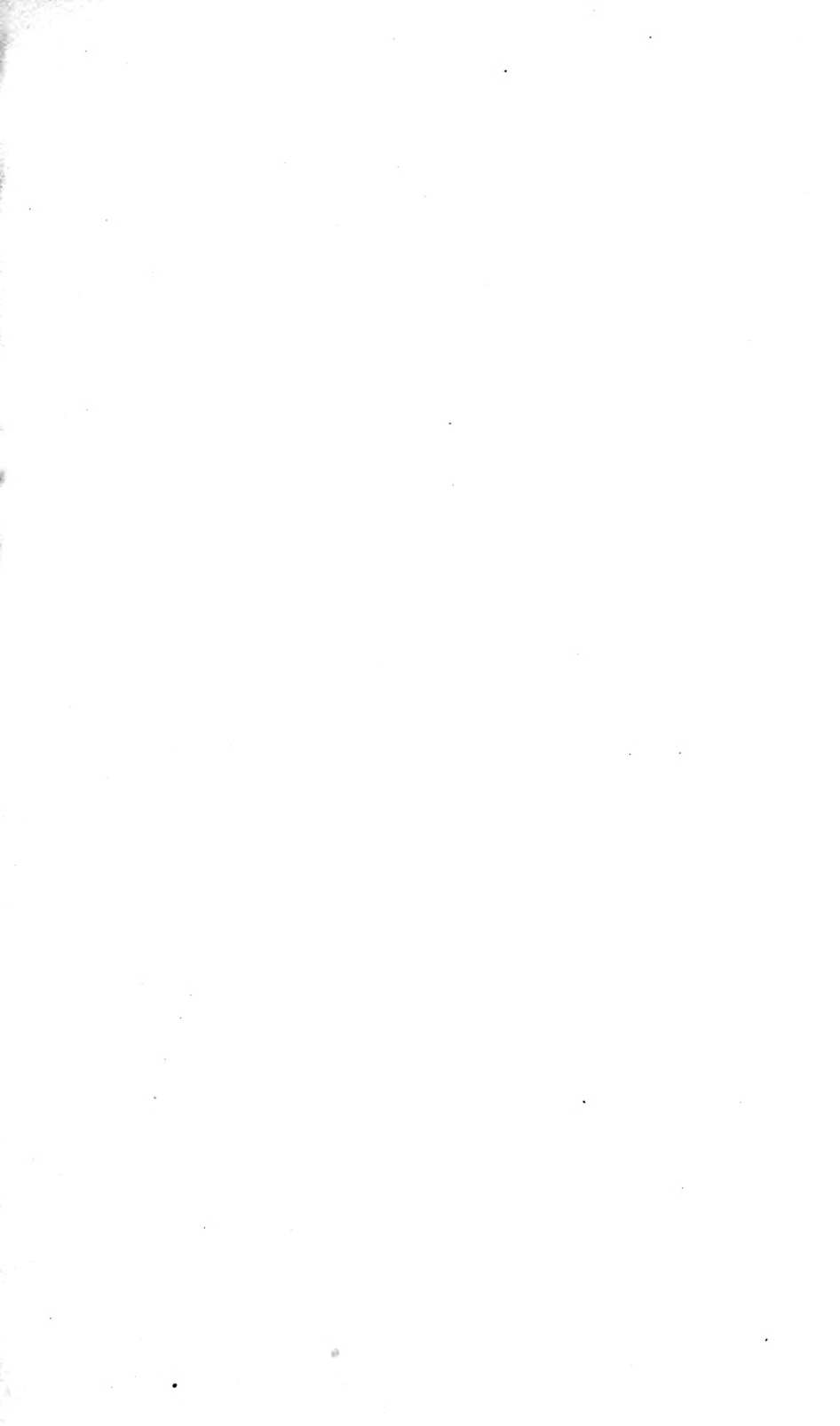
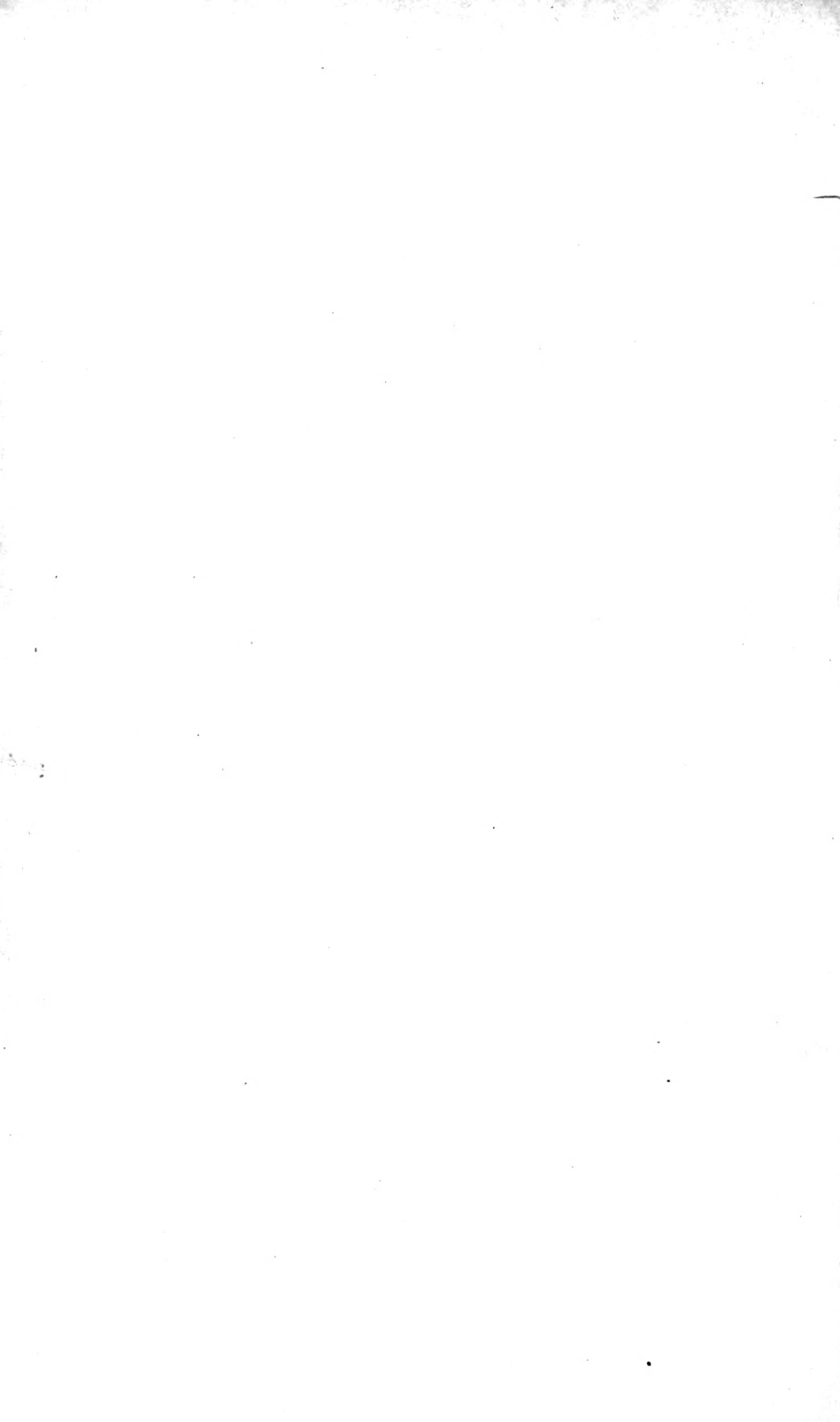


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U. S. DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY—BULLETIN No. 98.

H. W. WILEY, Chief.

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# DRUG LEGISLATION IN THE UNITED STATES.

BY

LYMAN F. KEBLER,

*Chief, Drug Laboratory,*

WITH THE COLLABORATION OF

EARL T. RAGAN,

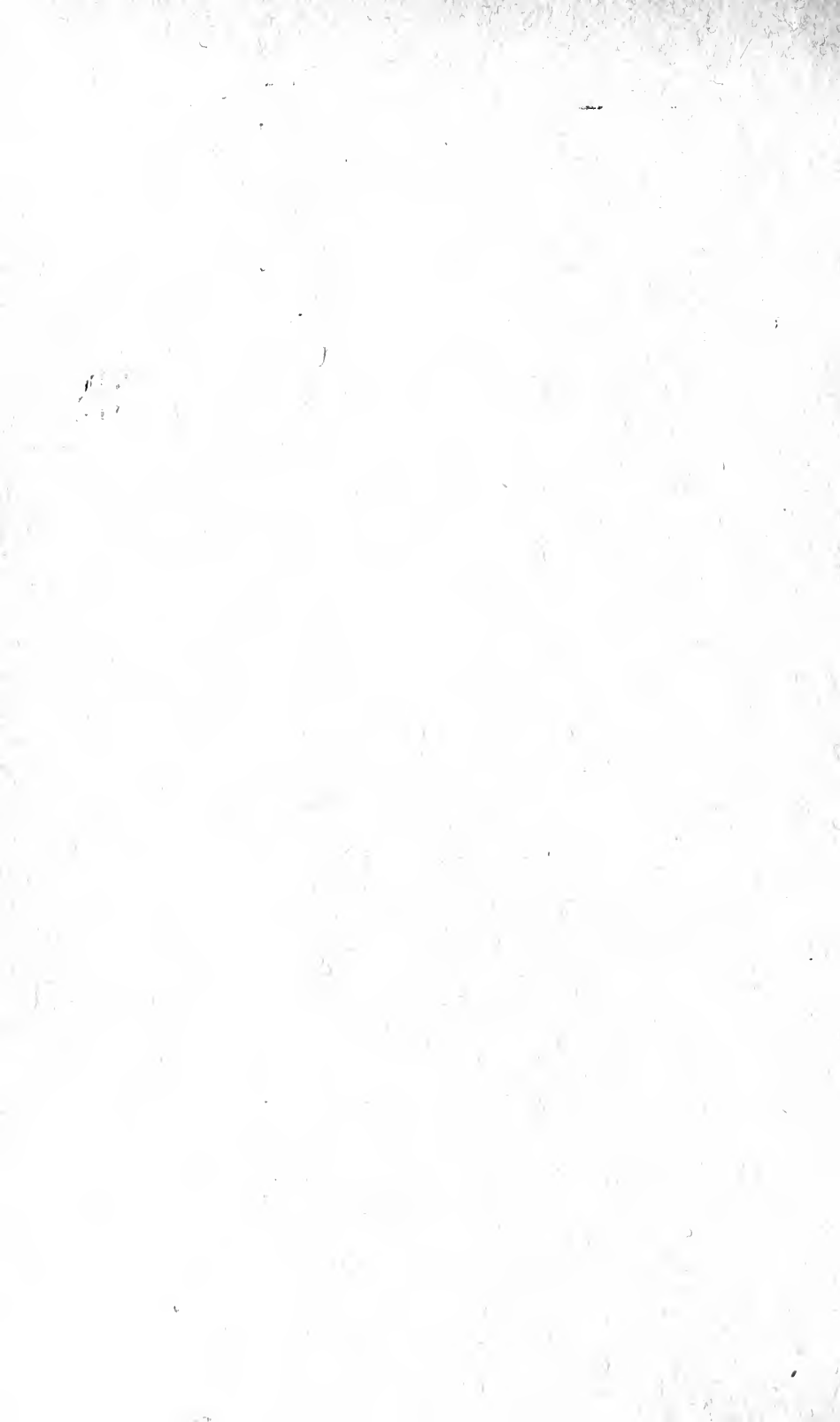
*Scientific Assistant.*



WASHINGTON:

GOVERNMENT PRINTING OFFICE.

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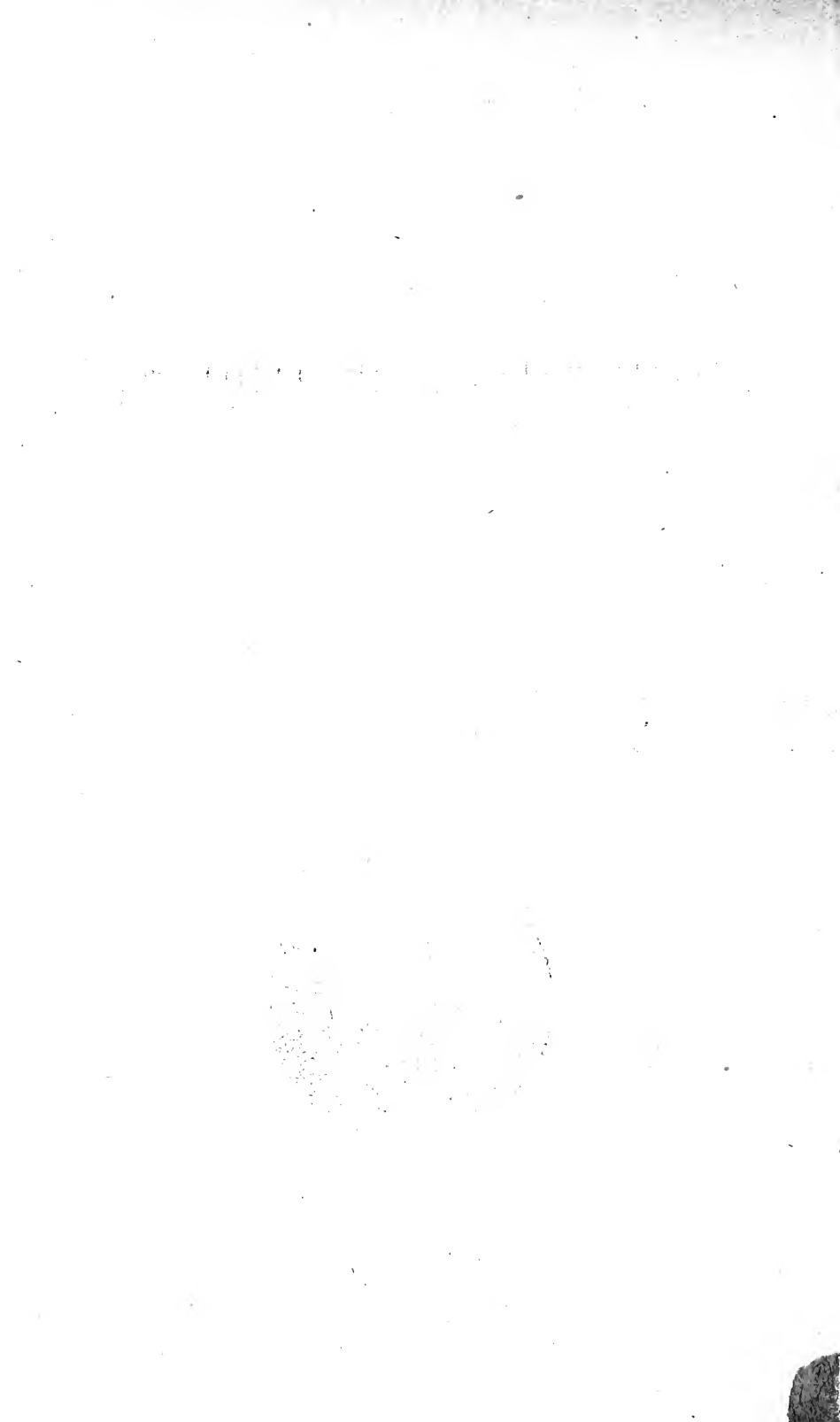
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## LETTER OF TRANSMITTAL

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U. S. DEPARTMENT OF AGRICULTURE,  
BUREAU OF CHEMISTRY,  
*Washington, D. C., February 17, 1906.*

SIR: I have the honor to transmit herewith, for your inspection and approval, a manuscript, prepared in the drug laboratory of this Bureau, containing a compilation of the Federal drug laws and the laws governing the sale of drugs in the several States and Territories. I recommend the publication of this manuscript as Bulletin No. 98 of this Bureau.

Respectfully,

H. W. WILEY, *Chief.*

HON. JAMES WILSON,  
*Secretary of Agriculture.*

## INTRODUCTION.

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On account of the general interest manifest in the subject of drug legislation and the repeated requests that are coming to the Bureau of Chemistry for information on the subject from Federal and State legislators, physicians, and druggists, it was considered desirable to collect into bulletin form for ready reference all existing laws at present in force which have been enacted for the purpose of minimizing the sale of adulterated and deteriorated drugs, and for safeguarding the public health by restricting the sale of poisonous and habit-producing drugs.

In order to obtain the latest and most authentic information regarding recent drug legislation and enforcement of the same, a circular letter was addressed to the various State boards of health, pharmaceutical boards, and other officials charged with the enforcement of drug laws, and the numerous replies form the basis of the remarks preceding the laws of each State.

The following statement explains the system of references used in this publication:

Two classes of references are employed, which, for convenience, may be designated as "general" and "historical." The former show where the law may be found in one of the most recent compilations of the State statutes or in session laws issued subsequently to the publication of the compiled statutes. Such references are placed in a separate line following the sections to which they refer. Each general reference covers all sections included between it and the general reference just preceding.

The aim of the "historical" references is to indicate where the law may be found as originally enacted in *substantially* (although not always *exactly*) the present form. These references do not attempt a complete history of all the amendments to the laws, and are intended merely to indicate the length of time the law given, or a similar one, has been enacted. These references are found in italics at the end of certain sections. If in parentheses the reference relates only to the immediately preceding section; otherwise it relates to all sections included between this reference and the preceding one, either "general" or "historical."



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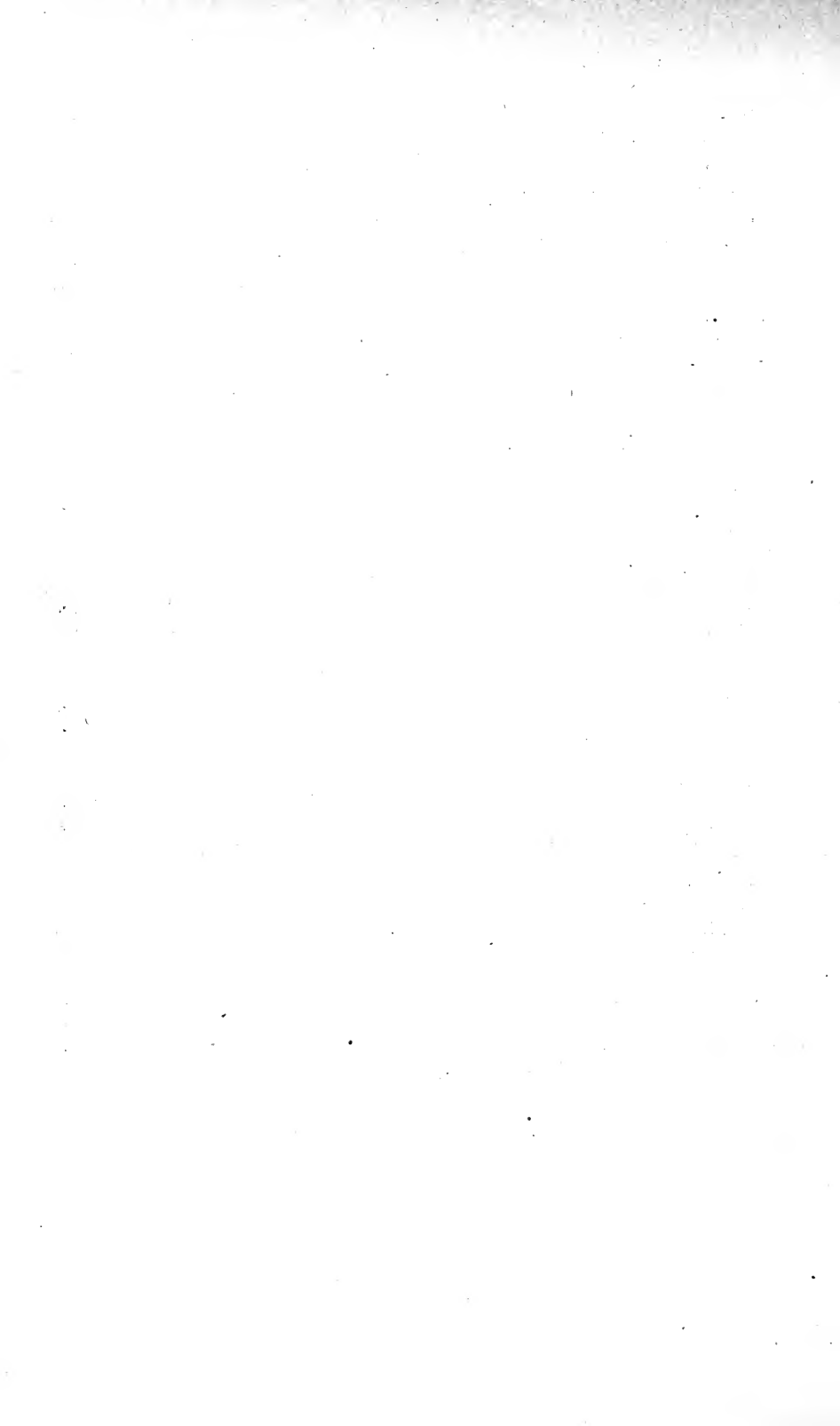
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# DRUG LEGISLATION IN THE UNITED STATES.

## FEDERAL LAWS.

### CONDITIONS EXISTING PRIOR TO LEGISLATION IN 1848.

Previous to the enactment of the Federal law in 1848 governing the importation of adulterated and spurious drugs, medicines, and chemicals, various forces were at work endeavoring not only to minimize this dangerous practice, but also to expose fraudulent dealings in medicinal agents of home production.

One of the chief objects of establishing the Philadelphia College of Pharmacy, 1821, was "To direct attention to the quality of drugs brought into the market." The New York College of Pharmacy had for a series of years called attention to the fact "that large quantities of sophisticated and misnamed chemical and pharmaceutical preparations were daily imported."

The American Medical Association also exerted a powerful influence in bringing about legislation which would tend to prevent the importation of fraudulent medicinal agents. In order to clearly set forth the conditions existing previous to the enactment of the Federal law, House Report No. 664 of the Thirtieth Congress is freely quoted.

[House Report No. 664, Thirtieth Congress, first session, to accompany bill H. R. 524.]

#### IMPORTED ADULTERATED DRUGS, MEDICINES, ETC.

June 2, 1848, Doctor Edwards, from the select committee to whom the subject was referred, made the following report:

The select committee to whom was referred the subject of imported adulterated drugs, medicines, and chemical preparations report:

That in accordance with the requisition of your honorable body your committee directed their attention to the subject referred to them. They have received through the House numerous petitions and memorials from physicians, druggists, and other citizens of the various cities and States, which set forth, as facts, the importation and sale of vast amounts of adulterated, misnamed, and vitiated medical agents used in general practice—medicines familiar to and used by all, and which hold a close relation to the well-being and health of the entire community.

Communications of such importance, emanating from sources so respectable, could not but receive our careful consideration. As a specimen, we subjoin the petition and memorial of the American Medical Association, which assembled in Baltimore during the present month. A body of more highly gifted or honorable men has never assembled for any purpose. Deeply impressed with the importance of the subject, they ask at the hands of Congress legislative action as the only effective means of relief. The petition is as follows:

"The memorial of the American Medical Association, consisting of delegates from the several States in the Union, at their annual meeting in Baltimore,

assembled May, 1848, respectfully represents: That it has become notorious among druggists, apothecaries, and physicians that of late important drugs and medicines are specially adulterated in foreign countries for sale in this, and pass daily through the custom-house to be disseminated by ignorant and unprincipled dealers, to the great detriment of our citizens.

"That, believing Congress possess the power to enact laws to prevent the evils complained of, by subjecting all drugs and medicines to the inspection of persons duly qualified, whose duty it shall be to ascertain their real value, character, and strength, and to keep such records as will guard the honest dealer against imposition, your memorialists therefore ask your honorable body that a law be enacted embracing the appointment of a proper inspector at each chief port of entry, whose duty it shall be to examine all imported drugs and medicines and to keep a record of such inspections, including the names of the parties, which shall be open for consultation to druggists and apothecaries and others concerned, or to adopt such other measures as in your wisdom you may deem best adapted to prevent the evils complained of. And your petitioners will ever pray. Signed: Alexander H. Stephens, of New York, president; Alfred Stille, of Pennsylvania, and H. J. Bowditch, of Boston, secretaries."

The State of Mississippi in March last, through the Hon. Jacob Thompson, presented the following resolutions:

"Whereas it has been represented to this legislature that of late important drugs and medicines are specially adulterated in foreign countries for sale in the United States and pass daily through the custom-houses, to be disseminated by ignorant or unprincipled dealers, to the great detriment of the people: Therefore be it

"Resolved, That our Senators in Congress be instructed and our representatives be requested to introduce and advocate the passage of a law for the appointment of a qualified inspector at each of the custom-houses of the United States, whose duty it shall be to ascertain the real character of all drugs and chemicals imported and destined for medical use, and to impose suitable penalties for the importation of any such drugs and chemicals in an adulterated state.

"Be it further enacted, That the governor be, and he is hereby, required to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

"JOHN J. McRAE,

*"Speaker of the House of Representatives.*

"SEABURY LIPSCOMB,

*"President of the Senate.*

"Approved February 19, 1848.

"J. W. MATTHEWS."

The College of Pharmacy of New York have for a number of years called public attention to this subject. In a circular before us they state—

"That large quantities of sophisticated and misnamed chemical and pharmaceutical preparations are daily imported, not only to the injury of the custom-house revenue and of the honest importer, but of dangerous effect upon the health and lives of all who require the aid of medicines, such as they purport to be, throughout the country.

"That, with some unprincipled foreign manufacturers, aided and abetted by dealers of a kindred stamp in this country, it is a regular systematic business to make different qualities of various medical preparations for the American market, the better kinds for the Atlantic cities, and others, very much inferior, 'for the West,' meaning thereby our Western States. The latter are generally altogether unlike what they purport to be, are quoted at about half price, and are unfit for any use whatever," etc.

The memorial of the Philadelphia College of Pharmacy sets forth "that one of the chief objects of the establishment of their institution was 'to direct attention to the quality of drugs brought into the market,' with a view to correct the evils arising from the introduction and sale of spurious and sophisticated articles; that they have, from time to time, by a proper education of young men in their school of pharmacy, by exposing frauds of various kinds when discovered and by the publication of a journal, which assumes a high tone in its exposition of these abuses, done much to correct the evils spoken of; that it has now become notorious amongst druggists that of late important drugs and medicines are specially adulterated in foreign countries for sale in this, and pass daily through the custom-house, to be disseminated by ignorant or unprincipled dealers, to the great detriment of our citizens," etc.



Composed, as is your committee, of a majority of men who have made the study and practice of medicine the chief purpose of their lives, they feel no hesitation in admitting that the facts they are about to submit were but partially known to them individually until a very recent period. They have had before them specimens of the adulterations of which they speak, and ask a generous confidence in their statements.

In consequence of the stringent laws now in force in most parts of Europe regulating the trade in drugs and the dispensing of medicine, none but genuine articles and those of acknowledged strength and purity are allowed to be used or purchased. All inferior and deteriorated drugs in a crude state, as well as adulterated medicinal and chemical preparations, must therefore, as a matter of necessity, find a market elsewhere; and that market, unfortunately for the people of this country, has long been and still is found in these United States.

For a long series of years this base traffic has been constantly increasing until it has become frightfully enormous. It would be presumed from the immense quantities and the great variety of inferior drugs that pass our custom-houses, and particularly the custom-house at New York, in the course of a single year that this country had become the grand mart and receptacle of all the refuse merchandise of that description, not only from the European warehouses, but from the whole eastern world.

On reference had, not long since, to the custom-house books in New York, it was found that 7,000 pounds of rhubarb root had been passed within ninety days, not one pound of which was fit, or even safe, for medicinal purposes. Much of it had become greatly deteriorated by age, was worn eaten, and decayed, while other portions, notwithstanding they showed a somewhat fair appearance externally—the color, etc., having been brightened by artificial means for the purpose of deception—gave internal unmistakable evidence of the virtue of the root having been extracted by previous decoction for the purpose of making what is sold as the “extract of rhubarb,” and thereby rendering it of no further value for medicinal use. This article was invoiced at from 2½d. sterling (5 cents) to 7d. (14 cents) per pound. The price of good rhubarb at the place of production has been, for several years past, about as follows: The East India, from 35 to 45 cents per pound, according to circumstances; the Turkey or Russian, from \$1.25 to \$2.50 per pound, exhibiting a very wide difference in price, as will be perceived, between the good and refuse article.

Another of our more important articles of medicine, particularly in the newly settled portions of our country, comes to us in large quantities entirely unfit for medicinal purposes, but, like the worthless rhubarb root, is eagerly bought up at auction sales by unprincipled drug dealers and sent to the drug mills, where it is ground and powdered, the color, smell, and natural taste imitated, and afterwards sold to country dealers and others as a good article. The result of this is that it is finally dispensed to the sick at the sacrifice, doubtless, of many valuable lives every year. We mean the Peruvian bark.

Several varieties of this bark are used in medicines, viz, the “yellow,” the “pale,” the “red,” etc.; but neither variety can scarcely ever be obtained at the place of production, of good quality and in good condition, at a less rate than from 30 to 40 cents per pound; and the quality generally used for the manufacture of sulphate of quinine (or the salts of Peruvian bark) has not for years been obtained from those parts of South America where it is produced at a less price than from \$60 to \$80 per quintal of 100 pounds. The worthless article, particularly referred to above, comes principally from Europe, and seems to be made up of the different varieties already named, as well as to be in a greatly deteriorated condition from age, or from having had its medicinal virtues extracted for the purpose of making the extract of Peruvian bark, a valuable medicine.

From appearances it consists mainly of refuse material collected together in foreign warehouses for exportation. It is invoiced at from 2 to 7 cents per pound. Thousands of pounds of this trash have passed through the New York custom-house at the above price during the past year, and may justly be considered very dear even at those rates.

Columbo and gentian roots and many more of the important crude drugs come to us in a similar worthless condition.

Opium, an article of priceless worth in the treatment of disease, is now sent to this country in a greatly and dangerously adulterated state, and as a proof that the fraud carried on in the preparation of this valuable drug is now made not only a regular but an extensive business, we are assured, on most reliable authority, that it is shipped directly from Smyrna, the most important place

of its production, deprived not infrequently of two-thirds of its active principle, that proportion of its medicinal property having been extracted for the manufacture of morphine. Opium is found to be adulterated with Spanish licorice paste, combined with a small quantity of some bitter extract, and when but moderately deteriorated in this way the fraud is not easily detected at first view; but it has been passed from Smyrna by the way of some of the European markets so freely adulterated that the fraud was readily detected merely by the smell, no analysis being necessary. The so-called opium of this description is often found infested with living worms. Of course this decaying mass is not sold to the retailer or jobber in this condition, but is previously worked over and combined with a better quality of opium.

Your committee embrace with pleasure this opportunity to present the name and services of Dr. M. J. Bailey, examiner of drugs, etc., at the New York custom-house, as one to whom the country, and especially the medical profession, are deeply indebted for the firm and faithful stand he has taken in exposing these frauds. Enjoying the advantage of a thorough medical education, together with a ready and able pen, he has been industrious and successful through the various journals of medicine and pharmacy in calling the attention of both physicians and importers to these nefarious impositions. His communications with us have been frequent and important. Without awaiting a regular summons, Mr. Bailey repaired, at our suggestion, to meet us, and we will subjoin the result of his examination before the committee.

The activity and frankness of this gentleman deserves the highest commendation. We give an extract of a letter received from him, dated April 29, in which he says:

"I am sure such action (referring to a memorial of the National Medical Convention) will have great weight with the members of Congress generally, and cause them to act with more promptness than they otherwise would, while at the same time it will be exceedingly gratifying to me, as I have from the first, in aiding the college of pharmacy and my profession in their appeal, used the knowledge acquired in my present position with a single desire to advance the general good. Motives of self or pecuniary interest (had I listened to the prayers of those interested) would have prompted me to withhold from the public the facts I have willingly disseminated, in order that permanent benefit might result therefrom. Many an argument have I held with those who professed to think it no moral wrong, while it was more profitable to themselves to impose such worthless and dangerous trash upon the community as we complain of.

"For many years a considerable proportion of the foreign chemical preparations, medicinal extracts, etc., have come to us more or less adulterated, but the base fraud is no longer confined to that class of medicines. Opium is now adulterated to a most fearful extent, and so adroitly as to almost defy detection by the unsuspecting and confiding purchaser. I have lately passed three invoices of opium from London which, on opening the cases, seemed to all external appearance to be as it should, but a closer examination proved it a base compound of that drug with various vegetable extracts—the mass not affording more than about one-third part of pure opium. When I questioned the consignee (and to the credit of our regular importers, most of these adulterated and deteriorated drugs and medicines are consignments from speculators abroad), they admitted their private advices gave them to understand that the article 'was not quite pure,' yet as the law now is, I must pass all such dangerous and rascally imitations if they are found to be charged at their full value, and, in commercial language, to be the articles specified in the invoice. In fact, I have no authority to examine into the purity, etc., of any article further than to enable me to judge as to the correctness of the value expressed in the invoice."

We subjoin also a quotation from the Boston Traveller of last week entitled "Frauds in opium."

"About twenty cases of opium were sold at auction yesterday by John Tyler. It was imported from Smyrna and Liverpool in various vessels, and to all appearances was of equally good quality. Notwithstanding this, however, its price varied from \$3.45 to \$1.35—6 cents to 3 cents per pound. An exposition of the fraud was made at the sale. It is said to consist in the extraction of the morphine, or vital principle of the drug, before exportation. This fraudulent opium was invoiced at a lower price than that of the first quality, but still greatly above its real value."

Genuine scammony, another important drug, is now but seldom imported. Not a single pound of pure Aleppo scammony has passed the New York custom-

house during the last twelve months. The so-called scammony now imported contains generally only about one-half the active principle of the genuine article, it being a combination of that drug and a worthless vegetable extract commingled with clay. Pure scammony is an expensive drug; hence the object of its adulteration.

Many of the medicinal gums and gum resins imported are so deteriorated or combined with earthy or other matters that they are not only unsafe, but worthless for medicinal purposes.

The medicinal extracts, which are very important medical agents when pure, were formerly made with great care and of one uniform strength, but they now come to us not only prepared of the refuse of inferior drugs, but also greatly adulterated, etc. These worthless extracts in external appearance are well calculated to deceive, the parcels being as neatly put up, labeled, etc., as those of the genuine. They are sold by the foreign manufacturer, on an average, at about one-half the price of the pure article.

In this business, as well as in the manufacture of chemical preparations as used in medicine, there has been for years past a regular system of fraud carried on by many of the foreign manufacturers. They have not only expressed their willingness to prepare and send out to order any article in their line, adulterated to any extent desired, with a corresponding price to suit, but they now, it seems, keep constantly on hand a supply of the adulterated, as well as of the pure preparations, and when remonstrated with by our honest importers they excuse themselves by saying that they "must accommodate the demands or lose sales, etc., as both qualities are ordered in large quantities from the United States—the genuine article," as they are given to understand, "for the seaboard, and the adulterated for the western trade."

The blue pill mass, a vastly important and useful pharmaceutical preparation, comes to us greatly and dangerously adulterated. This article, when pure, contains  $33\frac{1}{2}$  per cent of mercury, combined with conserve of roses, etc. The adulterated article, of which large quantities are imported and sold, is, according to the very correct analysis of Professor Reid, of the New York College of Pharmacy, as follows:

	Per cent.
Mercury-----	7.5
Earthy clay-----	27
Prussian blue, used in coloring-----	1.5
Sand, in combination with clay-----	2
Soluble saccharine matters-----	34
Insoluble organic matter-----	12
Water-----	16
<b>Total-----</b>	<b>100</b>

Thus it will be seen this spurious article contains less than one-quarter of the active principle of the genuine, to say nothing of the indigestible earthy matter, etc.

Sulphate of quinine, or the salts of the Peruvian bark, a medicine now considered indispensable and of universal use, particularly where intermittent fever prevails, comes to us adulterated in various ways. The usual method is to combine it with silicic (the salts of the willow bark), chalk, plaster of paris, etc. The silicic possesses similar medicinal qualities, and resembles quinine very much in appearance, but it is afforded at less than one-fourth the price, and is very far inferior in strength. This spurious article is largely imported, neatly put up in French style, with the label of the celebrated Pelletier, of Paris (the original and always one of the most honorable foreign manufacturers), on each article.

This trash is made at an extensive establishment in Belgium, the whole business of which, your committee are informed, is to manufacture and dispose of base imitations of all the important foreign chemical and medicinal preparations. An agent of this establishment has been in this country for the last ten months. His business is to effect sales and obtain orders. No wonder that those suffering the affliction of fever and ague in the western country take quinine by the teaspoonful at a dose, rather than a few grains, which is all-sufficient when the article is pure.

Calomel is imported not only crudely prepared, but more or less adulterated with a white argillaceous earth or clay and other articles, while it is put up after the manner and bears the name of some well-known and deservedly popular manufacturing chemist. The whole is a base imitation and fraud.

Large quantities of an imperfectly manufactured iodine are imported in kegs and put in the usual small bottles and parcels here. It is very impure, black, and damp, and totally unfit for medicinal purposes.

Much of the iodide, or hydriodate of potassium, a valuable medicine when pure, is greatly adulterated by the admixture of nitrate of potassium (salt-peter), thereby changing its nature and rendering it comparatively worthless.

Many chemical preparations are not infrequently misnamed, imposing by that means upon the purchaser some inferior article, bearing a similitude to the genuine, but different in medicinal qualities and value, the label and the mode of package affording no security to the honest purchaser.

Thus might your committee continue through the whole catalogue, as most of the fine medicinal chemicals are prepared of unequal strength and purity for the purpose of cheapening their cost, thereby rendering them less effective and more uncertain in the treatment of disease, and in some cases actually dangerous to the patient, as well as obviously unjust and greatly embarrassing to the physician. We will here, however, proceed no further, believing the facts already set forth, respecting very many of our most important medicines and those in daily use, will, if fully understood, satisfy your honorable body of the imperative necessity of the passage of a law calculated effectually to put a stop to this reckless and murderous trifling with human life for the sake of filthy lucre. Every feeling of humanity, as well as regard to justice, toward those who are intrusted with the lives of the people demands this at your hands.

In reply to numerous questions asked by the select committee on the importation of drugs, Doctor Bailey, examiner of drugs, medicines, and chemical preparations in the department of customs, situated in New York, gave the following information: There were imported through the custom-house of New York during the year 1847 about \$1,500,000 worth of the above goods. Of this amount more than half was adulterated or had deteriorated in value so that it was rendered not only worthless for medicinal use but often dangerous. In addition to the fraudulent dealings enumerated above, he said:

Very little, if any, of the pure Russian castor finds its way to this country. An imitation compound of dried blood, gum ammoniac, and a little real castor, put up in artificial bags, is the article generally met with. Gum asafetida is most extensively adulterated with inferior mucilaginous gums, chalk, clay, etc. Thousands of pounds of worthless rhubarb root are sent out annually to this country for a market by foreign speculators, principally from England. London being the greatest drug market in the world, it is but reasonable to suppose that large quantities of crude drugs of a greatly deteriorated and inferior quality must necessarily be constantly accumulating in their warehouses, which, on account of the long-existing laws of that country, can not find a home market, and in consequence must either be destroyed or exported to some place where there is no law to prevent their introduction.

It was further stated that many samples of Peruvian bark were shipped to this country after having had the active portion extracted; that more than one-half of the cinnamon bark imported was nearly tasteless because its virtue had been extracted by distillation in the manufacture of the essential oil, and that the traffic in adulterated drugs and medicines was increasing, although these fraudulent goods were handled only occasionally by recognized dealers of standing, these transactions being chiefly confined to commission houses where "good, bad, and indifferent" drugs were kept "in quantities to suit the purchasers."

The enforcement of the Federal law of 1848 relative to the importation of inferior and fraudulent drugs, medicines, and chemicals did not appear to satisfy the leading members of the pharmaceutical profession. The lack of standards and methods for their determination made it difficult for the customs officials to enforce the law judiciously and satisfactorily. To assist in removing these difficulties a convention of the colleges of pharmacy was called by the New York College of Pharmacy in 1851. It was the sense of this convention that the existing law made ample general provisions for regulating the admission of drugs and medicinal preparations, and it was therefore unnecessary to petition Congress to make changes. The delegates, however, discussed ways and means for arriving at standards, with the result that standards for ten different preparations were drawn up and forwarded to the Secretary of the Treasury, with the recommendation that they be used by the drug inspectors at the different ports, so that their actions would be rendered more uniform and satisfactory.

The results of this meeting appeared to be so satisfactory that it led to the organization of the American Pharmaceutical Association the following year. The first object of this association, as stated in the constitution, is "To improve and regulate the drug market, by preventing the importation of inferior, adulterated, or deteriorated drugs, and by detecting and exposing home adulterations."

#### INSPECTION OF IMPORTED DRUGS, ETC.

**2933.** *Examination of imported medicinal remedies.* All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medicinal purposes, as to their value and identity specified in the invoice.

**2934.** *Name of manufacturer to be affixed to medicines.* All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

**2935.** *Return upon examination.* If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a re-examination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

**2936. Appeal from examination.** The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, to make a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity, according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

**2937. Exportation of rejected articles.** If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of re-exporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported.

**2938. Appraiser as special examiner.** One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth.

**2939. Appraisal at New York.** The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisal less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should be, or the appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined.

Approved, June 26, 1848. U. S. Statutes at Large, vol. 9, p. 237; U. S. Compiled Statutes, 1901, vol. 2, p. 1936 et seq.

#### DRUG ADULTERATION TO BE INVESTIGATED.

In the appropriation bill for the fiscal year 1906-7, the Secretary of Agriculture is authorized—

To investigate the composition, adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable.

Approved, June 30, 1906. Public Document No. 282.

**ANTITOXIC SERUMS.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after six months after the promulgation of the regulations authorized by section four of this Act no person shall sell, barter, or exchange, or offer for sale, barter, or exchange in the District of Columbia, or send, carry, or bring for sale, barter, or exchange from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia, or from any foreign country into the United States, or from the United States into any foreign country, any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of man, unless (a) such virus, serum, toxin, antitoxin, or product has been propagated and prepared at any establishment holding an unsuspended and unrevoked license, issued by the Secretary of the Treasury as hereinafter authorized, to propagate and prepare such virus, serum, toxin, antitoxin, or product for sale in the District of Columbia, or for sending, bringing, or carrying from place to place aforesaid; nor (b) unless each package of such virus, serum, toxin, antitoxin, or product is plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results: *Provided,* That the suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin, antitoxin, or product aforesaid which has been sold and delivered by the licentiate prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin, antitoxin, or product aforesaid has been notified by the Secretary of the Treasury not to sell, barter, or exchange the same.

2. That no person shall falsely label or mark any package or container of any virus, serum, toxin, antitoxin, or product aforesaid; nor alter any label or mark on any package or container of any virus, serum, toxin, antitoxin, or product aforesaid so as to falsify such label or mark.

3. That any officer, agent, or employee of the Treasury Department, duly detailed by the Secretary of the Treasury for that purpose, may during all reasonable hours enter and inspect any establishment for the propagation and preparation of any virus, serum, toxin, antitoxin, or product aforesaid for sale, barter, or exchange in the District of Columbia, or to be sent, carried, or brought from any State, Territory, or the District of Columbia into any other State or Territory or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States.

4. That the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising Surgeon-General of the Marine-Hospital Service, be, and they are hereby, constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia, or to be sent, carried or brought for sale from any State, Territory, or the District of Columbia, into any other State, Territory, or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States: *Provided,* That all licenses issued for the maintenance of establishments for the propagation and preparation in any foreign country of any virus, serum, toxin, antitoxin, or product aforesaid, for sale, barter, or exchange in the United

States, shall be issued upon the condition that the licentiates will permit the inspection of the establishments where said articles are propagated and prepared, in accordance with section three of this Act.

5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enforce the provisions of this Act and of such rules as may be made by authority thereof; to issue, suspend, and revoke licenses for the maintenance of establishments aforesaid, and to detail for the discharge of such duties such officers, agents, and employees of the Treasury Department as may in his judgment be necessary.

6. That no person shall interfere with any officer, agent, or employee of the Treasury Department in the performance of any duty imposed upon him by this Act or by regulations made by authority thereof.

7. That any person who shall violate, or aid or abet in violating, any of the provisions of this Act shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

8. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved July 1, 1902, U. S. Statutes at Large, vol. 32, pt. 1, p. 728.

#### PURE FOOD AND DRUG BILL.

An Act For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

*Penalty, manufacturer.* *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

2. *Penalty for trafficking in adulterated or misbranded goods; exceptions.* That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be



finéd not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

3. *Secretaries to make regulations.* That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

4. *Examination and hearing.* That the examination of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

5. *Prosecution.* That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

6. *Drug defined.* That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

7. *Adulteration defined.* That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

8. *Misbranding defined; label must indicate amount of certain drugs.* That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

9. *Purity guaranty exempts dealer from prosecution.* That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to each dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

10. *Seizure and disposition of adulterated goods.* That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a

poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

**11. Examination of imported products.** The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further,* That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

**12. The terms "territory" and "persons" defined.** That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

**13. Act becomes effective.** That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Approved, June 30, 1906.—Public Document No. 384.

## ALABAMA.

There are no special provisions made for enforcing the law prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

1. *Conduct of drug store; penalty.* It shall be unlawful for any person not a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store located in any village, town or city in the State of Alabama of more than five hundred inhabitants or within two miles of any incorporated city or town of more than five hundred inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense.

2. *Compounding and dispensing drugs; penalty.* It shall be unlawful for the proprietor of any store or pharmacy in any village, town or city in the State of Alabama of more than five hundred inhabitants or within two miles of any incorporated city or town of more than five hundred inhabitants, to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the supervision of a registered pharmacist. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense. *Act of February 25, 1889, as amended February 18, 1897.*

Acts 1896-7, p. 1450.

### SALE OF POISONS.

1. *Labels.* It shall be unlawful for any person to retail, arsenic or any of its preparations, corrosive<sup>a</sup> sublimate, white or red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, or any poisonous vegetable, alkaloids or their salts, or the essential oil of almonds, opium or its preparation, except paragoric,<sup>a</sup> and other preparation of opium, containing less than two grains to the ounce,<sup>a</sup> aconite, belladonna, colchicum, conium, nux vomica, henbane, savine, ergot, cotton root, cantharides, creosote, veratrum, digitalis and their pharmaceutical preparations, cotton oil,<sup>a</sup> chloroform, chloral hydrate, sulphate of zinc, mineral acids,<sup>a</sup> carbolic and oxalic acids without labeling the box, vessel or paper, in which the said poisons are contained with the name of the article, the word poison, and the name and place of business of the seller, and enter in a book kept for that purpose, the name of the purchaser, date of sale,

<sup>a</sup> So in Statutes.

the name of the poison and the quantity purchased. Nor shall it be lawful for any person to sell or deliver any of the poisons, herein enumerated, unless upon due inquiry, he shall find that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose. But the provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of licensed practitioners of medicine nor to manufacturers making and selling poisons at wholesale. (*Sec. 3254, Code 1896, as amended; original act approved Feb. 28, 1887.*)

**2. Penalty.** Any person who may be found guilty of the violation of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty nor more than two hundred and fifty dollars.

General Acts, 1903, p. 372.

#### ADULTERATION OF DRUGS.

**7. Druggists responsible for quality of drugs sold; penalty.** Every registered pharmacist, apothecary, and owner of any store, shall be held responsible for the quality of all drugs, chemicals, or medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as proprietary and patent medicines, and should he knowingly intermingle and fraudulently adulterate or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register.

Acts 1886-87, p. 109.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**5327. Penalty.** Any manufacturer, brewer, distiller, grocer, tavern-keeper, retailer of spirituous, vinous or malt liquors, or wholesale dealer of spirituous, vinous, or malt liquors, or any other person, who makes, distills, sells, or offers to sell, or exposes for sale, or permits his servant, apprentice, clerk, or agent, or other person for him, to sell, offer or expose for sale, any such liquors which have been adulterated by the mixture or addition of any poisonous, unwholesome substances, or which are composed or compounded, in whole or in part, of any drug or oil, must, on conviction, be fined not less than two hundred and fifty, and not more than one thousand dollars. (*Laws 1884-5, p. 139.*)

Code, 1896, vol. 2, p. 434.

## ALASKA.

There is no officer specifically charged with the enforcement of the law regarding the adulteration of drugs.

### SALE OF POISONS.

**163. Penalty for sale without a label.** If any person shall sell or deliver any arsenic, corrosive sublimate, prussic acid, or other poison, without having the word "poison" and the true name thereof in English written or printed upon a label attached to the vial, box, or parcel containing the same, such person, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars. (*Approved October 19, 1864, Laws of Oregon.*)

Carter's Annotated Codes, 1900, p. 34.

**145. Sale of opium restricted.** It shall be unlawful to sell or give away opium, or any preparation of which opium is the principal medicinal agent, to any person except druggists and practicing physicians, except on the prescription of a practicing physician, written in the English or Latin language; and the druggist filling the prescription shall keep the same on file for one year subject to be inspected by any public officer of the district.

**149. Penalty.** Any person violating any of the four sections last preceding shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than fifty dollars nor more than five hundred dollars. (*Approved November 25, 1885, Laws of Oregon.*)

Carter's Annotated Codes, 1900, p. 31.

### ADULTERATION OF DRUGS.

**158. Penalty.** If any person shall adulterate, for the purpose of sale, any drug or medicine in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section one hundred and fifty-six. [*By imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars*], and such adulterated drugs or medicines shall be forfeited and destroyed. (*Approved October 19, 1864, Laws of Oregon.*)

Carter's Annotated Codes, 1900, p. 33.

## ARIZONA.

The State Board of Pharmacy is charged with the enforcement of the laws regarding the adulteration of drugs and medicines. Action, however, can only be taken by the board when written complaint is entered charging specific violation. All fines collected are placed at the disposal of the Board of Pharmacy.

### REGISTERED PHARMACISTS.

1. *Conduct of drug store and compounding of physician's prescriptions.* It shall be unlawful for any person to conduct any pharmacy or store for dispensing or compounding medicine, unless such person be a registered pharmacist within the meaning of this Act; and it shall be unlawful for any person to compound or dispense any physician's prescriptions, unless such person be a registered pharmacist or a registered assistant pharmacist, within the meaning of this Act, except as hereinafter provided.

Laws 1903, p. 122.

10. *Fraudulent registration; sale of drugs by unregistered pharmacists; penalty; exceptions.* Any person that shall attempt to procure registration for himself, or for any other person under this Act, by making, or causing to be made, any false representations, or who shall fraudulently represent himself to be registered, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum not exceeding two hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store by persons not registered, except by junior assistants under the direct supervision of registered persons, or any person not registered, who shall retail medicines or poisons, except in a pharmacy under the supervision of a registered pharmacist, or registered assistant pharmacist, and any registered person who shall fail to comply with the regulations of this Act, shall be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding fifty dollars. Nothing in this Act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicines or poisons mentioned in this Act.

Nor shall general dealers come under the provisions of this Act, in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines, but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

Laws 1903, p. 126.

### SALE OF POISONS.

9. *Labeling and records; penalty.* It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B" appended to this Act, without labeling the bottle, box or paper in which said poison is contained

with the name of the article, the word "POISON" and the name and place of business of the seller.

Nor shall it be lawful to sell or deliver any poison named in schedules "A" and "B" unless, on inquiry, it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful to sell or deliver any poison included in schedule "A" without making, [or] causing to be made an entry in a book for that purpose only, stating the date of sale, and the name and address of purchaser, the name and quantity of poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser; said book always to be open for inspection by the proper authorities and to be preserved at least five years.

The provisions of this section shall not apply to the dispensing of poisons, when prescribed by practitioners of medicine, nor to the sale of poisons if a single bottle or package does not contain more than an ordinary dose. Dealers shall affix to every bottle, box or parcel, or other inclosures of an original package containing any of the articles named in schedules "A" and "B" of this Act, a suitable label or brand with the word poison, but they are hereby exempted from the registration of such article when sold at wholesale, or to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine not exceeding fifty dollars.

11. *Poison schedules.* \* \* \*

SCHEDULE "A."

Arsenic, corrosive sublimate,<sup>a</sup> cyanide of potassium, hydrocyanic acid, struchnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium and all its preparations, excepting those which contain less than two grains to the ounce.

SCHEDULE "B."

Aconite, belladonna, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acids, and oxalic acid, white precipitate, red precipitate; biniodide of mercury, essential oil of almonds.

Laws 1903, p. 125-127.

ADULTERATION OF DRUGS.

351. *Druggists responsible for mistakes in filling orders.* Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly, omits to label the same, or puts an untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Revised Statutes, 1901, p. 1246.

<sup>a</sup> So in Statutes.



8. *Manufacture and sale; penalty; prosecution.* No person shall add to or remove from or cause to be added to or removed from any drug, chemical or medicinal preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value or medicinal effect, or alter the nature of composition of such article, and no person shall knowingly sell, or offer for sale any such adulterated, altered or substituted drug, chemical or medicinal preparation without informing the purchaser of the adulteration or sophistication of the article sold or offered for sale. Every registered pharmacist shall file or cause to be filed all physicians' prescriptions compounded or dispensed in his pharmacy or store; they shall be preserved for two years and he shall furnish a correct copy of any prescription, upon the order or request of the attending physician.

Any person who shall wilfully violate any of the provisions in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and for the first offense be liable to a fine not exceeding fifty dollars and for each subsequent offense a fine of not less than fifty dollars or more than one hundred dollars, said fine to be paid over to the said Board of Pharmacy.

Upon written complaint being entered against any person or persons charging them with specific violation of any of the provisions of this Act, the Board of Pharmacy is hereby empowered to delegate one of its members or other suitable person, who shall have authority to inspect drugs, chemicals, or medicines, and to make a thorough investigation of the case; he shall then report the result of his investigation and if such report justify such action, the Board shall notify the Prosecuting Attorney or District Attorney, who shall prosecute the offender according to law.

Laws 1903, p. 124-125.

337. *Adulteration or dilution prohibited.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same as unadulterated or undiluted, is guilty of a misdemeanor.

338. *Tainted products.* Every person who knowingly sell, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

Revised Statutes, 1901, p. 1244.

## ARKANSAS.

The prosecuting attorneys of the several counties are authorized to institute prosecutions for violations of the pharmacy law, which includes a section prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

**5273.** *Conduct of drug stores and compounding of prescriptions; penalty.* It shall be unlawful for any person not a registered pharmacist, within the meaning of this act, to conduct any drug store, pharmacy or apothecary shop, or store for the purpose of retailing, compounding or dispensing medicines in any city or incorporated town in the state of Arkansas, except as hereinafter provided, and that it shall be unlawful for the proprietor of such store or pharmacy to allow any person other than a registered pharmacist to compound or dispense the prescriptions of physicians, except as an aid to and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than five nor more than one hundred dollars. (*Laws 1891, p. 81.*)

Kirby's Digest of Statutes, 1904, p. 1127.

**5283.** *Penalty; exceptions.* Any person not a registered pharmacist as provided in this act, who shall conduct a drug store or pharmacy, or place for compounding or dispensing drugs, medicines or chemicals for medical use, in any city or incorporated town in the state of Arkansas, or who shall take, use or exhibit the title of registered pharmacist without the same has been regularly conferred on him, as set forth in sections 5278 and 5279 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of not less than five nor more than one hundred dollars. Provided any person or persons not a registered pharmacist may own or conduct such a store, if he or they keep constantly in their store a registered pharmacist. Provided further, this act shall not apply to physicians putting up their own prescriptions, nor to the sale of those articles commonly known as "grocers' drugs," nor to the sale of patent or proprietary medicines or non-secret medicines. (*Laws 1891, p. 84.*)

Kirby's Digest of Statutes, 1904, p. 1129.

### SALE OF POISONS.

**6382.** *Sale of cocaine restricted.* It shall be unlawful for any person to sell at retail cocaine or any of its salts to anyone except a physician, or on the written order of a physician.

**6383.** *Exception.* Nothing herein contained shall apply to, or in any manner interfere with, the compounding and dispensing of medicines by a medical practitioner, or upon the prescriptions of one.

**6384. Labels.** It shall be unlawful to sell at retail arsenic and its compounds, strychnine and its salts, corrosive sublimate, hydrocyanic acid, phosphorus, opium, morphine, laudanum, or any preparation of opium containing over two grains to the ounce, without the same be plainly labeled in English with the name of the article, the name of the seller, and the word "Poison."

**6385. Penalty.** Any person who shall violate any of the provisions of this act shall upon conviction thereof, be sentenced to pay a fine of not less than twenty-five nor more than one hundred dollars for each offense. *Laws 1899, p. 268.*

Kirby's Digest of Statutes, 1904, p. 1322.

#### **ADULTERATION OF DRUGS.**

**5281. Prohibition; penalty.** Any registered pharmacist who shall knowingly, intentionally and fraudulently adulterate or cause to be adulterated any drugs, chemicals or medical preparations, and offer such adulterations for sale, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, his license shall thereby be revoked, and, in addition thereto, he shall be liable to a penalty of not less than five nor more than one hundred dollars. (*Laws 1891, p. 84.*)

Kirby's Digest of Statutes, 1904, p. 1129.

## CALIFORNIA.

The board of pharmacy may make such investigations relative to the quality of drugs sold as it deems necessary and may appoint inspectors to examine suspected drugs and institute prosecutions when evidence of the sale of adulterated drugs is found.

### REGISTERED PHARMACISTS.

1. *Compounding and vending drugs.* It shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where physicians prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore," "drugs," or any of these words, or the characteristic show-bottles or globes, either colored or filled with colored liquids, shall be deemed a "pharmacy" within the meaning of this act.

Statutes, 1905, p. 535.

### SALE OF POISONS.

1. *Labeling.* It shall be unlawful for any person to retail any of the substances poisonous, and by reason thereof dangerous to human life, without distinctly labeling the bottle, box, vessel, or package, and the wrapper or cover thereof in which such substance is contained, with the common or usual name thereof, together with the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to retail any of the substances enumerated in either of said schedules to any person, unless, on due inquiry, it is found that the person receiving the same is aware of its poisonous character, and that it is to be used for a legitimate purpose.

2. *Record.* It shall be unlawful for any person to retail any of the substances enumerated herein, unless, before delivering the same, such person shall make,

or cause to be made, in a book kept for that purpose only, an entry stating the date of the sale, the name and address of the purchaser, the name and quantity of the substance sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser. The book required by this act shall be always open to inspection by the proper authorities. It shall also be the duty of the person dispensing any of the substances enumerated in either of said schedules to ascertain, by due inquiry, whether the name and address given by the person receiving the same are his true name and address, and for that purpose may require such person to be identified.

**3. Penalty; exceptions.** Any person who shall dispense any of the substances enumerated in either of said schedules without complying with the regulations herein prescribed, shall, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; provided, that nothing in this act shall be so construed as to apply to the prescriptions of any physician authorized to practice medicine under the laws of this state.

**4. Poison schedules.** This act shall take effect and be in force from and after June first, eighteen hundred and eighty.

#### SCHEDULE "A."

Arsenic, corrosive sublimate, hydrocyanic acid, cyanite <sup>a</sup> of potassium, strychnia, essential oil of bitter almonds, opium, aconite, belladonna, conium, nux vomica, henbane, tansy, savin, ergot, cotton root, digitalis, chloroform, chloral hydrate, and all preparations, compounds, salts, extracts, or tinctures of such substances, except preparations of opium containing less than two grains to the fluid ounce.

#### SCHEDULE "B."

White precipitate, red precipitate, red and green iodides of mercury, colchicum, cantharides, oxalic acid, croton oil, sulphate of zinc, sugar of lead, carbolic acid, sulphuric acid, muriatic acid, nitric acid, phosphorus, and all preparations, compounds, salts, extracts, or tinctures of such substances. *Statutes 1880, p. 102.*

Penal Code (Deering), 1903, p. 641 et seq.

**347a. Conditions of sale and labeling.** No person must retail any arsenic, corrosive sublimate, hydrocyanic acid, cyanide of potassium, strychnia, essential oil of bitter almonds, opium, aconite, belladonna, conium, nux vomica, henbane, tansy, savin, ergot, cotton root, digitalis, chloroform, chloral hydrate, or any preparation, compound, salt, extract or tincture, of such substances, except preparations of opium containing less than two grains to the fluid ounce, white precipitate, red precipitate, red and green iodides of mercury, colchicum, cantharides, oxalic acid, croton oil, sulphate of zinc, sugar of lead, carbolic acid, sulphuric acid, muriatic acid, nitric acid, phosphorus, or any preparation, compound, salt, extract, or tincture, of such substances, without first distinctly labeling the bottle, box, vessel, or package, and the wrapper or cover thereof in which such substance is contained, with the common or usual name thereof, together with the word "poison," and the name and place of business of the seller. Nor must any such sale be made to any person, unless it is found, on due inquiry, that he is aware of its poisonous character, and that it is to be used

<sup>a</sup> So in Statutes.

for a legitimate purpose. Nor must any person retail any of such substances, unless, before delivering the same, he makes, or causes to be made, in a book kept for that purpose only, an entry stating the date of the sale, the name and address, of the purchaser, the name and quantity of the substance sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser. Such book must always be open to inspection by the proper authorities. A person dispensing any of the substances enumerated must ascertain, by due inquiry, whether the name and address given by the person receiving the same are his true name and address, and for that purpose may require such person to be identified. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Nothing in this section contained applies to the prescriptions of any physician authorized to practice medicine under the laws of this state. (*Additional section of Penal Code, approved March 22, 1905.*)

Statutes, 1905, p. 765.

#### ADULTERATION OF DRUGS.

11. *Proprietor of drug store responsible for quality of drugs sold; penalty; board of pharmacy authorized to investigate violations.* Every proprietor or manager of a pharmacy or drug-store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently, falsify, or adulterate or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used, or intended to be used in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store. They shall be preserved for at least two years, and he shall furnish a correct copy of any prescription, only under the order or request of the physician writing the same. Any person who shall willfully violate any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time when in their judgment it appears advisable, deputize one of their members, or any other competent person to investigate any suspected violation of any of the provisions of this act and if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Statutes, 1905, p. 540.

**380. Omission of label or false labeling.** Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony. (*Enacted February 14, 1872.*)

Penal Code (Deering), 1903, p. 157.

**382. Adulteration a misdemeanor.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor; provided, that no retail dealer shall be convicted under the provisions of this section if he shall prove a written guaranty of purity obtained from the person from whom he purchased such adulterated or diluted goods. (*Enacted February 14, 1872; amended, Statutes 1903, p. 351.*)

Penal Code (Deering), 1903, p. 159.

**383. Penalty; adulteration defined.** Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same is adulterated or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor, and must be fined not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not exceeding one hundred days, or both, and may, in the discretion of the court, be adjudged to pay, in addition, all the necessary expenses, not exceeding fifty dollars, incurred in inspecting and analyzing such articles. The term "drug," as used herein, includes all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. Any article is deemed to be adulterated within the meaning of this section:

(a) In case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs materially from the standard of strength, quality, or purity laid down therein; (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) If its strength, quality, or purity falls below the professed standard under which it is sold. \* \* \*

Statutes 1905, p. 769.

1. *Manufacture or sale prohibited.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

2. *Definition of term "drug."* The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics.

3. *Adulteration defined.* Any article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein. (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work. (3) If its strength, quality, or purity falls below the professed standard under which it is sold.

4. *Samples for analysis.* Every person manufacturing, exposing, or offering for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

5. *Penalty.* Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling, an adulterated article of food or drug under the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale. *Statutes 1895, p. 71.*

Penal Code (Deering), 1903, p. 557 et seq.



## COLORADO.

The law regarding adulteration of drugs is not under the jurisdiction of any particular office and no effort seems to have ever been made to secure its enforcement.

### REGISTERED PHARMACISTS.

**3489.** *Compounding and dispensing prescriptions; penalty.* Any person who is not a registered pharmacist, in the meaning of this act, who shall keep a pharmacy, store or shop for the compounding and dispensing of physicians' prescriptions, and who shall not have in his employ in said pharmacy, store or shop, a registered pharmacist, in the meaning of this act, shall for each and every offense be liable to a fine of two hundred and fifty (\$250) dollars.

**3491.** *Permitting persons not pharmacists to dispense medicines; penalty.* Any proprietor of a pharmacy, or other person who shall permit the compounding and dispensing of physicians' prescriptions, or the vending of drugs, medicines or pharmaceutical preparation in his store or place of business, except by a registered pharmacist or assistant pharmacist, in the meaning of this act, or under the immediate supervision of one, or who, while continuing in the pursuit of pharmacy in the state of Colorado, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representations to procure for himself or for another, registration under this act, or who shall violate any other provision of this act, shall for each and every offense be liable to a fine of one hundred (\$100) dollars; *Provided*, that nothing in this act shall interfere with the business of those merchants who keep on sale such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only, in seal and plainly labeled packages; *Provided, also*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying to his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines, nor with the exclusive wholesale business of any dealers, except as hereinafter provided: *Provided, also*, that nothing in this act shall in any manner interfere with the business of merchants in towns having less than five hundred inhabitants (500) in which there is no licensed pharmacy, to sell or vend such medicines, compounds and chemicals as are required by the general public and in form and manner prescribed by the board of pharmacy. (*Laws 1895, p. 225 et seq.*)

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 897.

### SALE OF POISONS AND OTHER INJURIOUS COMPOUNDS.

**3492.** *Sale of certain drugs restricted; penalty; suits.* The proprietors of establishments other than pharmacies, and where physicians prescriptions are not dispensed as well as itinerant venders of merchandise shall not be permitted to sell, keep on sale or give away any of the articles mentioned or

included in schedule "A" of this act; nor any patent or proprietary preparation for medicinal, dietetic or toilet purposes, known to contain in large or small proportions any of such ingredients nor any other chemical or pharmaceutical compound, the use of which, for a short or long period of time, might be attended with injury to health or morals, unless the container of said preparation, or the wrapper enclosing it shall have affixed a "caution" label such as the board of pharmacy shall devise and direct. It shall be the duty of the board when called upon to furnish dealers with a list of such articles, preparations and compounds, the sale of which is prohibited or regulated by this section. Any person violating any of the provisions of this section, or evading any of the requirements herein imposed, or authorizing the same to be done by another, shall be liable to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), for each and every offense, and any person who shall wilfully make any false representation about the character or composition of any preparation or compound with the object of deceiving the officers of the state, or defeating the purposes of this act, shall, for every such offense, be liable to a fine of not less than one hundred dollars (\$100) or imprisonment in the county jail for not less than thirty days or both. All suits brought on account of violations of any of the provisions of this act shall be prosecuted in the name of the People of Colorado, in any court of competent jurisdiction; and it shall be the duty of the district attorney where the offense is committed, to prosecute every person violating any provision of this act, upon proper complaint being made. All fines or penalties collected for such violations shall be paid to the state board of pharmacy, to be held by said board as by this act required. (*Laws 1893, p. 370.*)

#### SCHEDULE "A."

**3492a.** *Enumeration of poisons, etc.* Aconite, belladonna, conium, henbane, nux vomica, opium, ergot, euntharides, digitalis and ipicacuanha and their preparations, alkaloids and other derivatives, morphine, strychnine, codeine, cocaine, and all other alkaloids, and their salts, chloroform, ether, oil tanzu,<sup>a</sup> oil pennyroyal and all other hypnotics, ecobolics and emurersagogue<sup>a</sup> agents, mercury, copper, antimony, zinc, iron, lead, gold, arsenic, and silver, their salts and compounds. All cyanides, iodides, bromides. (*Laws, 1893, p. 371.*)

**3492b.** *Prescription required; proviso.* It shall be unlawful for any druggist, druggist's clerk or proprietor of any drug store to sell or give to any person cocaine-nitrate, cocaine-borate, cocaine-lactate, cocaine-phenate or carbonate, cocaine-saccharate or cocaine or any of its salts or compounds without a written prescription from some licensed surgeon or physician; *Provided*, This act shall not apply to the sale of cocaine or any of its salts or compounds to any person actually engaged in the drug business or to any licensed practitioner of dentistry. (*Laws, 1897, p. 138.*)

**3492c.** *Penalty.* Any person or persons violating any of the provisions of this act shall be subject to a fine of not less than five nor more than three hundred dollars for each offense.

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 898-899.

**47.** *Report to be made to board of health of all sales of antitoxic sera, etc.* It shall be the duty of all those engaged in selling, handling or manufacture of drugs, sera, antitoxin, vaccines or other pharmaceutical products, to make a report to the local board of health of all antitoxin sold by them, stating to whom

<sup>a</sup> So in Statutes.

such antitoxin was sold and the date on which it was sold; if purchased upon a prescription of a physician, the name of the purchaser, as well as the name of the physician ordering the antitoxin. Such reports shall be made within twelve (12) hours of the date of sale.

Session Laws, 1905, p. 298.

#### ADULTERATION OF DRUGS.

**3597i. Penalty.** If any person shall fraudulently adulterate, for the purpose of sale any drug or medicine in such manner as to render the same injurious to the health he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed. (*Laws, 1893, p. 392.*)

**3597k. Fraudulent mixing, coloring, etc.** No person shall except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain, or powder, order or permit, any other person to mix, color, stain or powder any drug or medicine with any ingredient or materials so as to affect injuriously the quality or potency of such drug or medicine with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered. (*Laws, 1893, p. 392.*)

**3597l. Fraudulent mixing, coloring, etc., for gain; labels.** No person shall mix, color, stain or powder, any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine with any other ingredient or material, whether too injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale or order or permit any other person to sell or offer for sale any article so mixed, colored, stained, or powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked printed or stamped upon each package, roll, parcel or vessel, containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same. (*Laws, 1893, p. 392.*)

**3597n. Penalty.** Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 927-928.

**238b. Use of word "honey" in designating drugs.** The word "honey" shall not be used as part and parcel of the trade designation of drugs, medicines, confections, or any other article of trade or commerce, unless honey is actually employed as one of the ingredients, and to the full extent to which the use of such designation shall lead the purchaser to expect. (*Laws, 1903, p. 19.*)

Mills' Annotated Statutes (Revised Supplement), vol. 3, 1904, p. 101.

## CONNECTICUT.

The commissioners of pharmacy are authorized to enforce the general law prohibiting the sale of adulterated drugs and medicines.

### REGISTERED PHARMACISTS.

**4724. *Compounding and vending of drugs.*** No person shall conduct or keep a place of any kind, for retailing drugs, medicines, poisons, or such chemicals as are used in compounding medicines, or compound or dispense prescriptions of a physician, or vend medicines or poisons, unless he shall have been licensed therefor, as hereafter in this chapter provided, or shall be under the supervision of a licensed pharmacist.

**4729. *Exceptions.*** Nothing contained in the preceding sections of this chapter shall prevent a practicing physician from compounding his own prescriptions, or prevent the sale of proprietary medicines, or prevent the sale of any drugs, medicines, or poisons at wholesale either to licensed pharmacists, or for use in manufactures or the arts, or prevent any person from becoming a partner in, or the proprietor of, a pharmacy conducted by a licensed pharmacist, or prevent the keeper of a country store from keeping for sale and selling such domestic remedies as are usually kept and sold in such stores; but such keeper shall not compound medicines, and medicinal preparations so kept, and recognized by the United States dispensatory, shall be compounded by a licensed pharmacist and marked by his label.

**4730. *Penalty.*** Every person who shall wilfully violate any provisions of the preceding sections of this chapter shall forfeit five dollars for each day that he shall continue such violation, one-half to him who shall prosecute to effect, and one-half to the town in which the offense is committed. *Laws 1881, p. 71 and 73.*

General Statutes, 1902, p. 1129, 1131.

### SALE OF POISONS.

**4733. *Regulations.*** Every person who shall sell arsenic, strychnine, corrosive sublimate, prussic acid, or cyanide potassium, shall affix to the package sold by him a label plainly marked with his name, date of sale, and the word "poison," and the name of the poison sold, and shall enter at the time of such sale on a book kept by him for that purpose the name of the purchaser, date of sale, name of poison, and the quantity sold, which book shall be kept open for public inspection, carefully preserved; and when he shall close his business, or remove from the town in which such business is carried on, or when said book shall be filled with such entries, it shall be deposited by him in the office of the town clerk of the town in which he may conduct his business; and any person who shall violate the preceding provisions of this section, or who, when purchasing any of the articles herein named, shall give a false or fictitious name to the vender thereof, shall be fined not less than ten nor more than one hundred dollars. (*Laws 1881, p. 73.*)

**4734. Labeling; penalty.** Every person who shall sell any of the articles named in the schedule accompanying this section, marked schedule A, except when prescribed by a practicing physician, or sold at wholesale to licensed pharmacists, or for use in manufactures or in the arts, shall label the bottle, box, or wrapper containing any such article, with a label upon which shall be plainly written or printed the word "poison," and any person violating the provisions of this section shall be fined one dollar.

SCHEDULE A.

Acid carbolie, ammoniated mercury, acid muriatic, chloroform, acid nitric, tincture aconite, acid sulphuric, tincture belladonna, acid oxalic, tincture digitalis, creosote, tincture opium, extract belladonna, tincture veratrum viride, sugar of lead, morphine, croton oil, nux vomica, cobalt, extract nux vomica, oil bitter almonds, opium, oil tansy, cocculus indicus, aqua ammonia, red oxide mercury, gelsemium, paris green, rat dynamite, rough on rats, or any article similar to the last three. (*Laws 1882, p. 130.*)

General Statutes, 1902, p. 1131.

[Sec. 4734 was amended (Public Acts, 1905, p. 298) by the addition of the following at the end of Schedule A: "wood or methylic alcohol under any name or in any mixture."]

**4736. Regulations of sale of antitoxic serums.** No person shall sell, offer, or expose for sale, or shall receive or solicit any order for the sale or delivery, within this state, of any article known as diphtheria antitoxine, or any article prepared from the blood serum of any animal, and intended to be used for a medicine, unless the receptacle containing such preparation bears a label, on which is placed the name and address of the producer, and upon such label, or upon a circular accompanying such receptacle, and enclosed with it in a sealed package, shall be printed or written the date of production and the value of the contents in antitoxine as measured by some generally recognized standard. Every person violating any provision of this section shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. The state board of health may procure from any dealer in antitoxine or other blood serum medicine samples of such articles and cause the same to be tested, and if by such test it shall be found that the article tested is not such as it is represented to be on the package, but of inferior quality, then the seller of such inferior article shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (*Laws 1895, p. 592.*)

General Statutes, 1902, p. 1132.

**1. Sale of cocaine and eucaine and salts thereof restricted.** It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, salts of cocaine, eucaine or its salts, or any preparation containing any cocaine, or salts of cocaine, or eucaine or its salts, except upon the original written order or prescription of a lawfully authorized practitioner of medicine or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order; and such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be recomounded or dispensed a second time except

upon the written order of the original prescriber; provided, however, that the provisions of this act shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales to hospitals, colleges, or scientific or public institutions.

**2. Penalty.** Every person who shall knowingly violate any of the provisions of this act shall be fined not less than twenty-five dollars nor more than fifty dollars. City, police, town, and borough courts, having criminal jurisdiction where established, and justices of the peace in towns where such courts do not exist shall have jurisdiction to hear and determine prosecutions for violations of the provisions of this act and to impose penalties therefor. (*Approved, June 7, 1905.*)

Public Acts, 1905, p. 336.

**1216. Unlawful exposure of poison.** Every person who shall, negligently or maliciously, place any poison, or poisoned food, in any public place, or on premises not exclusively occupied by himself, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. (*Laws 1860, p. 30.*)

General Statutes, 1902, p. 360.

#### ADULTERATION OF DRUGS.

**4732. Penalty.** Every person who shall knowingly adulterate, or cause any foreign or inert substance to be mixed with, any drug or medicinal substance or preparation recognized by any pharmacopœia, or employed in medicinal or medical practice, so as to weaken or destroy its medicinal effect, or shall sell any such drug, compound, or preparation, knowing it to be so adulterated or mixed, shall be fined not less than ten nor more than one hundred dollars, and upon conviction all such adulterated or mixed articles in his possession may be seized upon a warrant issued by the court in which such conviction is had, and destroyed by the officer by whom such seizure shall be made. (*Laws 1881, p. 73.*)

General Statutes, 1902, p. 1131.

**4731. Commissioners of pharmacy to enforce law.** Said commissioners may examine into all cases of alleged abuse, fraud, and incompetence; cause the prosecution of all persons not complying with the provisions of this chapter, and suspend and revoke the registration of any person convicted of violating the same.

General Statutes, 1902, p. 1131.

## DELAWARE.

No law exists specifically prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

1. *Exclusive rights defined.* It shall be unlawful for any person to open, conduct or manage within the corporate limits of any town in this State, any pharmacy, drug store, or other place for the retailing, compounding or dispensing of drugs, medicines or poisons, unless such person shall be registered as a pharmacist under the provisions of this act. Nor shall the sale of patent, quack or proprietary articles be lawful except in regular licensed stores under a penalty of ten dollars for each and every offense.

3. *Restrictions as to compounding of physicians' prescriptions.* No person who shall conduct or manage any pharmacy, drug store, or other place for the retailing, compounding or dispensing of drugs, medicines or poisons for medical use shall permit or suffer at any time, any clerk or other employe to be left in charge of same unless said person be registered as a proprietor or manager according to the provisions of Section 2, chap. 36, vol. 18, Laws of Delaware, or be registered as a qualified assistant according to the provisions hereinafter stated. \* \* \* Nor shall any proprietor or manager of any pharmacy permit any clerk or other person who has had less than two years' practical experience in the retail drug business to compound and dispense any physician's prescriptions except under the immediate directions of the proprietor or manager. Any person who shall not comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars for each day whereon such violation occurs or is continued, one-half of fine imposed to go to the State Board of Pharmacy and the balance to the county in which such violation occurs. (*Laws, 1887, p. 81-82, as amended 1897.*)

Laws (Revised Code), 1893, p. 368.

### SALE OF POISONS.

4. *Records; penalty.* Every dispenser of drugs shall keep a record of all sales of strychnia, arsenic and corrosive sublimate, said record to be open to proper legal inspection. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars for each and every offense. (*Laws 1887, p. 82.*)

Laws (Revised Code), 1893, p. 368.

## DISTRICT OF COLUMBIA.<sup>a</sup>

The enforcement of the pharmacy law and the control of the sale of poisons is vested in the major and superintendent of police and the corporation counsel of the District, while the health officer is charged with the enforcement of the law prohibiting adulteration and with the making of such rules as are found necessary to facilitate the collection and examination of drugs.

### REGISTERED PHARMACISTS.

1. *Exclusive rights of registered pharmacists defined; exceptions.* It shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale, at retail, any drugs, chemicals, or poisons, except as hereinafter provided; or, except as hereinafter provided, for any person not licensed as a pharmacist within the meaning of this Act to compound, dispense, or sell, at retail, any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to and under the proper supervision of a pharmacist licensed under this Act. It shall be unlawful for any owner or manager of a pharmacy, drug store, or other place of business to cause or permit any person other than a licensed pharmacist to compound, dispense, or sell, at retail, any drug, medicine, or poison, except as an aid to and under the proper supervision of a licensed pharmacist: *Provided*, That nothing in this section shall be construed to interfere with any legally registered practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper; nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by others than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word "poison," when practicable the name of at least one suitable antidote, and the name and address of the vendor: *Provided further*, That such person, firm, or corporation has obtained a permit from the board of supervisors in medicine and pharmacy, which grants the right and privilege to make such sales, such permit to be issued for a period of three years, and that each sale of such substance be registered as required of a licensed pharmacist, and it shall be unlawful for any person under the age of twenty-one years to sell such substances, and in no case shall the sale be made to a person under eighteen years of age except upon the written order of a person known or believed to be an adult: *And provided further*, That persons

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<sup>a</sup> The pure food and drug bill goes into effect January 1, 1907.



other than registered pharmacists may sell household ammonia and concentrated lye, in sealed containers plainly labeled, so as to indicate the nature of the contents, with the word "poison," and with a statement of two or more antidotes to be used in case of poisoning, and may sell bicarbonate of soda, borax, cream of tartar, olive oil, sal ammoniac, and sal soda; and persons other than registered pharmacists may, furthermore, sell in original sealed containers, properly labeled, such compounds as are commonly known as "patent" or "proprietary" medicines, except those the sale of which is regulated by the provisions of sections eleven and thirteen of this Act.

#### NARCOTICS AND POISONS.

11. *Regulating the dispensing of habit-forming drugs.* It shall be unlawful for any person, by himself, or by his servant or agent, or as the servant or agent of any other person, or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine; morphine, salts of morphine, or preparations containing morphine or salts of morphine; or any opium, or preparation containing opium; or any chloral hydrate, or preparation containing chloral hydrate, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of three years, retained on file by the person, firm, or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time, except upon the written order of the original prescriber: *Provided*, That the above provisions shall not apply to preparations containing not more than two grains of opium, or not more than one-quarter grain of morphine, or not more than one-quarter grain of cocaine, or not more than two grains of chloral hydrate in the fluid ounce, or, if a solid preparation, in one avoirdupois ounce. The above provisions shall not apply to preparations sold in good faith for diarrhea and cholera, each bottle or package of which is accompanied by specific directions for use and caution against habitual use, nor to liniments or ointments sold in good faith as such when plainly labeled "for external use only," nor to powder of ipecac and opium, commonly known as Dover's powder, when sold in quantities not exceeding twenty grains: *Provided further*, That the above provisions shall not apply to sales at wholesale by jobbers, manufacturers, and retail druggists to retail druggists, hospitals, colleges, and scientific or public institutions.

12. *Prescribing of habit-forming drugs restricted.* No physician in the District of Columbia, knowing, or when he might by reasonable inquiry know, that any person is addicted to the use of cocaine, morphine, opium, or chloral hydrate, shall furnish to or for the use of such person, or prescribe for such person, the drug aforesaid, to the use of which such person is addicted, or any compound thereof, or any preparation containing the same, except as it may be necessary to furnish or prescribe such drug, compound, or preparation aforesaid for the cure of drug addiction aforesaid, or for the treatment of disease, injury, or deformity: *Provided*, That no physician shall be convicted under the provisions of this section who shows to the satisfaction of the court before which he is tried that, having exercised due diligence and acting in good faith, he furnished or prescribed such drug, compound, or preparation aforesaid believing the same to be necessary for the cure of drug addiction aforesaid, or for the treatment of

disease, injury, or deformity, and for no other purpose whatsoever. No dentist shall furnish or prescribe any drug, compound, or preparation aforesaid to, or for the use of, any person not under his treatment in the regular course of his professional work, nor in any case otherwise than may be required by such work. No practitioner of veterinary medicine shall furnish or prescribe any drug, compound, or preparation aforesaid for the use of any human being, or when he has reasonable ground for believing that the drug, compound, or preparation aforesaid is desired or intended for the use of any human being: *Provided further*, That nothing in this section contained shall be construed to give to dentists or to practitioners of veterinary medicine the right to furnish or prescribe any drug, compound, or preparation whatsoever otherwise than as is usual and customary in the practice of dentistry and veterinary medicine, respectively.

13. *The sale and labeling of poisons.* It shall be unlawful for any person to sell or deliver to any other person any of the following-described substances, or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc; the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennyroyal, tancy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digitalis, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than eighteen years of age, except upon the written order of a person known or believed to be an adult.

It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "poison," the name of at least one suitable antidote when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia, and sulphate of copper, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured, and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein. The foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine, dentistry, or veterinary surgery: *Provided*, That when a physician writes upon his prescription a request that it be marked or labeled "poison," the pharmacist shall, in the case of liquids, place the same in a colored glass, roughened bottle, of the kind commonly known in trade as a "poison bottle," and, in the case of dry substances, he shall place a poison label upon the container. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists, but the box, bottle, or other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison," and the name and address of the manufacturer or wholesaler: *Provided further*, That

it shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel, or of paregoric when sold in quantities not over two fluid ounces; nor, in the case of preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-half fluid ounce, or the weight of one-half avoirdupois ounce, does not contain more than an adult medicinal dose of such substance; nor in the case of liniments or ointments, sold in good faith as such, when plainly labeled "for external use only;" nor in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this Act no box, bottle, or other package shall be regarded as having been labeled "poison" unless the word "poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink.

**15. Prescription; filing, inspection, and furnishing copy of; also general labeling.** Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved, for a period of not less than three years, the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section eleven of this Act. Upon request, the proprietor or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section eleven of this Act, and any prescription for, or register of sales of, substances mentioned in section thirteen of this Act shall at all times be open to inspection by duly authorized officers of the law. No person shall, in the District of Columbia, compound or dispense any drug or drugs, or deliver the same to any other person, without marking on the container thereof the name of the drug or drugs contained therein, or directions for using the same.

**16. Regulating the peddling and sampling of medicines.** It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry, or by vending in the streets, any drug, medicine, or chemical, or any compound or combination thereof, or any implement, appliance, or other agency for the treatment of disease, injury, or deformity. That, except as may be otherwise authorized by law, no person shall throw, cast, deposit, drop, scatter, or leave, or cause to be thrown, cast, deposited, dropped, scattered, or left, any drug, medicine, or chemical, or any compound or combination thereof, upon any public highway or place, or, without the consent of the owner or occupant thereof, upon any premises in the District of Columbia.

**19. Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character, each week or part of a week during which it continues shall constitute a separate and distinct offense.

**20. Repeal.** That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Public, No. 148, approved, May 7, 1906.

## ADULTERATION OF DRUGS.

12. *Registered pharmacist responsible for quality sold.* Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; and should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register. (*Approved June 15, 1878.*)

Compiled Statutes (Albert and Lovejoy), 1894, p. 437.

1. *Sale of adulterated drugs prohibited.* No person shall, within the District of Columbia, by himself or by his servant or agent, or as the servant or agent of any other person, sell, exchange, or deliver, or have in his custody or possession with the intent to sell or exchange, or expose or offer for sale or exchange, any article of food or drug which is adulterated within the meaning of this Act.

2. *Definition of "drug".* The term "drug", as used in this Act, shall include all medicines for external or internal use, antiseptics, disinfectants, and cosmetics. \* \* \*

3. *Definition of "adulteration".* An article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down in the edition thereof at the time official; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in the German, French, or English Pharmacopœia, it differs from the strength, quality, or purity laid down therein; third, if, when sold as a patented medicine, compounded drug, or mixture, it is not composed of all of the ingredients advertised or printed or written on the bottles, wrappers, or labels of or on or with the patented medicine, compounded drug, or mixture: *Provided*, That if the defendant in any prosecution under this Act, in respect to the sale of any such patented medicine, compounded drug, or mixture, shall prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; and that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution. \* \* \* *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say, first, where the order calls for an article of food or drug inferior to such standard, or where such difference is made known by being plainly written or printed on the package; second, where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser it is made known to him that such article of food or drug is so mixed.

4. *Health officer to prepare regulations to facilitate enforcement of act.* It shall be the duty of the health officer of the District of Columbia under the direction of the Commissioners of said District, to adopt such measures as may be necessary to facilitate the enforcement hereof, and prepare rules and

regulations with regard to the proper method of collecting and examining drugs and articles of food in said District.

**5. Health officer to investigate complaints of violations.** It shall be the duty of the health officer to investigate a complaint for a violation of any of the provisions of this Act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

**6. Samples to be furnished.** Every person offering for sale or delivering to any purchaser any drug or article of food included in the provisions of this Act shall furnish to any analyst or other officer or agent of the health department, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the purpose of analysis of any such drug or article of food which is in his possession.

**7. Portion of sample to be reserved.** In all cases where any drug or article of food shall be taken as a sample to be examined and analyzed the person making the analysis shall reserve a portion of the sample, which shall be sealed, for a period of thirty days from the time of taking such sample, and in case of a complaint the reserved portion alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney.

**8. Unlawful to hinder inspector.** No person shall hinder, obstruct, or in any way interfere with any inspector, analyst or other person of the health department in the performance of his duty in carrying out the provisions of this Act.

**9. Penalty.** All prosecutions under this Act shall be in the police court of said District, on information brought in the name of the District of Columbia, and on its behalf; and any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than one hundred dollars. *Approved, February 17, 1898.*

U. S. Statutes at Large, vol. 30, p. 246 et seq.

27587—No. 98—06—4

## FLORIDA.

The commissioner of agriculture is charged with the enforcement of the food and drug law.

### REGISTERED PHARMACISTS.

**817. *Conduct of drug store.*** It shall be unlawful for any person not a registered pharmacist, within the meaning of this chapter, to conduct any pharmacy, drug store, apothecary shop or store, located in any village, town or city in the State of Florida, of more than 200 inhabitants, or within two miles of any incorporated city or town of more than 200 inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided.

**818. *Compounding and dispensing drugs.*** It shall be unlawful for the proprietor of any store or pharmacy, in any village, town or city, in the State of Florida, of more than 200 inhabitants, or within two miles of any incorporated city or town of more than 200 inhabitants, to allow any person except a registered pharmacist to compound or dispense the prescription of a physician, or to retail or dispense any poison for medical use, except as an aid to, and under the supervision of a registered pharmacist. *Laws 1899, p. 108-109.*

Revised Statutes, 1892, p. 322.

### SALE OF POISONS.

**822. *Restrictions; labeling; penalty.*** It shall be unlawful for any person not a registered pharmacist to retail any poisons enumerated below: Arsenic and all its preparations, corrosive sublimate, white and red precipitate, binioidide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts, and the essential oil of almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, veratrum, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic and oxalic acids; and he shall label the box, vessel or paper in which said poison is contained with the name of the article, the word poison, and the name and place of business of the seller; nor shall it be lawful for any person to deliver or sell any poisons enumerated above unless upon due inquiry it be found that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses upon the prescriptions of practitioners of medicine. Any violation of this section shall make the principal of said store liable to a fine of not less than ten dollars or more than one hundred dollars: *Provided, however,* that this section shall not apply to manufacturers making and selling at wholesale any of the above poisons: *And provided,* that each box, vessel or paper in which said poison is

contained, shall be labeled with the name of the article, the word poison, and the name and place of business of the seller. (*Laws 1889, p. 111.*)

**825. Morphine to be wrapped in scarlet paper.** It shall not be lawful for any druggist or other dealer in drugs and medicines to sell or offer for sale, sulphate, or other preparation, of morphine, unless the same is wrapped in a scarlet paper and plainly labeled. (*Laws 1881, p. 88.*)

Revised Statutes, 1892, p. 322 et seq.

**2666. Penalty for violation of sec. 822.** Any violation of section 822 relative to sale of poisons shall render the principal of the store wherein the same are sold liable to a fine not exceeding one hundred dollars.

**2667. Penalty for sale of morphine not wrapped in scarlet paper.** Any druggist or other dealer in drugs and medicines who shall sell or offer for sale any sulphate or other preparations of morphine, without wrapping the same in a scarlet wrapper and plainly labelling it, shall be punished by fine not exceeding fifty dollars for each and every offence. (*Laws 1881, p. 88.*)

Revised Statutes, 1892, p. 832.

**8. Indiscriminate distribution of substances containing poison; penalty.** Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane or thoroughfare of any kind, or in any yard or inclosure other than the yard or inclosure occupied or owned by such person, shall, upon conviction thereof, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both, and shall be liable for all damages sustained thereby.

Laws 1901, p. 116.

#### ADULTERATION OF DRUGS.

**821. Owner responsible for quality of drugs sold.** Every registered pharmacist, apothecary and owner of any store shall be held responsible for the quality of all drugs, chemicals or medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer and also those known as proprietary, and should he knowingly intermingle and fraudulently adulterate or cause to be adulterated such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned in the county jail not exceeding six months, and in addition thereto his name shall be stricken from the register. (*Laws 1889, p. 111.*)

Revised Statutes, 1892, p. 322.

**2668. Penalty for fraudulent adulteration.** Whoever fraudulently adulterates for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment not exceeding one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court, and if the offender be a registered pharmacist, his name shall be stricken from the register.

Revised Statutes, 1892, p. 832.

**1. Mixing or staining with injurious ingredients; penalty.** No person shall mix, color, stain or powder, or order, or permit any other person to mix, color, stain, or powder, any article of food or drugs with any ingredient or material

so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance with the intent that the same may be sold in the said State, and no person shall sell any such article so mixed, colored, stained, powdered, or manufactured.

Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

2. *Mixing or staining so as to affect quality or potency of drugs.* No person shall, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain or powder any drug with any ingredient or material so as to effect injuriously the quality or potency of such drug, with the intent that the same may be sold in said State, and no person shall sell any such drug so mixed, colored, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

3. *Ignorance of adulteration.* No person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

4. *Penalty for additions or adulterations; exemptions.* No person shall sell any article of food or drug which is not of the nature, substance, and quality of the article as represented by the vendor, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court; Provided, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized in this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

5. *Ingredients must be in accordance with purchaser's demand; penalty; proviso.* No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars; Provided, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the

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<sup>a</sup> So in Statutes.



person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

7. *Defendant must prove conditions under proviso (sec. 5).* In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

8. *Dealer ignorant of adulteration.* If the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

9. *Forging of warranty; penalty.* Any person who shall forge, or shall use, knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section eight of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

10. *False or misapplied warranties; penalty.* Every person who shall wilfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or drug sold by him as principal agent, or who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

11. *Chemist.* The analysis provided for in this act shall be under the control of the Commissioner of Agriculture under such rules and regulations as he may prescribe.

12. *Demands for analysis.* Any purchaser of an article of food or of a drug shall be entitled to have such article analyzed by such analyst,<sup>a</sup> and to receive from him a certificate of the result of his analysis. And any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act, he shall submit the same to the Commissioner of Agriculture to be analyzed, who shall with all convenient speed cause such analysis to be made and give a certificate to such officer, wherein he shall specify the result of the analysis.

13. *Purchase of samples for analysis.* If any officer mentioned in section 12 of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises, or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonable<sup>a</sup> requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such officer shall have the right to enter the premises where the same shall be so exposed for sale and seize and take into his possession a sufficient quantity of any such food or drug, and shall keep same for the purpose of analysis.

14. *Definition.* The term "drug," as used in this act, shall include all medicines for internal and external use.

15. *Exemption of certain articles.* The Commissioner of Agriculture may from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the Commissioners to

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<sup>a</sup> So in Statutes.

prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.

**16. *Previous legislation.*** That all acts and part of acts inconsistent with this act be, and the same are hereby repealed.

Acts 1903, p. 107 et seq.

#### **ADULTERATION OF LIQUORS WITH DRUGS.**

**2664. *Penalty.*** Whoever adulterates, for the purpose of sale, any liquor, used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, and whoever knowingly sells any liquor so adulterated shall be punished by imprisonment in the State prison not exceeding three years, and the articles so adulterated shall be forfeited. (*Laws 1868, p. 101.*)

Revised Statutes, 1892, p. 831.

## GEORGIA.

The State board of pharmacy has authority to examine into alleged violations of the law and to prosecute offenders. The appropriations for the enforcement of the law have been too small in recent years to permit the employment of an inspector, but an effort is made to enforce the law when violations are brought to the attention of the board of pharmacy.

### REGISTERED PHARMACISTS.

**1499.** *Compounding or vending of medicines; exceptions.* No person shall engage in the compounding or vending of medicines, drugs, or poisons within this State without a full compliance with this article (that is without securing a license from the State Board of Pharmacy), except—

1. Such druggists as are exempted from the operations of the present law by the statutes of the State of Georgia, and such druggists as have heretofore obtained license, and are legally authorized by existing laws to compound and vend drugs, poisons, and chemicals.

2. Physicians putting up their own prescriptions, and dispensing medicines from their own office.

3. Merchants selling family medicines not poison, as prescribed and allowed by the Code of Georgia.

4. Assistants in drug-stores where the manager has complied with the requirements of this Article.

Code, 1895, vol. 1, p. 411.

**480.** *Illegal sales a misdemeanor.* Any person who shall engage in the compounding or vending of medicines, drugs or poisons, without first having complied with the law authorizing the same, or shall register fraudulently, shall be punished as for a misdemeanor. In prosecutions under this section, the burden shall be upon the defendant to show his authority. (*Acts 1880-1881, p. 186.*)

Code 1895, vol. 3, p. 141.

**3866.** *Mistake of druggist ground for damages.* If a vendor of drugs and medicines, by himself or his agent, either knowingly or negligently furnishes the wrong article or medicine, and damage accrues from the use of the drug or medicine furnished, to the purchaser, or his patients, or his family, or his property, the vendor shall respond in damages for the injury done. If death ensues to the purchaser, in any case arising under this or the two foregoing paragraphs, the right of action shall be to the widow or children, as prescribed in cases of physical injuries.

Code, 1895, vol. 2, p. 889.

## SALE OF POISONS.

470. *Schedules; labelling.* No person shall furnish, by retail, any poison enumerated in Schedule "A" and "B," as follows, to wit:

## SCHEDULE "A."

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce;

## SCHEDULE "B."

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid;

Without distinctly labeling the bottle, box, vessel or paper in which said poison is contained, and also the outside wrapper or cover thereof, with the name of the article, the word "Poison," and the name and place of business of him who furnishes the same, nor unless upon due inquiry it be found that the person to whom it is delivered is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. (*Acts 1876, p. 24.*)

471. *Record of sales.* No licensed or registered druggist or pharmacist shall sell or deliver any of the poisons included in Schedule "A" without, before delivering the same, causing an entry to be made in a book kept for that purpose, stating the date of the delivery, the name and address of the person receiving the same, the name and quantity of the poison, the purpose for which it is represented by such person to be required, and the name of the dispenser. Such book shall be always open for inspection by the proper authorities, and be preserved for reference for at least five years. (*Acts 1876, p. 24.*)

472. *Sales on physicians' prescriptions excepted.* Nothing in the preceding sections shall apply to the dispensing of poisons in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. (*Acts 1876, p. 24.*)

473. *Penalty.* Any person violating the provisions of the three preceding sections shall be punished as for a misdemeanor. (*Acts 1895, p. 63.*)

474. *Sale of opium to habitués.* If any druggist, pharmacist, or other person selling opium and its preparations, by retail, shall sell, give or furnish, directly or indirectly, opium, or its preparations, containing more than two grains of opium to the ounce, in any quantity, to any person habitually addicted to its use, after written notice from the near relative of such person that he is habitually addicted to its use, except upon the written prescription of a physician setting forth the necessity of its purchase and showing the good faith of the prescription, he shall be guilty of a misdemeanor. (*Acts 1887, p. 97.*)

475. *Morphine shall be wrapped and labelled with scarlet paper.* If any druggist, or other dealer in drugs and medicines, shall sell or offer for sale any sulphate or other preparations of morphine in a bottle, vial, envelope or other package, unless it is wrapped in a scarlet paper or envelope, and unless the bottle or vial also has on it a scarlet label, lettered in white letters, plainly naming the contents of the bottle or vial, he shall be guilty of a misdemeanor. (*Acts 1884-5, p. 134.*)

1. *Cocaine shall be sold upon prescription only.* It shall be unlawful for any person to sell, dispense or deliver to any person cocaine in any form whatever, except upon the written prescription of a legally licensed and registered physician or dentist, in which prescription shall be written the name of the person who is to use the same, and such prescription shall not be refilled without the written consent each time of the person prescribing the same; provided, however, that this Act shall not apply to manufacturers or wholesale druggists who shall sell to licensed druggists, for wholesaling or retailing, or who shall sell to lawful practicing physicians.

2. *Penalty.* Any person violating the provisions of this Act shall, upon conviction, be punished for a misdemeanor.

Public Laws, 1902, p. 100.

1039. *Misdemeanors, how punished.* Every crime declared to be a misdemeanor is punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed six months, to work in the chain-gang on the public works, or on such other works as the county authorities may employ the chain-gang, not to exceed twelve months, and any one or more of these punishments may be ordered in the discretion of the judge: *Provided*, that nothing herein contained shall authorize the giving the control of convicts to private persons, or their employment by the county authorities in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor.

Code, 1895, vol. 3, p. 292.

#### ADULTERATION OF DRUGS.

3865. *Damages.* A person who, knowingly or carelessly, by himself or his agents, sells to another adulterated drugs or liquors, by the use of which damage accrues to the purchaser, or his patients, or his family, or his property, shall be liable in damages for the injury done.

Code, 1895, vol. 2, p. 889.

1500. *Prohibition; adulteration defined; samples for analysis.* No person shall, within this State, manufacture for sale, offer for sale, or sell, any drug, medicine, chemical, or pharmaceutical preparation which is adulterated. A drug, medicine, chemical, or pharmaceutical preparation shall be deemed to be adulterated: (1) If when sold under or by a name recognized in the United States Pharmacopoeia it differs from the standard in strength, quality, or purity laid down therein. (2) If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other standard work, it differs materially from the standard of strength, quality, or purity laid down in such work. (3) If its strength, quality, or purity falls below the professed standard. Every person manufacturing, offering for sale, or selling any drug, medicine, chemical, or pharmaceutical preparation shall furnish to the State board of pharmacy, or any person interested or demanding the same, who shall tender him the value of the same, a sample sufficient for the analysis of any such drug, medicine, chemical, or pharmaceutical preparation which is in his possession.

1501. *Board may prosecute dealer in adulterated drugs.* On complaint being made, the board of pharmacy is hereby empowered to employ an expert chemist or analyst to examine into the so-called adulteration, and report upon the result of his investigation, and if said report justify such action, the board shall

cause the prosecution of the offender, and any person found guilty of adulteration, as defined in this Chapter, shall be adjudged to pay, in addition to the fine hereinafter provided for, all necessary costs and expense incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale.

**1502. Penalty.** Any person who shall violate the provisions of this Chapter, or shall register fraudulently, shall be guilty of a misdemeanor. In all cases of prosecution under this Chapter, the burden shall be upon the defendant to show his authority. (*Acts 1880-1881, p. 186.*)

Code, 1895, vol. 1, p. 412.

**482. Adulteration a misdemeanor.** If any person shall manufacture for sale, offer for sale, or sell, any drug, medicine, chemical, or pharmaceutical preparation, which is adulterated, he shall be punished as for a misdemeanor. (*Acts 1889, p. 91.*)

**483. Adulteration defined.** A drug, medicine, chemical or pharmaceutical preparation shall be deemed to be adulterated: (1) If, when sold under or by a name recognized in the U. S. Pharmacopoeia, it differs from the standard in strength, quality or purity laid down therein. (2) If, when sold under or by a name not recognized in the U. S. Pharmacopoeia, but which is found in some other standard work, it differs materially from the standard of strength, quality or purity laid down in such work. (3) If its strength, quality or purity falls below the professed standard. (*Acts 1889, p. 91.*)

**484. Samples for analysis.** Every person manufacturing, offering for sale, or selling any drug, medicine, chemical, or pharmaceutical preparation, shall furnish to the State board of pharmacy, or any person interested or demanding the same, who shall tender him the value of the same, a sample sufficient for the analysis of any such drug, medicine, chemical, or pharmaceutical preparation which is in his possession. On complaint being made, the board of pharmacy is empowered to employ an expert chemist or analyst to examine into the so-called adulteration, and report upon the result of his investigation, and if said report justify such action, the board shall cause the prosecution of the offender. (*Acts 1889, p. 92.*)

Code, 1895, vol. 3, p. 141-142.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**476. A misdemeanor.** Any person who shall sell, or offer to sell, any liquor, wine or spirits, or vinegar, knowing the same to contain any strychnine or other poisonous drug, or offensive matter injurious to health by drinking or other use, or who shall sell or offer to sell the same after notice shall be given him as required by section 1532 of the Civil Code, shall be indicted in the superior court and be punished as for a misdemeanor. (*Acts 1857, p. 13.*)

Code, 1895, vol. 3, p. 141.

## HAWAII.

It is the duty of the food commissioner to enforce the law prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

**1095. Restrictions.** It shall be unlawful for any person not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for any person not licensed as a pharmacist or assistant pharmacist within the meaning of this chapter to compound, dispense or sell at retail any drug, chemical or poison upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter. And it shall be unlawful for any owner or manager of any pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the immediate supervision of a person licensed as a pharmacist or assistant pharmacist, or a duly licensed physician; *provided*, that nothing in this section shall be construed to interfere with any legally licensed practitioner of medicine or dentistry in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicine as he may deem proper, nor with the selling of non-poisonous domestic remedies, nor with the selling of patent or proprietary preparations which do not contain poisonous ingredients.

**1096. Penalty.** Whoever, not being licensed as a pharmacist, shall conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of drugs, chemicals or poisons, or who, being the owner or manager of a pharmacy, drug or chemical store, apothecary shop, or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to or under the immediate supervision of a duly licensed pharmacist, assistant pharmacist or physician, contrary to section 1095, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than five hundred dollars, or be imprisoned at hard labor for not more than three months; but nothing in this section shall prevent any licensed merchant from selling proprietary remedies.

**1097. Penalty continued.** Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, chemical or poison, upon any physicians' prescription or otherwise, or shall compound any physicians' prescription except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter contrary to the provisions of section 1095, shall be deemed guilty of a misdemeanor, and

on conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned at hard labor not more than two months. *Laws, 1903, p. 352 et seq.*

Revised Laws, 1905, p. 476-477.

#### SALE OF POISONS.

**1051. Conditions of sale.** No person shall sell or deliver any deadly poison, or any wooden vessel or container which shall have contained any deadly poison, except for scientific, medicinal or mechanical purposes, nor to any person not known to the vendor to be careful and well disposed; *provided* that sales may be made to a person not known to the vendor, if some responsible person known to the vendor will certify in writing that the person desiring to purchase may safely be intrusted with the same, but in all cases the vendor shall require the purchaser to disclose the intended use of such poison, vessel or container, as the case may be.

**1052. Record.** Every person who shall sell or deliver any deadly poison, shall keep a book in which shall be recorded the name and quantity of the poison sold or delivered, the person to whom it was sold or delivered, and whether such person was known to the vendor, and if not, the name of the responsible person upon whose recommendation the same was sold; and the certificate of such person shall be preserved. The said book of records shall at all times be open to the inspection of the board of health or its agent.

**1053. Record of containers.** The book required to be kept by section 1052 shall contain a record of the sale of any vessel or container which shall have contained a deadly poison in like manner as is required with respect to the sale or delivery of the poison itself.

**1054. Label on containers.** The box, phial, or other package in which any deadly poison shall be sold or delivered, shall bear a label containing the word "poison", in large letters, in both the English and Hawaiian languages, together with some emblematic device, to be approved by the board of health, which shall indicate the dangerous character of the article.

**1055. Record of prescriptions.** Every licensed physician, druggist, or apothecary, who shall compound, sell, or deliver any prescription containing any poisonous drug, or substance deleterious to human life, to be used as medicine, shall enter upon his books said prescription written out in full, with the date thereof, with his own name appended thereto, or the name of the physician who prescribed the same, and the person to whom the same was delivered; and no such prescription shall be compounded, sold or delivered, unless the name of the person compounding, selling, or delivering the same, or the name of the physician prescribing the same, be appended to the prescription in full, and every such prescription shall be preserved; and said books and prescriptions shall be subject at all times to the inspection of the board of health or its agent.

**1056. Penalty.** Any person violating the provisions of this chapter shall forfeit a sum not exceeding one thousand dollars for each offense. *Laws 1868, p. 25 (as amended 1872).*

Revised Laws, 1905, p. 463-465.

**1399. Sale of opium.** The board of health may, upon the conditions to be named in such authorization, authorize any duly qualified physician or surgeon, or any person holding a license to sell poisonous drugs, to sell for medical purposes only, opium and preparations thereof: *provided*, however, that no



person shall sell or furnish opium or any preparation thereof, except upon the written prescription of a duly licensed physician signed by him.

**1400. Penalty.** Any person who shall sell or furnish any poisonous drugs without a license so to do; or who shall violate any of the terms of this chapter, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned at hard labor not exceeding six months in the discretion of the court.

**1401. Distribution of drugs by board of health.** Nothing in this chapter contained shall be construed to prevent the Territory or the board of health from using or distributing any drugs, or medicine. *Laws 1896, p. 231-232.*

Revised Laws, 1905, p. 566-567.

#### ADULTERATION OF DRUGS.

**1041. Prohibition.** No person shall within the Territory of Hawaii manufacture, offer for sale, keep for sale or sell, any drug or article of food which is adulterated within the meaning of this chapter.

**1042. "Drug" defined.** The term "drug" as used in this chapter shall include all drugs, medicines or medical preparations for external or internal use, antiseptics, antiseptic dressings, disinfectants and cosmetics.

**1043. Adulteration defined.** An article shall be deemed to be adulterated within the meaning of this chapter:

(a) In the case of drugs: (1) If, when manufactured, sold, offered for sale or kept for sale, under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when manufactured, sold, offered for sale or kept for sale, under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it contains any substance inimical or dangerous to life without the same being duly stated on the label or wrapper.

(b) \* \* \*

**1044. Commissioner; appointment; bond.** To carry out the provisions of this chapter, the board of health shall appoint a duly qualified food commissioner or analyst, who shall receive such salary as the legislature shall from time to time appropriate, and who shall furnish good and sufficient bonds of not less than two thousand dollars for the proper and unprejudiced performance of his duties, and who shall be provided by the board of health with the necessary apparatus, together with a proper office and laboratory for work.

**1045. Duties of commissioner.** It shall be the duty of the food commissioner to carefully inquire into the quality of the several articles which are foods, drugs or the necessary constituents of foods or drugs, manufactured or kept for sale, or sold or exposed for sale within the Territory of Hawaii; and he may in a lawful manner procure samples thereof, submit the same to careful examination, and report the result of such analysis of all or any of such drugs, food and drink products or dairy products as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii to the board of health; and it shall be the duty of the food commissioner to make complaint with the necessary evidence through the proper authorities, against such manufacturer or vendor.

**1046. Complaints.** The food commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same,

**1047. Samples to be furnished.** If any person manufacturing, keeping for sale, offering for sale or exhibiting for sale any drug or article of food included in the provisions of this chapter, shall refuse to furnish the duly appointed food commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the food commissioner tendering the market price therefor, such refusal shall be prima facie evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale is adulterated within the meaning of this chapter.

**1048. Powers of commissioner.** The food commissioner shall have power in the performance of his duties, to enter into any creamery, factory, store, sales-room, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof.

**1049. Monthly report.** The food commissioner shall make a monthly report in writing to the president of the board of health containing the results of inspection and analysis in detail, and upon request of said board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by the said board of health to be of benefit and advantage to the public.

**1050. Penalties.** Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding two hundred, nor less than ten dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both. *Laws 1903, p. 269 et seq.*

Revised Laws, 1905, p. 460-463.

**3023. Adulteration a gross cheat.** Whoever shall knowingly compound, prepare, or adulterate any substance intended for food, drink, or medicine for man, with any ingredient or matter so as to render such food, drink, or medicine injurious to health; or knowingly procure such substance to be compounded, prepared, or adulterated, is guilty of a gross cheat. (*Penal Code 1869, p. 46.*)

**3024. Penalty.** Whoever is convicted of a gross cheat shall be punished by imprisonment at hard labor not more than one year, or by a fine not exceeding one thousand dollars.

**3025. Civil remedy not a bar to criminal prosecution.** No person shall be exempted from criminal prosecution for gross cheating, by reason of the party cheated having a remedy against him by civil action.

Revised Laws, 1905, p. 1103-1104.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**1432. Penalty.** Any person or corporation licensed to brew malt liquors under part 2 of this chapter who shall in the manufacture of such malt liquors make use of any deleterious or poisonous drugs or substance or who shall manufacture or offer for sale malt liquors of an alcoholic strength above ten per cent. shall upon conviction be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor for a term not exceeding one year. (*Laws 1903, p. 21.*)

Revised Laws, 1905, p. 574.

## IDAHO.

The law does not specifically charge any officer with the enforcement of the provisions prohibiting the adulteration of drugs. The dairy food and oil commissioner apparently has authority to establish some drug standards. The board of pharmacy may condemn deleterious proprietary medicines.

### REGISTERED PHARMACISTS.<sup>a</sup>

1. *Exclusive rights defined.* It shall be unlawful for any person not a registered pharmacist, within the meaning of this act, to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business, for the retailing, compounding or dispensing of any drugs, chemicals or poisons, except as hereinafter provided; or for the compounding of physicians' prescriptions; or to keep exposed for sale at retail any drugs, chemicals or poisons; or for any person not licensed as a pharmacist or assistant pharmacist, within the meaning of this act, to compound, dispense, or sell at retail any drug, chemical, poison or pharmaceutical preparation, upon the prescription of a physician or otherwise; or to compound physicians' prescriptions, except under the supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy, drug store or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any drug or medicine or poison except as an aid to or under the supervision of a person licensed as a pharmacist or assistant pharmacist: *Provided, however,* That nothing in this section shall be construed to interfere with a legally registered practitioner of medicine, or dentist in the compounding of his own prescription, or to prevent him from supplying to his patients such medicines as he may deem proper; nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of domestic non-poisonous remedies; nor with the sale of patent or proprietary preparations which do not contain poisonous ingredients; nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison" and the names of at least two readily obtained antidotes: *Provided,* Nothing in this act shall be construed to apply to the manufacture or sale of proprietary or patent medicines: *Provided, further,* That in any village of not more than two hundred inhabitants where there is no person licensed as a pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is licensed as assistant pharmacist a permit to conduct a drug store or pharmacy in such village, which permit shall not be

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<sup>a</sup> For penalty, see "Sale of Poisons," p. 64.

valid in any other village than the one for which it is granted, and shall cease and determine when the population of the village for which such permit was granted shall become greater than two hundred: And *Provided also*, That this act shall not apply to dealers in general merchandise in the city or rural district where there is no person licensed as a pharmacist or assistant pharmacist. That all such drugs and remedies authorized to be sold by general merchandise stores shall be sold in original packages, properly labeled over the name of a registered pharmacist of this or some other State. Within the meaning of this act, rural districts are places of not more than one hundred inhabitants.

Session Laws 1905, p. 319.

### SALE OF POISONS.

13. *Restrictions; labels; record; exemptions.* It shall be unlawful for any person to sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, or to sell to or to deliver to any person any of the following described substances, or any poisonous compounds or preparations thereof, to wit: Arsenic, corrosive sublimate, hydro-cyanic acid, opium, morphine, strychnine, cocaine, or aconite, except in the manner following: It shall first be learned, by due inquiry, that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "poison", the name of the person or firm dispensing the substance, and before a delivery shall be made of any of the foregoing substances there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser and the name of the dispenser, which book shall be preserved for at least one year and shall at all times be open to inspection by the proper officers of the law: *Provided, however*, That the foregoing provision shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry: And, *Provided, also*, That the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale; but the box, bottle or other package containing such substance when sold at wholesale shall be properly labeled with the name of the substance, the word "poison" and the name and address of the manufacturer or wholesaler.

Session Laws 1905, p. 324.

16. *Penalties.* Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing, or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars; and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail, any drug, medicine, poison, or pharmaceutical preparation, either upon a physician's prescription or otherwise, and

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<sup>a</sup> So in Laws.

whoever, being the owner or manager of a drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to dispense, sell at retail, or compound any drug, medicine, poison, or physicians' prescription, contrary to the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

\* \* \*

Whoever shall sell or deliver to any person any poisonous substance specified in section thirteen of this act without labeling the same and recording the delivery thereof in the manner prescribed in section thirteen, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Session Laws 1905, p. 326.

#### PATENT MEDICINES.

4. *Board of pharmacy may condemn proprietary medicines.* \* \* \* The board shall have the power to examine any patent or proprietary medicine, and condemn same, in case it is found to contain deleterious matter which might produce an effect other than that claimed by such patent or proprietary medicine.

12. *Enforcement.* It shall be the duty of the county attorney to take charge of and prosecute any violation of any of the provisions of this act.

Session Laws 1905, p. 322 and 324.

#### ADULTERATION OF DRUGS.

6916. *Improper labelling and filling of prescriptions a misdemeanor or a felony.* Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman, by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues is guilty of a felony.

Revised Statutes, 1887, p. 744.

6918. *A misdemeanor.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

6919. *Sale of unwholesome products a misdemeanor.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Revised Statutes, 1887, p. 744.

29. *Standards.* The State Board of Dairy, Food and Oil Commissioners shall have authority from time to time to establish standards of strength and purity not designated in this act, said standards to be in harmony with the standards authorized by the United States Department of Agriculture or by the United States Pharmacopoeia, as the case may be. *Session Laws, 1905, p. 62.*

[The exact limitations of the power thus conferred seem uncertain as the duties of the Dairy, Food and Oil Commissioners as defined by the law do not include any specific or implied reference to drugs other than this section may involve. This section may only be intended to cover such substances as honey, spices and other flavoring agents.]

## ILLINOIS.

The State board of pharmacy is authorized to employ a chemist to examine into suspected adulterations and may prosecute offenders against the law. An effort is made to enforce the law.

### REGISTERED PHARMACISTS.

1. *Conduct of drug stores.* It shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to open or conduct any pharmacy, dispensary, drug store, apothecary shop, or store, for the purpose of retailing, compounding or dispensing drugs, medicines or poisons, and any person violating the provisions of this section shall be liable to a penalty of not less than twenty nor more than one hundred dollars for every such violation: *Provided, however,* that nothing in this act will prevent any person or persons owning a drug store or pharmacy who shall employ and place in active and personal charge of the same a registered pharmacist, and that nothing herein contained shall apply to nor in any manner interfere with the practice of any physician, or prevent him from supplying to his patients such articles as may seem to him proper; nor with the exclusively wholesale business of any wholesale druggist: *Provided,* that nothing contained in this act shall apply to the sale of patent or proprietary preparations when sold in original and unbroken packages.

2. *Compounding and dispensing drugs.* It shall be unlawful for the proprietor of any drug store or pharmacy to allow any person in his employ, except a registered pharmacist or registered assistant pharmacist, to compound, recommend, dispense, or sell at retail, drugs, medicines or poisons, or except an apprentice under the immediate supervision of a registered pharmacist as hereinafter provided. Any person violating the provisions of this section shall be liable to a fine of not less than twenty nor more than one hundred dollars for each and every such offense.

Laws 1901, p. 238.

### SALE OF POISONS.

62. *Labels; penalty.* Every druggist or other person who shall sell and deliver any arsenic, strychnine, corrosive sublimate, prussic acid or other substance or liquid usually denominated as poisonous, without having the word "poison" written or printed upon a label attached to the phial or parcel in which such drug is contained, or shall sell and deliver any drug or medicine other than upon the prescription of a physician, without having the name of such drug or medicine printed or written upon a label attached to the phial or parcel containing the same, shall be fined not exceeding \$25. (*Laws 1853, p. 215.*)

63. *Records; penalty.* If any druggist or other person sells or gives away any arsenic, strychnine, corrosive sublimate or prussic acid without the written prescription of a physician, and fails to keep a record of the date of such sale or gift, the article, and amount thereof sold or given away, and the person to whom

delivered, he shall be fined not exceeding \$50 for each neglect. Whoever purchases any such poison and gives a false or fictitious name, shall be punished in the same manner

Revised Statutes (Hurd), 1897, p. 559.

**12. *Drugs, medicines and poisons to be labeled.*** No person shall sell at retail any drug, medicine or poison without affixing to the box, bottle, vessel or package containing the same a label bearing the name of the article distinctly shown, with the name and place of business of the registered pharmacist from whom the article was obtained: *Provided*, nothing in this section shall apply to the sale of patent or proprietary medicines when sold in original packages, nor with the dispensing of physicians' prescriptions. Any person failing to comply with the requirements of this section shall be liable to a penalty of \$5 for any and every offense.

Laws 1901, p. 242.

**14a. *Cocaine to be sold only on physician's prescription.*** It shall not be lawful for any druggist or other person to retail, or sell, or give away any cocaine, hydro-chlorate, or any salts of, or any compound of cocaine, or any preparation containing cocaine, or any salts of, or any compound thereof, excepting upon the written prescription of a licensed physician or licensed dentist, licensed under the laws of the State, which prescription shall only be filled once, and must have written plainly upon it, the name and address of the patient: *Provided*, that the provisions of this section shall not apply to sales at wholesale by any manufacturer or wholesale dealer, who shall sell to the retail druggist, or other person so sold, as original packages only, when such manufacturer or wholesale dealer shall have affixed to each box, bottle or package containing such cocaine, hydro-chlorate, or salts or compounds of cocaine, or preparations containing cocaine, a label specifically setting forth the proportion of cocaine contained therein.

**14b. *Penalty.*** Any druggist or other person who shall retail or sell any cocaine, hydro-chlorate, or salts or compounds of cocaine, or any preparation containing cocaine, or salts or compounds thereof, in violation of this act, and any druggist or other person who shall prescribe any cocaine, hydro-chlorate, or salts or compounds of cocaine, or any preparation containing cocaine, or salts or compounds thereof, to any person addicted to the habitual use of cocaine, or any preparation or compound thereof, in any form, shall, for the first offense, be fined the sum of not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense not less than two hundred dollars nor more than one thousand dollars; and if the person so offending shall have a license as a physician, dentist or pharmacist, such license shall be revoked.

Laws 1903, p. 248.

#### ADULTERATION OF DRUGS.

**9i. *Mixing drugs so as to impair potency.*** No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or material, so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered. (*Laws 1883, p. 176.*)



**9j. Compound must be sold under its true name.** No person shall mix, color, stain or powder any article of food, drink or medicine, or any other article which enters into the composition of food, drink or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell, or offer the same for sale, or order or permit any other person to sell or offer for sale any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine, at the time of making sale thereof or offering to sell the same. (*Laws 1881, p. 74.*)

**9l. Penalty.** Any person convicted of violating any provision of any of the foregoing sections of this act, shall, for the first offense, be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200); for the second offense he shall be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), or confined in the county jail not less than one month, nor more than six months, or both, at the discretion of the court; and for the third and all subsequent offenses, he shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2000), and imprisonment in the penitentiary not less than one year, nor more than five years.

**9m. Exception.** No person shall be convicted under any of the foregoing sections of this act, if he shows to the satisfaction of the court or jury that he did not know that he was violating any of the provisions of this act, and that he could not, with reasonable diligence, have obtained the knowledge. (*Laws 1881, p. 74.*)

**9n. State's attorneys to enforce act.** The State's attorneys of this state are charged with the enforcement of this act, and it is hereby made their duty to appear for the people and to attend to the prosecution of all complaints under this act, in their respective counties, in all courts.

Revised Statutes (Hurd), 1897, p. 543 et seq.

**14. Adulteration prohibited; prosecution; penalty; analyst.** No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus adulterate or alter or cause to be adulterated or altered any drug, chemical, medicine or pharmaceutical preparation; or any person who shall sell or offer for sale or cause to be sold any such adulterated drug, chemical, medicine or pharmaceutical preparation; or any person who shall, without notification to the purchaser, substitute or cause to be substituted one material for another, shall be liable to prosecution under this act. If convicted, he shall be liable to all the costs of the action and all the expenses incurred by the board of pharmacy in connection therewith, and for the first offense be liable to a fine of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense a fine of not less than seventy-five nor more than one hundred and fifty dollars.

The board of pharmacy is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into the so-called adulteration, substitution or alteration, and report upon the result of his investigation; and, if said report justify such action, the board shall duly cause the prosecution of the offender, as provided in this law. The latest edition of the United States Pharmacopœia is hereby adopted as the standard in determining the recognized tests of identity and purity under this act.

Laws 1901, p. 238.

#### ADULTERATION OF LIQUORS WITH DRUGS.

8. *Penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health; and whoever sells or offers or keeps for sale any such liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both. (*Revised Statutes, 1845, p. 175.*)

Revised Statutes (Hurd), 1897, p. 541.

## INDIAN TERRITORY.

The law of Indian Territory does not specifically prohibit the sale of adulterated drugs.

### REGISTERED PHARMACISTS.

1. *Compounding or dispensing drugs.* It shall hereafter be unlawful for any person other than a registered pharmacist or assistant pharmacist, as hereinafter defined, to retail, compound, or dispense drugs, medicines, and pharmaceutical preparations in the Indian Territory as at present compounded and refined, unless such person shall be a registered pharmacist as this Act provides, or shall place in charge of said pharmacy, store, or shop a registered pharmacist, except as hereinafter provided.

10. *Penalty.* Any person who is not a registered pharmacist in the meaning of this Act who shall keep a pharmacy, store, or shop for the compounding and dispensing of physicians' prescriptions, and who shall not have in his employ in said pharmacy, store, or shop a registered pharmacist in the meaning of this Act, shall for each and every offense be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars.

12. *Proprietor not to permit dispensing by unregistered clerk; exemptions.* Any proprietor of a pharmacy or other person who shall permit the compounding and dispensing of physicians' prescriptions or the vending of drugs, medicines, or pharmaceutical preparations in his store or place of business, except by a registered pharmacist or assistant pharmacist in the meaning of this Act, or under the immediate supervision of such registered pharmacist or such assistant pharmacist, or who, while continuing the pursuit of pharmacy in the Indian Territory, shall neglect to procure his annual registration, or any person who shall willfully make any false representations to procure for himself or another registration under this Act, shall for each and every offense be liable to a fine of one hundred dollars: *Provided*, That nothing in this Act shall interfere with the business of those merchants who keep on sale such poisons, acids, and chemicals as are regularly used in agriculture, mining, and the arts, when kept and sold for such purposes only in sealed and plainly labeled packages: *Provided, also*, That nothing in this Act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying to, his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines in towns of one thousand inhabitants or less, nor with the exclusive wholesale business of any dealers, except as hereinafter provided; *Provided, also*, That nothing in this Act shall in any manner interfere with the business of merchants in towns having less than one thousand inhabitants or in which there is no licensed pharmacy or with country merchants to sell or vend such medicines, compounds, and chemicals as are required by the general public and in form and manner prescribed by the board of pharmacy. *Approved April 28, 1904.*

U. S. Statutes at Large, vol. 33, pt. 1, p. 550 et seq.

## SALE OF POISONS.

14. *Labels, record, penalty.* It shall be unlawful for any person, from and after the passage of this Act, to retail any of the following poisons, except as follows: Arsenic and its preparations, corrosive sublimate, white precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux vomica, henbane, savine, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained with the name of the article, the word "poison", and the name and the place of business of the seller. Nor shall it be lawful for any registered pharmacist or other person to sell any of the poisons above enumerated without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such a book to be always open for inspection by the proper authorities and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, upon the prescription of practitioners of medicine. Any violation of the provisions of this section shall make the offender liable to a fine of not less than twenty-five dollars and not more than one hundred dollars, and upon conviction for the second offense, in addition to the fine he shall have his name stricken from the register. *Approved, April 28, 1904.*

U. S. Statutes at Large, vol. 33, pt. 1, p. 550 et seq.



## INDIANA.

It is the duty of the State board of health to enforce the laws of the State relating to drug adulteration and the State health officer is inspector of drugs. An effort is being made to enforce the law.

### SALE OF POISONS.

8. *Retail sale of poisons only by registered pharmacist; exceptions.* It shall be unlawful for any person to conduct a store or pharmacy in which is sold at retail, or to sell at retail, any chemical, drug or medicine, which is poisonous, or which contains a poison, or to compound for sale at retail, any physician's prescription, unless there be in charge a Registered Pharmacist, or a Registered Assistant Pharmacist, under the provisions of this act. *And, Provided,* That nothing in this act shall apply to, nor in any manner interfere with the business of a regularly licensed physician in compounding for and supplying his patients with such medicines as may seem to him proper in his professional capacity as a physician. *And, Provided,* That nothing in this act shall apply to, nor in any manner interfere with the business of a general merchant in selling any of the following articles, to-wit: Patent or proprietary medicines, which are not poisonous, paregoric, hive syrup, spirit of camphor, Epsom salts, tincture of arnica, compound cathartic pills, Paris green, London purple, white hellebore, concentrated lye, sodium carbonate, sodium bicarbonate, tobacco, spices, perfumes, flavoring extracts, borax, copperas, alum, sulphate of quinine, or any chemicals or preparations commonly employed as dye stuffs or insecticides, and such other articles as may from time to time be allowed by the Board of Pharmacy.

9. *Penalty.* Any person violating any of the provisions of Section 8 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, nor less than five dollars for each offense.

Acts 1899, p. 163.

581. *Provision as to sale of opium, morphine and cocaine.* It shall be unlawful for any druggist or druggist's clerk to sell, barter, trade or give away any opium, morphine or cocaine to any person addicted to the habitual use of opium, morphine or cocaine, unless such person secure a written prescription therefor from a licensed physician. Any person violating any provision of this section shall, on conviction, be fined for each separate offense in any sum not less than ten dollars nor more than fifty dollars.

Acts 1905, p. 722.

### ADULTERATION OF DRUGS.

539. *Prohibition; drug defined, adulteration defined; duty of State board of health; samples; penalties.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated.

The term drug shall be deemed to include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. An article shall be deemed to be adulterated within the meaning of this section:

A. In case of drugs. (1) If, when sold under or by a name recognized by the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein, unless the order call for an article inferior to such standard, or unless such difference be made known or so appear to the purchaser at the time of such sale. (2) If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differ materially from the standard of strength, quality or purity laid down in such work. (3) If its strength or purity fall below the professed standard under which it is sold.

B. \* \* \* no prosecutions shall at any time be maintained hereunder concerning any drug, the standard of strength of purity whereof has been raised since the issue of the last edition of the United States Pharmacopoeia, unless and until such change of standard shall have been published throughout the state. It shall be the duty of the state board of health to enforce the laws of the state governing food and drug adulteration, including the provisions of this section; and the state health officer shall be state inspector of foods and drugs. The state board of health shall take cognizance of the interests of the public health relating to the sale of drugs and foods and the adulteration of the same, and shall make all necessary investigation and inquiries in reference thereto; and for these purposes the state, county, city and town health officers shall be food and drug inspectors, subordinate to the state board of health. The state board of health shall adopt such measures as may be necessary to facilitate the enforcement of the provisions of this section, and shall prepare rules declaring the proper methods of collecting and examining drugs and articles of food. Every person offering or exposing for sale or delivery to a purchaser any drug or article of food included in the provisions of this section, shall furnish to any analyst or other officer or agent named herein or appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of the analysis of any such drug or article of food which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other officer named herein or appointed hereunder, in the performance of his duties, and whoever violates any of the provisions of this section, shall, on conviction, be fined not exceeding one hundred dollars.

Acts, 1905, p. 710.

#### ADULTERATION OF LIQUORS WITH POISONS.

**552. Penalty.** Whoever uses any poison in the manufacture or preparation of any intoxicating liquor, or knowingly sells, or offers for sale, in any quantity, any intoxicating liquor so manufactured or prepared, shall, on conviction, be imprisoned in the State prison not less than one year nor more than seven years, and fined not exceeding five hundred dollars.

Acts, 1905, p. 715.

## IOWA.

The law relating to the adulteration of drugs does not specifically charge any officer with its enforcement.

### REGISTERED PHARMACISTS.

**2588.** *Compounding medicines, poisons, etc.; labels; penalty.* No person not a registered pharmacist shall conduct the business of selling at retail, compounding or dispensing drugs, medicines or poisons, or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as a pharmacist, nor allow any one who is not a registered pharmacist to so sell, compound or dispense such drugs, medicines, poisons or chemicals, or physicians' prescriptions, except such as are assistants to and under the supervision of one who is a registered pharmacist, and physicians who dispense their own prescriptions only; but no one shall be prohibited by anything contained in this chapter from keeping and selling proprietary medicines and such other domestic remedies as do not contain intoxicating liquors or poisons, nor from selling concentrated lye or potash having written or printed on the package or parcel its true name and the word "poison," sales of which need not be registered. Whoever violates either provision of this section, for the former shall pay five dollars for each day of its violation, to be recovered in an action in the name of the State, brought by the county attorney under the direction of the commission, and for the latter shall be guilty of a misdemeanor, and punished accordingly. In actions or prosecutions under this chapter it need not be proven that the defendant has not a pharmacist's certificate, but such fact shall be a matter of defense.

Code, 1897, p. 897.

### SALE OF POISONS.

**2593.** *Schedules; labels; records; penalty.* No person shall sell at retail any poisons enumerated in schedules A and B, except in dispensing poisons in usual quantities or doses upon the prescription of a physician as follows: Schedule A. Arsenic and its preparations, corrosive-sublimite, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations except paregoric and other preparations of opium containing less than two grains to the ounce. Schedule B. Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid. Unless the package containing such poisons has placed thereon, and also on the outside wrapper or cover, the name of the article, the word "poison," and the name and place of business of the seller; nor sell or deliver such poison unless, upon due inquiry, it be found that the party receiving it is aware of its character and represents it is to be used for proper purposes; nor sell or deliver any of the poisons included in schedule A without

also, before delivering the same, causing an entry to be made in a book kept for that purpose of the date of sale, the name and address of the purchaser, the name of the poison, the purpose for which it was represented to be required, and the name of the dispenser, which book shall be open to inspection by the proper authorities and preserved for at least five years, the entry of each such sale to be signed by the dispenser. Any person violating any of the provisions of this section, except as otherwise provided by law, shall be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both fine and imprisonment, in the discretion of the court. (*Laws 1880, p. 73.*)

**2596. Revocation of pharmacist's certificate.** When a registered pharmacist has been convicted of a violation of the provisions of this chapter, in addition to the other penalties provided by law, the commission, in its discretion, may revoke his certificate of registry.

Code, 1897, p. 897 et seq.

**4976. Sale of poison without label.** If any apothecary, druggist or other person deliver to another any arsenic, corrosive sublimate, prussic acid or other poisonous liquid or substance without having the word "poison" and the true name thereof written or printed upon a label attached to or affixed upon the vial, box or parcel containing the same, he shall be guilty of a misdemeanor.

Code, 1897, p. 1950.

**2596a. Sale of cocaine.** No one, by himself, clerk, employe or agent, shall either directly or indirectly, sell or give away any cocaine, or preparation containing cocaine, except on the written prescription of a registered physician, for medical purposes, and no such prescription shall be refilled except upon the written order of a physician. However, nothing in this act shall be construed to prevent the sale thereof to a wholesale or retail dealer in drugs nor registered physician, or licensed dentist for use in the practice of his profession.

**2596b. Penalty.** Any one found guilty of violating the provisions of this act, for the first offense, shall pay a fine of not less than twenty-five dollars and not more than one hundred dollars and cost of prosecution. For the second offense, and each subsequent offense, he shall pay on conviction thereon, a fine of not less than one hundred dollars, and not more than three hundred dollars, or imprisonment <sup>a</sup> in the county jail not to exceed three months. Any clerk, employe or agent, violating, or aiding in the violation of section one (2596a), shall be charged and convicted as principal.

Supplement to Code, 1902, p. 278.

#### ADULTERATION OF DRUGS.

**2592. Pharmacist responsible for quality of goods; adulteration a misdemeanor.** Registered pharmacists shall be responsible for the quality of all drugs, chemicals and medicines which they may sell or dispense, except those sold in the original packages of the manufacturer, and those known as patent medicines. If any such pharmacist shall knowingly adulterate or cause to be adulterated any drugs, chemicals or medical preparations by him kept for sale or sold, he shall be guilty of a misdemeanor. (*Laws 1880, p. 73.*)

Code, 1897, p. 899.

<sup>a</sup> So in Statutes.



**4983. *Penalty.*** If any person adulterate for the purpose of sale any drug or medicine in such manner as to lessen the efficacy or change the operation of such drug or medicine, or to make it injurious to health, or sell it knowing that it is thus adulterated, he shall be imprisoned in the county jail not exceeding one year, or be fined not exceeding five hundred dollars, and such adulterated drugs and medicines destroyed.

**4985. *Mixing, coloring and powdering of drugs and medicines.*** No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder or permit any other person to mix, color, stain or powder any drug or medicine with any ingredients or materials, so as to affect injuriously the quality or potency of such drug or medicine, with the intent to sell the same, or shall offer for sale any such drug or medicine.

**4986. *Labeling of colored and mixed goods.*** No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer for sale the same, or order or permit any other person to sell or offer for sale any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale, under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all time readily visible, or unless the person purchasing the same is fully informed by the seller of the true names of the ingredients (if other than such as are known by the common name thereof) of such articles at the time of making the sale thereof or offering to sell the same; but nothing in this section shall prevent the use of harmless coloring material used in coloring butter and cheese.

**4988. *Penalty.*** Any person violating any provision of the four preceding sections shall, for the first offense, be fined not less than ten nor more than fifty dollars; for the second offense, not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail for not more than thirty days; for the third or any subsequent offense, not less than five hundred nor more than one thousand dollars, and imprisoned in the penitentiary not less than one nor more than five years.

Code, 1897, p. 1950 et seq.

## KANSAS.

No special provision is made for the enforcement of the law prescribing the standard of drugs and medicines and no effort is made to enforce the law.

### REGISTERED PHARMACISTS.

**6678.** *Conduct of drug store.* It shall hereafter be unlawful for any person within the state of Kansas to open or conduct any pharmacy, or store for retailing, dispensing or compounding medicines or poisons, unless such person be a registered pharmacist within the meaning of this act, or shall employ a registered pharmacist to conduct the same. And it shall be unlawful for any person to compound and sell at retail any medicines or poisons, or to compound or dispense any physicians' prescriptions, unless such person be a registered pharmacist, or a registered assistant pharmacist, within the meaning of this act, except as hereinafter provided. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense. (*Laws, 1885, p. 247.*)

General Statutes, 1901, p. 1348.

### SALE OF POISONS.

**6688.** *Restrictions; schedules; labels; records; penalty.* Pharmacists registered as herein provided shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American, or United States dispensatory pharmacopoeia as of recognized medicinal utility: *Provided*, That nothing herein contained shall be construed so as to shield an apothecary or pharmacist who violates or in anywise abuses this trust for the legitimate and actual necessities of medicines, from the utmost rigor of the law relating to the sale of intoxicating liquors; and upon conviction of any violation of the prohibitory liquor law his name shall be stricken from the register. It shall be unlawful for any person, on and after the passage of this act, to retail any articles enumerated in schedules A, B, C, except as follows:

Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, chloroform, strychnine, morphine, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except peregoric and other preparations of opium containing less than two grains to the ounce.

Schedule B: Aconite, belladonna, colchicum, conium, nux vomica, henbane, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloral hydrate, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, and all other virulent poisons.

Schedule C: Oil of savin, oil of tansy, ergot and its preparations, cotton-root and its preparations, and all other active emmenagogues or abortives.

Articles enumerated in schedules A and B shall not be sold without distinctly labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any proprietor or owner of any drug store or pharmacy, or any registered pharmacist, to sell or deliver any articles included in the schedules A and B, without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the article sold, the quantity thereof, the purpose for which it is represented by the purchaser to be required, the name of the dispenser, and the name and address of the purchaser, signed by himself; such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. No articles enumerated in schedule C shall be sold except on the prescription of a legally qualified physician. The provisions of this section shall not apply to the sales of poisons to practicing physicians and photographers, and to the dispensing of poisons in not unusual doses or quantities upon the prescriptions of licensed practitioners of medicine. All prescriptions of practicing physicians shall be retained by the dispenser. Any person procuring from any pharmacist articles enumerated in schedules A, B and C, under fraudulent representations, shall be deemed guilty of a misdemeanor, and be liable to a fine of not less than twenty-five nor more than one hundred dollars. (*Laws 1885, p. 250.*)

General Statutes, 1901, p. 1351.

**2261. Labels; sale to minors; penalty.** Every person who shall sell or deliver to any other any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison" plainly written or printed on a label attached to the vial, box, vessel or package containing the same; or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same; or who shall sell or deliver any such substance or liquid to any minor without a written permission from the guardian of such minor specifying the kind of drug that such minor is authorized to purchase, shall on conviction be adjudged guilty of a misdemeanor, and punished by a fine not exceeding fifty dollars.

**2262. Physician not required to label.** So much of the preceding section as requires the word "poison" or the name of the drug sold or delivered, to be labeled on the box, vial, or other package containing the same, shall not extend to any practicing physician who shall deliver any of the articles therein mentioned with a prescription for the use of the article.

General Statutes, 1901, p. 478-479.

#### ADULTERATION OF DRUGS.

**6686. Druggist responsible for quality of drugs; adulteration a misdemeanor; penalty.** Every proprietor or conductor of a drug store or a pharmacy shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense; and should he knowingly, intentionally and fraudulently adulterate or cause to be adulterated such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall

<sup>a</sup> So in Statutes.

be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name be stricken from the register.

**6687. Exemptions.** Nothing hereinbefore contained in this act shall apply to any practitioner of medicine who does not keep open shop for retailing, dispensing or compounding of medicines or poisons, nor prevent him from administering or supplying to his patients such articles as he may deem fit and proper. And it is also provided that in rural districts, where there is no registered pharmacist within five miles, it shall be lawful for retail dealers to procure license from the board of pharmacy at a fee of two dollars and fifty cents annually, to sell the usual domestic remedies and medicines, not including any articles enumerated in schedules A and B of this act. *Laws 1885, p. 250.*

General Statutes, 1901, p. 1351.

**2279. Penalty.** If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such a manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars; and such adulterated drugs and medicines shall be forfeited and destroyed.

General Statutes, 1901, p. 481.

**2323. Adulteration prohibited.** No person shall within this state manufacture for sale, offer for sale, or sell, any drug or article of food which is adulterated within the meaning of this act.

**2324. Drug defined.** The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics.

**2325. Adulteration defined.** An article shall be deemed to be adulterated within the meaning of this act: *First*, in case of drugs, if, when sold under or by a name recognized under the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; *second*, if, when sold under or by a name not recognized in the United States Pharmacopœia, or other standard work of materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; *third*, if its strength, quality or purity falls below the professed standard under which it is sold.

**2326. Dealer must furnish sample for analysis.** Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for analysis of any such drug or article of food which is in his possession.

**2327. Penalty.** Whoever refuses to comply upon demand with the requirements of section four (2326), or whoever violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisonment<sup>a</sup> not exceeding one hundred days nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling any adulterated article of food or drug under the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been guilty of manufacturing, selling, or offering for sale.

General Statutes, 1901, p. 488-489.

<sup>a</sup> So in Statutes.

## KENTUCKY.

The State board of pharmacy may have chemical analyses made of articles concerning which complaint has been made and may prosecute the vendors of such drugs as are found to be adulterated. An effort is made to carry out the provisions of the law but its enforcement is curtailed for lack of sufficient funds.

### REGISTERED PHARMACISTS.

**2619.** *Compounding and vending drugs; penalty.* Except as in this act provided it shall hereafter be lawful in the Commonwealth of Kentucky for any person who is not a registered pharmacist, within the meaning of this act, to vend at retail, compound or dispense any drug, medicine, chemical, poison, or pharmaceutical preparation for medical use, or compound and dispense physicians' prescriptions. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than twenty nor more than fifty dollars for each and every offense.

**2620.** *Compounding of prescriptions, etc.; penalty.* Any owner of a pharmacy, or retail drug store, who, not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy or drug store a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending at retail of drugs, medicine, poisons, or pharmaceutical preparations in his store or place of business, except by or in the presence and under the immediate supervision of a registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, and each week that he shall cause of permit such pharmacy or retail drug store to be so conducted or managed shall constitute a separate and distinct offense, and render him liable to separate prosecution and punishment therefor. *Laws 1898, p. 164.*

Statutes (Carroll); 1903, p. 1007.

### SALE OF POISONS.

**2630.** *Labels; register of sales; penalty.* No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel, or package containing same, a label printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller, with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes. A poison in the meaning of this act, shall be any drug, chemical or preparation, which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life

in quantities of sixty grains or less. It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of, and the purposes for which it is said to be intended, which book of registry shall be (kept) for at least two years, and shall at all times be open to the inspection of the coroner of the court (county) in which the same may be kept. Oil of tansy, oil of savin, ergot, and its preparations, cotton root, and its preparations, and all other active emmenagogues or abortives, or emmenagogue preparations, patent or otherwise, shall be sold at retail or dispensed only upon the original written prescription of a legally qualified physician. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, on physicians' prescriptions, nor to the sale to agriculturists, or horticulturists, of such articles as are commonly used by them as insecticides. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten dollars. (*Laws 1898, p. 171, as amended 1902.*)

**2632. Exceptions.** Nothing in this act shall be construed so as to apply to, or in any manner interfere with, the sale of the usual non-poisonous domestic remedies and medicines, and patent or proprietary medicine, by country stores in small places or rural districts. Nothing in this act shall apply to, or in any manner interfere with, the business of any licensed practicing physician, or prevent him from supplying to his patients such articles as may seem to him proper, or with his compounding his own prescriptions.\* (*Laws 1898, p. 173.*)

**2634. Enforcement of pharmacy act; disposition of fines.** All prosecutions under this act shall be in the name of the Commonwealth of Kentucky, in any court having jurisdiction. It shall be the duty of the Kentucky Board of Pharmacy to investigate all complaints of disregard, non-compliance with, or violations of the provisions of this act, and to bring all such cases to the notice of the county attorney of the county where such person is doing business, and it shall be the duty of such county attorney to diligently prosecute to effect any such violations. All penalties collected under the provisions of this act, after payment of all costs, including the commission allowed by law to the various officers, shall inure one half to the Kentucky Board of Pharmacy, and one half to the school fund of the school district in which the offense was committed. (*Laws 1898, p. 173.*)

**2635A. The sale of cocaine restricted; penalty.** Cocaine or its salts shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician or dentist, and such prescription shall not be refilled. Each prescription, containing cocaine or its salts, filled by a registered pharmacist, shall have written upon its face the name of the patient, the date it is filled, and the prescription file of each registered pharmacist shall be open to the inspection of the members of the Kentucky Board of Pharmacy, or its authorized inspector. Cocaine or its salts shall be sold at wholesale only to pharmacists registered under this act, and to legally qualified physicians and dentists. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than fifty dollars. Any physician or dentist who shall prescribe, buy for or sell, or dispense to any person for any purpose other than legitimate use, or otherwise deal in cocaine, or its salts than as herein provided, shall thereby render himself amenable to the penalties hereinbefore in this section provided. Any registered pharmacist who violates any of the provisions of this section or who by

any subterfuge sells or dispenses cocaine or its salts otherwise than as provided in this section, shall, in addition to paying the fine imposed, on second conviction forfeit his certificate as a registered pharmacist and his name shall be stricken from the register. (*Laws 1902, p. 83.*)

Statutes (Carroll), 1903, pp. 1011-1012.

**1276. Sale of poison to minors; fine.** If any person shall sell or deliver to any person under the age of fifteen years, without the consent of his parent or guardian, or upon the written prescription of a physician, any poisonous drug or medicine, he shall be fined one hundred dollars.

Statutes (Carroll), 1903, p. 571.

#### ADULTERATION OF DRUGS.

**1273. Injurious adulterants; penalty.** If any person adulterate, for the purpose of sale, any thing intended for food or drink, or any drug or medicine, with any substance injurious to health, he shall be confined in jail not more than one year, or fined not exceeding five hundred dollars, or both; and the adulterated articles, by order of the court, shall be destroyed.

Statutes (Carroll), 1903, p. 571.

**2629. Adulteration affecting quality; penalty; analysis.** No person shall add to, or remove from, or cause to be added to or removed from, any drug, chemical, or medicinal preparation, any ingredient or material, for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value, or medical effect, or which shall alter the nature or composition of such article, so that all will not correspond to the recognized tests of identity or purity. Any person who shall thus willingly adulterate, or alter, or cause to be adulterated or altered, or shall sell, or offer for sale, any such drug, chemical, or medicinal preparation, or any person who shall substitute or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred nor more than five hundred dollars; and, if a registered pharmacist, his name shall be stricken from the register, and his certificate of registration revoked. On complaint being made, the board of pharmacy is hereby empowered to employ an expert chemist or analyst, to examine into the so-called adulteration, and report upon the result of his investigation, and if said report shall be deemed to justify such action the board shall cause the prosecution of the offender, and if found guilty, he shall be adjudged to pay in addition to fine before provided for, all costs of inspecting and analyzing such adulterated article. (*Laws 1898, p. 171.*)

Statutes (Carroll), 1903, p. 1010.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**2200. Penalty.** If a person knowingly sells or buys, or prepares for sale, any wine or liquor containing any adulteration, by mixing therewith *cocculus indicus*, tobacco, soap, vitriol, logwood, or any other injurious drug or chemical preparation, he shall be fined not more than five hundred dollars for each offense, or not less than twenty, for every gallon of wine or liquor so adulterated.

Statutes (Carroll), 1903, p. 875.

## LOUISIANA.

It is the duty of the State board of health to make investigations and analyses of drugs when considered necessary and report upon its findings. Dr. G. F. Patton, secretary of the State board of health, states that "the enforcement of the law relative to adulteration of drugs rests with the municipal authorities."

### REGISTERED PHARMACISTS.

1. *Conduct of drug business.* It shall hereafter be unlawful for any other than a registered pharmacist to compound medicines, drugs or chemicals, or to institute or conduct any apothecary or drug store, or pharmacy shop for compounding drugs, medicines or chemicals, or for any person to be employed therein, or placed in charge thereof, for the purpose of compounding drugs or chemicals under prescriptions or otherwise.

3. *Exceptions.* ———; provided, that nothing contained in this act shall in any manner whatever interfere with the business of any registered practitioner of medicine, nor in any way prevent him from administering or supplying his patients with such drugs and medicines as he may deem fit and proper, nor shall it interfere with the making and dealing in proprietary remedies, popularly called patent medicines, nor prevent storekeepers from dealing in and selling the commonly-used standard medicines and poisons, if all such standard medicines and poisons included in this section, conform in all respects to the requirements of section seven. Nor shall this act apply to any planter furnishing medicines to hands in his employment or leasing lands from him. *Laws 1888, p. 74-75.*

Revised Laws (Wolff), 1904, vol. 2, p. 1232.

### REGULATIONS AS TO LABELING.

7. *Drugs and poisons.* All pharmacists, druggists or apothecaries, shall label all bottles, vials, jars, boxes, parcels, packages, or other receptacles, or coverings, or wrappings of drugs, medicines or chemicals sold or dispensed by them, with a label in a legible writing or printed letters, giving the name of the proprietor of the store, the name of the physician prescribing, or shop and the place of sale of said drug, medicine or chemical; and in case the medicine, drug or chemical be of a nature poisonous to the human system or to animals, said label shall have printed thereon a skull and cross bones, with the word "Poison" in large, heavy lettering. All prescriptions shall have in addition thereto, a number, the name of the person actually and personally compounding the same, the directions for its use internally or externally, and the date of its compounding.



8. *Penalty.* Any person offending against any provisions of this act, shall be deemed guilty of a misdemeanor against the State of Louisiana, and shall be prosecuted before any court of criminal jurisdiction, and if adjudged guilty, shall pay a fine of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100), and in default of payment thereof, shall be imprisoned in the parish jail for not more than thirty (30) days. *Laws 1888, p. 76.*

Revised Laws (Wolff), 1904, vol. 2, p. 1234-5.

#### SALE OF POISONS.<sup>a</sup>

**Act No. 85. Sale of cocaine restricted; penalty.** It shall be unlawful in this State to sell, give or exchange at retail any cocaine, except upon the written prescription, each time, of an authorized practicing physician, other than a physician owning, controlling or in any manner connected with the store offering the cocaine for sale, barter or gift, provided that nothing herein shall be construed to interfere with or prevent the sale or barter of patent or proprietary medicines.

Every violation hereof shall be a misdemeanor and punishable upon conviction by a fine of not more than \$100.00 and not less than \$25.00, and imprisonment not exceeding thirty days, or both, in the discretion of the court. (*Laws 1898, p. 110.*)

Revised Laws (Wolff), 1904, vol. 1, p. 398.

#### ADULTERATION OF DRUGS.

1. *Prohibition; penalty.* No person shall, within this State, manufacture, have, offer for sale or sell any article of food or drugs which is adulterated, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars for the first offense, and not exceeding one hundred dollars for each subsequent offense.

2. *Adulteration defined.* An article shall be deemed adulterated within the meaning of this act in the case of drugs if when sold under a name recognized in the United States Pharmacopoeia its strength or purity fall below the professed standard under which it is sold. \* \* \*

3. *Label must show true character of product; penalty.* No person shall manufacture, sell or offer for sale within this State, \* \* \* unless the package when sold at wholesale or the packages from which it is taken, when sold at retail be stamped in plain large letters, showing the true quality and kind of the articles sold within the meaning of this act, and every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction pay a fine of not less than twenty-five dollars nor more than fifty dollars, or be sentenced to imprisonment for not more than ten days or both at the discretion of the court.

5. *State board of health to enforce act.* The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries relative thereto, and at any time, when in their judgment necessary, they shall chemically analyze any drug or drugs, article of food and drink, and shall publish the results of their analysis together with the name

<sup>a</sup> See p. 84 for provision as to labeling.

of the article or articles analyzed, in case the same be deleterious to the public health, and to warn the public against its consumption.

On application of any citizen, they shall also analyze the article or articles presented for analysis by him; but in this case he shall pay such fees, for said analysis, as the board of health may fix.

6. *Samples for analysis to be furnished.* On application of the Board of Health, through the officer to be selected by them, every person manufacturing or selling any article of food or drugs, shall be bound to furnish a sample of the said articles so manufactured or sold to the said Board, sufficient in quantity to serve the purpose of analysis, under a penalty of not more than twenty dollars, to be recovered before any court of competent jurisdiction. *Laws 1882, p. 103 et seq.*

Revised Laws (Wolff), 1904, vol. 2, p. 1469.

## MAINE.

No special provision is made for the enforcement of the law regulating adulterated drugs and medicines.

### REGISTERED PHARMACISTS.

11. *Compounding and vending of drugs.* No store shall be kept open for the sale of medicines or poisons, or for compounding physicians' prescriptions, nor shall drugs or medicines 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.

12. *Penalty.* Whoever engages in or is found in charge of or carrying on a business, 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 shop, or claims to be or represents himself to be an apothecary, contrary to the provisions of this chapter, shall be subject to a penalty of fifty dollars a month for the first offense, and one hundred dollars a month 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. The county attorney in each county upon complaint made by any one of said commissioners shall prosecute all violations of the provisions of this chapter.

13. *Pharmacy law shall apply to women; exemptions.* 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 who prepare and dispense their own medicines, nor to the sale of non-poisonous domestic remedies and patent or proprietary preparations usually sold by grocers and others.

14. *Any person may conduct drug store provided a registered pharmacist is given full charge of compounding and dispensing.* Any person may enter upon the business of an apothecary without the certificate required by this chapter; provided, he does not personally do the duties of an apothecary, but employs a duly registered apothecary who has sole charge of compounding, putting up and dispensing medicines and drugs under the provisions hereof. *Laws 1899, Public, p. 106.*

Revised Statutes, 1903, p. 347.

### SALE OF POISONS.

17. *Record; labels; penalty.* Whoever sells arsenic, arsenious acid, atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extracts, Fowler's solution, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, laudanum, McMunn's elixir, morphia or any of its salts, sugar of lead, oil of savin, oil of tansy, opium, Parson's vermin exterminator, phosphorus, prussic acid, rough on rats, strychnia or any of its salts.

tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, crystals of carbolic acid or a strong solution of carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except to dentists or on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large letters the word "poison," and also the word "antidote," and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article sold before the delivery thereof to the purchaser shall be punished by a fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this section shall be construed to apply to wholesale dealers or to manufacturing chemists in their sales to retail trade, nor to the general merchant, nor to a firm or corporation in trade, who may sell in unbroken packages prepared by the manufacturers, Paris green, London purple or other poisonous preparations or compounds used for the destruction of bugs, beetles, insects, slugs, grubs, caterpillars or worms. Upon each and every package so sold shall be printed in large letters the word "poison." Every neglect to affix such label with the word "poison" thereon to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. *Laws 1899, Public, p. 107.*

Revised Statutes, 1903, p. 348.

#### ADULTERATION OF DRUGS.

15. *Substitutions in prescriptions; penalty.* Whoever, engaged in the business of an apothecary, knowingly uses any drugs or ingredients in preparing or compounding a written prescription of any physician different from those named in the prescription, shall upon conviction be fined not less than five, nor more than one hundred dollars.

16. *Manufacture and sale of adulterated drugs; penalty.* Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicine shall be forfeited, and destroyed under the direction of the court. *Laws 1899, Public, p. 107.*

Revised Statutes, 1903, p. 347.

## MARYLAND.

Violations of the laws relative to drug adulterations are investigated, as are other criminal acts in general, by the several State attorneys and grand juries, and little, if any, effort is made to enforce the law.

### REGISTERED PHARMACISTS.

**141. Charge of drug stores; penalty.** No person shall open, conduct or keep a pharmacy in this State, either as a principal or agent, unless such person shall have obtained a pharmacist's certificate, as hereinafter provided, and no pharmacy shall at any time be left in charge of any person who is not a certified pharmacist, a certified acting pharmacist or a certified assistant pharmacist, to compound prescriptions or sell or dispense poisonous drugs. It shall, however, be lawful for physicians and dentists to compound and dispense their own prescriptions; but unlawful for any person, dealer or firm, not a certified pharmacist, a certified acting pharmacist or certified assistant pharmacist, to compound a physician's prescription. Any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor, and fined not more than one hundred dollars for each offence.

**142. Definition of "pharmacy."** Every store or shop where drugs, medicines or chemicals are sold at retail, displayed for sale at retail, where physicians' prescriptions are compounded, which has upon it or in it as a sign, the words "Pharmacist," "Pharmacy," "Apothecary," "Drug Store," "Druggist," or any of these words or exhibits the characteristic show bottles or globes filled with colored liquids, shall be considered a pharmacy within the meaning of this sub-title.

**151. Physician to have same privileges as registered pharmacist.** Nothing in this sub-title shall prevent regularly licensed physicians of the State of Maryland from selling and compounding drugs and medicines as a pharmacist.

**152. Talbot County excepted.** This sub-title shall repeal and supersede all prior acts and parts of acts pertaining to the practice of pharmacy in this State, but shall not apply to Talbot county.

**153. Exceptions.** Nothing, however, in this sub-title shall be construed as preventing general merchants of the counties of the State or of Baltimore city from selling such drugs and medicines as have heretofore been handled by the general merchants of the State of Maryland, or any registered physician of this State from personally compounding and dispensing drugs and medicines. *Laws 1902, p. 276 et seq.*

Public General Laws, 1904, vol. 1, p. 1250 et seq.

### SALE OF POISONS.

**362. Label.** It shall be unlawful for any person, to retail any of the following poisons: arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic

acid, strychnine and all other poisonous vegetables, alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, aconite, belladonna, colchicum, conium nux vomica, herbane,<sup>a</sup> savine, ergot, cotton-root, cantharides, creosote, digitalis and their pharmaceutical preparations, cotton<sup>a</sup> oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained with the name of the article and the word "Poison" and the name and place of business of the seller.

**363. Record; exception.** Nor shall it be lawful for any registered pharmacist or other persons to sell any of the poisons in section 362 enumerated without causing any entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of practitioners of medicine. Any violation of the provisions of sections 362 and 363 shall make the offender liable to a fine of not less than five dollars and not more than one hundred dollars. *Laws 1902, p. 843.*

Public General Laws, 1904, vol. 1, p. 896-897.

**237. Regulations governing sale of cocaine, eucaine, and morphine; penalty.** It shall be unlawful for any person, firm or corporation to sell, furnish or give away any cocaine, salts of cocaine or preparations containing any cocaine or salts of cocaine, or any morphine, eucaine, salts of eucaine, or preparations containing any eucaine or salts of eucaine, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be recompounded or dispensed a second time, except upon the written order of the original prescriber; provided, however, that the above provisions shall not apply to preparations containing not more than one-half grain of morphine, not more than one-sixteenth grain of cocaine, in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; provided, also, that the above provisions shall not apply to preparations recommended in good faith for diarrhœa and cholera, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use, nor to liniments or ointments when plainly labeled, "for external use only;" and, provided, further, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions; and, provided, further, that the provisions of this section shall not apply to the sale or manufacture of any *bona fide* patent or proprietary medicine. It shall be

<sup>a</sup> So in Laws.

unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to, or to subscribe for the use of any habitual user of the same, any cocaine, eucaïne or morphine, or any salts or compound of cocaine, eucaïne or morphine, or any preparation containing cocaine, eucaïne or morphine or other salts, and it shall be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular line of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs such substances as he may deem necessary for the treatment of such habit. Any person who shall knowingly violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than twenty-five dollars nor more than fifty dollars, and upon conviction for a second offense shall be fined not less than fifty dollars nor more than one hundred dollars; and upon conviction for a third offense and all subsequent offenses shall be fined not less than one hundred dollars nor more than two hundred dollars, and shall be imprisoned in jail for not more than six months; it shall be the duty of the grand jury to make presentments for violation of this section. (*Laws 1904, p. 1051-1052.*)

Public General Laws, 1904, vol. 1, p. 857.

#### ADULTERATION OF DRUGS.

**135. *Fraud a misdemeanor; penalty.*** Any person or corporation engaged in the business of selling drugs, medicines, chemicals or preparations for medicinal use or of compounding or dispensing physicians' prescriptions, who shall, in person or by his or its agents or employes, or as agent or employe of some other person, knowingly sell or deliver to any person a drug, medicine, chemical preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or prepared according to the private formula of some individual firm, other or different from the drug, medicine, chemical or preparation for medicinal use, recognized or authorized by the latest edition of the United States pharmacopœia, or prepared according to the private formula of some individual or firm, ordered or called for by such person, or called for in a physician's prescription, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than one month nor more than twelve months' imprisonment, or by both, and any person so convicted shall forfeit the right to practice pharmacy under any certificate or registration issued under the laws of this State. (*Laws 1902, p. 148.*)

Public General Laws, 1904, vol. 1, p. 824.

**196. *Substitution of wood alcohol for ethyl alcohol; penalty.*** Any person, firm or corporation engaged in the business of making, manufacturing, compounding or dispensing drugs, medicines, medicinal or chemical preparations for human consumption, who shall in person or by his, their or its agents or employes, make, mix, manufacture, compound, dispense, sell, or deliver to any person, any drug, medicine, medicinal or chemical preparation, intended for internal use, wherein ethyl, or grain alcohol usually enters as part of, or is in anywise employed in the making, mixing or manufacture, compounding or

preparation of such drug, medicine, medicinal or chemical preparation; and who shall, in the making, mixing, manufacturing or compounding of such drug, medicine or medicinal or chemical preparation, substitute or use, in part or in whole, methyl, or wood alcohol, in place and stead of ethyl, or grain alcohol, or who shall in any manner put or introduce methyl, or wood alcohol, into such drug, medicine, medicinal or chemical preparation, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than three months nor more than twelve months imprisonment, or by both, in the discretion of the court. (*Laws 1904, p. 817.*)

Public General Laws, 1904, vol. 1, p. 845.

**134.** *Prohibition of use of wood alcohol in essences, etc.; penalty.* No person, firm or corporation engaged in making, manufacturing, compounding and selling extracts, essences or other fluids commonly used for the purpose of flavoring articles of food or drink shall use or employ, or permit to be used or employed by his, their or its agents or employes, the making, manufacture or compounding of such flavoring extracts, essences or fluids any methyl, or wood alcohol; nor shall any person, firm or corporation, his, their or its agents or employes, sell, or offer for sale at wholesale or retail, any flavoring extract, essence or other fluid commonly used for flavoring articles of food or drink when the same contains any methyl, or wood alcohol; and any person, firm or corporation, his, their or its agents, employes or officers, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by not less than three months nor more than twelve months' imprisonment, or by both, in the discretion of the court. (*Laws 1904, p. 659.*)

Public General Laws, 1904, vol. 1, p. 1248.



## MASSACHUSETTS.

The State board of health administers the drug law, which is probably better enforced than any other similar State law.

### REGISTERED PHARMACISTS.

18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

23. *Exceptions.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred (*Note: These sections prescribe the manner in which alcoholic liquors shall be sold under sixth-class licenses.*), section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

Revised Laws, 1902, vol. 1, p. 687.

### SALE OF POISONS. <sup>a</sup>

2 *Label; record; penalty; exemptions.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also

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<sup>a</sup> See also sec. 4, under "Patent Medicines," for cocaine law.

keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician.

Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such records or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

Revised Laws, 1902, vol. 2, p. 1802.

1. *Wood alcohol must be labeled as a poison.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

2. *Wood alcohol prohibited in drugs for internal use.* Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Acts 1905, p. 149.

#### PATENT MEDICINES AND COCAINE.

1. *Per cent of alcohol when excessive must be specified.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

2. *Labeling of proprietaries containing habit-forming drugs.* Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of

opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

3. *Sale of proprietary medicines containing cocaine or substitutes prohibited.* It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

4. *Dispensing of cocaine or its substitutes restricted to prescriptions.* It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

5. *Wholesaling exempt.* The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

6. *Penalty.* Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale, gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

7. This act shall take effect on the first day of September in the year nineteen hundred and six. Approved May 11, 1906. Statutes, Chapter 386.

#### ADULTERATION OF DRUGS.

16. *Prohibition; employee not liable.* No person shall manufacture, offer for sale or sell, within this Commonwealth, any drug or article of food which is adulterated within the meaning of section eighteen; but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee. (As amended, Acts, 1903, p. 337.)

17. *Definition of "drug".* The term "drug" as used in sections sixteen to twenty-seven, inclusive, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. \* \* \*

18. *Adulteration defined.* A drug shall be deemed to be adulterated: 1. If, when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale. 2. If, when sold under or by a name not recognized in the United States pharmacopœia but which is found in some other pharmacopœia or other standard

work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work. 3. If its strength, quality or purity falls below the professed standard under which it is sold.

20. *Samples for analysis to be furnished on demand.* Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food shall, upon application of an inspector, analyst or other officer or agent of the state board of health and upon tender to him of the value thereof, furnish a sample sufficient for the analysis of any such drug or article of food which is in his possession. *Laws 1882, p. 206 et seq.*

21. *Portion of sample to be reserved.* Before such sample is analyzed, a portion thereof shall be reserved and sealed by the analyst; and, upon a complaint against any person, such reserved portion shall, upon application, be delivered to the defendant or his attorney. *Laws 1884, p. 269.*

26. *Penalty.* Whoever, for the purpose of sale, fraudulently adulterates any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing it to be adulterated, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year; and such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court.

27. *Provision as to changes in standard.* If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States pharmacopœia, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth. *Laws 1884, p. 268.*

Revised Laws, 1902, vol. 1, p. 659-662.

4. *Powers and duties of State board of health.* Said board shall take cognizance of the interests of health and life among the citizens of the commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulterations thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. \* \* \*

5. *Appointment of inspectors and chemists; penalty for hindering inspector.* In the performance of its duties relative to the sale of drugs and food it may appoint inspectors, analysts and chemists, and may remove them. Such inspectors shall have the same power and authority relative to drugs and food as is given by sections forty-two and fifty-two of chapter fifty-six, relative to milk, to the inspectors named therein. Whoever hinders, obstructs or in any way interferes with any such inspector, analyst or other officer appointed under the provisions of this section, while in the performance of his official duty, shall be punished by a fine of not more than fifty dollars for the first offense and of not more than one hundred dollars for each subsequent offense.

Revised Laws, 1902, vol. 1, p. 657-658.

#### ADULTERATION OF MEDICINAL LIQUORS.

[The following special provision is made relative to the quality of liquors sold by druggists for medicinal purposes under sixth class liquor licenses:]

17. *Medicinal liquors must be free from adulteration.* "Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless

it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to the adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food." (*Laws 1896, p. 217.*)

Revised Laws, 1902, vol. 1, p. 840.

1. *Adulteration of liquor with drugs, penalty.* Whoever, for the purpose of sale, adulterates any liquor used or intended for drink with Indian cockle, vitriol, grains of paradise, opium, alum, cochineal, capsicum, copperas, laurel water, logwood, Brazil wood, sugar of lead or any other substance which is poisonous or injurious to health, and whoever knowingly sells any such liquor so adulterated shall be punished by imprisonment in the state prison for not more than three years, and the articles so adulterated shall be forfeited. (*Laws 1855, p. 754.*)

Revised Laws, 1902, vol. 2, p. 1802.

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## MICHIGAN.

The drug laws are enforced by the State board of pharmacy, who may employ an inspector and chemist to assist in the work. An effort is made to enforce the law.

### REGISTERED PHARMACISTS.

14. *Conduct of drug store, etc.; can supervise only one store.* It shall be unlawful for any one but a registered pharmacist under this act, who shall conform to the rules and regulations of the State Board of Pharmacy to take, use and exhibit the titles "pharmacist," "druggist," and "pharmacy" and "drug store," to have charge of, engage in or carry on for himself or for another, the dispensing, compounding, or sale of drugs, medicines or poisons, anywhere within the State, but no registered pharmacist shall have personal supervision of more than one pharmacy or drug store at the same time.

15. *Who may conduct pharmacy.* Except as prescribed by the provisions of this act, it shall not be lawful for any person to practice as a registered pharmacist, registered druggist, or advertise himself by sign or otherwise to be such, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this State; *Provided*, This section and the preceding section shall not be construed as precluding any person from owning a drug store or pharmacy if all of the pharmaceutical work in the same shall be under the personal supervision and direction of a registered pharmacist.

Public Acts, 1905, p. 522-523.

### SALE OF POISONS.

23. *Labeling by retailers; schedules.* It shall be unlawful for any person or persons licensed under the provisions of this act to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth without affixing or causing to be affixed to the bottle, box, vessel or package a label containing the name of the article and the word poison distinctly shown, together with the name and place of business of the seller all printed in red ink, and the name of such poison printed or written thereupon in plain legible characters, except when sold in the original package of the manufacturer, which conform to the requirements for the wholesale dealers, as hereinafter set forth. The following are the schedules.

#### SCHEDULE "A."

Arsenic, cyanide of potassium, hydrocyanic acid, strychnia, and all poisonous alkaloids and their salts, oil of bitter almonds containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

## SCHEDULE "B."

Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride, and other pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, Paris green, salts of lead, salts of zinc, white hellebore, or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

**24. Records.** Every person licensed under the provisions of this act who shall give, sell or dispose of at retail any poisons included under schedule "A" shall before delivering the same, make or cause to be made, an entry in a book to be kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. Nor shall any such person deliver any such poison without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose: *Provided, however,* That the foregoing portions of this section shall not apply to the dispensing of medicines or poisons on the physician's prescriptions.

**25. Labeling by wholesale dealers.** Wholesale dealers in drugs, medicines, pharmaceutical preparations, or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in Schedules "A" and "B" of this act, a suitable label or brand in red ink with the word "poison" upon it.

**26. Giving of false name by purchaser; penalty.** The giving a false or fictitious name to the apothecary, druggist or other person from whom such poison was purchased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.

**30. Physicians exempt.** Nothing in this act shall be construed to interfere with or preclude any legally practicing physician from prescribing, dispensing, compounding or giving any medicines or poisons to his patients in the regular course of his practice as such physician.

Public Acts, 1905, p. 525-527.

**9. Sale of certain narcotic drugs restricted; penalty; exemptions.** Any person registered under the provisions of this act who shall give, sell, furnish or offer for sale, directly or indirectly any morphine, its salts and its derivatives, cocaine, eucaine or any of their respective salts except to or upon the order of legally practicing physicians, dentists or veterinary surgeons, original prescriptions which shall not be refilled or a copy thereof given to any person, shall be guilty of a misdemeanor, and upon conviction of same shall be punished by a fine or imprisonment, or both as hereinafter provided: *Provided,* That the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or legally practicing physicians, or to each other or to druggists and pharmacists, if sold in original packages only, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprie-

tary or pharmaceutical preparations for use in the manufacture of such preparations nor to sales to hospitals, colleges, scientific or public institutions, nor to morphine when sold in the pill or tablet form.

Public Acts, 1905, p. 521.

#### ADULTERATION OF DRUGS.

**16. Quality prescribed.** Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity established by the latest edition of the United States Pharmacopœia.

**17. Proprietor responsible for quality.** Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines, or chemicals are compounded, dispensed or sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him, except those articles or preparations known as patent or proprietary medicines.

Public Acts, 1905, p. 523.

**5313. Adulteration prohibited; penalty.** No person shall add to or remove from any drug, medicine, chemical, pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical, or pharmaceutical preparation, so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale, any such drug, medicine, chemical, or pharmaceutical preparation, or any person who shall substitute, or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this act. If convicted he shall be liable to all the costs of the action, and for the first offense be liable to a fine of not less than ten dollars nor more than one hundred dollars, and for each subsequent offense, a fine of not less than twenty-five dollars nor more than one hundred and fifty dollars. On complaint being entered the board of pharmacy is hereby empowered to employ an analyst or chemist, whose duty it shall be to examine into the so-called adulteration, substitution, or alteration and report upon the result of his investigation; and if said report shall be deemed to justify such action the board shall duly cause the prosecution of the offender, as provided in this act. (*Laws 1885, p. 137.*)

Compiled Laws, 1897, vol. 2, p. 1670.

**11427. Mixing or coloring drugs so as to affect quality.** No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or ingredients or materials so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered.

**11428. Adulterated articles labeled to show true character.** No person shall mix, color, stain or powder any article of food, drink, or medicine, or any article which enters into the composition of food, drink, or medicine, with any



other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any other person to sell or offer for sale any articles so mixed, colored, stained and powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof), of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same.

**11430. Penalty.** Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

Compiled Laws, 1897, vol. 3, p. 3409-3410.

**11406. Penalty for fraudulent adulteration.** If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

Compiled Laws, 1897, vol. 3, p. 3404.

**22. Adulteration a misdemeanor; forfeiture of goods.** Any person licensed under the provisions of this act who shall knowingly, wilfully or fraudulently falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the United States Pharmacopoeia, or used or intended to be used in medical practice, or shall knowingly or wilfully or fraudulently offer for sale, sell or give away or cause the same to be sold or given away, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter prescribed; and all drugs, medical substance, or preparations so falsified or adulterated shall be forfeited to and be destroyed by the Michigan Board of Pharmacy or its duly authorized representative.

Public Acts, 1905, p. 525.

**21. Violations of act defined; penalty.** Any person who shall attempt to procure, or who shall procure a certificate or registration for himself, or for any other person, under this act by making or causing to be made any false representations; any licensed pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered under the provisions of this act; any person not licensed by said board who shall prepare or dispense a medical prescription or physician's prescription or dispense, give or sell at retail poisons or medicines, except under the immediate supervision of a duly licensed pharmacist whose certificate, license or registration is displayed in the place where the same is furnished, prepared, dispensed or sold; any person not licensed by said board, who shall open, conduct or have charge of any pharmacy or drug store which is not under the direct supervision of a registered pharmacist for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself to be licensed; any person who knowingly refuses to permit any member of said board of inspectors of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of

lawfully inspecting the same; any person who directly or indirectly prevents or attempts to prevent the lawful inspection of any place in which drugs, medicines or poisons are retailed, or dispensed or physicians' prescriptions compounded; any person whose license or certificate of registration has expired or has been duly revoked or suspended by said board, and who refuses to surrender his certificate or license to said board; any person who holds a license or certificate or registration and who fails to display the same as hereinabove provided; or any person who shall violate any of the provisions of this act, in relation to retailing, compounding and dispensing of drugs, medicines and poisons, for which violation no other penalty is hereinbefore imposed, shall, for such offense, be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with the terms of the general penal clause of this act as hereinafter set forth.

Public Acts, 1905, p. 524.

**18. Exceptions to foregoing provisions.** Nothing in this act shall apply to the practice of a practitioner of medicine, who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, or to the sale of Paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, sal ammoniac, saltpetre, sal soda, and sulphur, except as herein provided: *Provided, however,* That in the several towns of this State, where there is no registered pharmacist within five miles, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and drug dealers may sell any drugs, medicines, chemicals, essential oils, and tinctures which are put up in bottles, boxes, packages, bearing labels securely affixed, which labels shall bear the name of the pharmacist putting up the same, the dose that may be administered to persons three months, six months, one year, three years, five years, ten years, fifteen and twenty-one years of age, and if a poison, the name or names of the most prominent antidotes; and to the sale by such merchant of copperas, borax, blue vitriol, saltpetre, pepper, sulphur, brimstone, Paris green, liquorice, sage, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber salts, epsom salts, cream of tartar, bi-carbonate of soda, sugar of lead and such acids as are used in coloring and tanning, paregoric, essence of peppermint, essence of ginger, essence of cinnamon, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, sweet spirits of nitre, quinine, and all other preparations of cinchona bark, tincture of aconite, and tincture of iron, or quinine pills, and to the sale of carbolic acid, laudanum, sugar of lead, oxalic acid, duly labeling and registering the same as required by this act; and to the sale of any patent or proprietary medicines.

Public Acts, 1905, p. 523.

**32. Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for not less than ten days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Public Acts, 1905, p. 527.

4. *Powers of State board of pharmacy.* The State Board of Pharmacy shall have the power :

To make such by-laws, rules and regulations not inconsistent with the laws of the State, as may be necessary for the protection of the public health and the lawful performance of its powers ;

To investigate all complaints as to quality and strength of all drugs and medicines, and to take such action as said board may deem necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia ;

To employ an attorney to assist in the enforcement of the provisions of this act and assist in the prosecution of any one charged with violating any of its provisions ;

To employ an inspector of pharmacies and one other person as the said board may deem necessary and shall authorize at a salary not to exceed one thousand two hundred dollars per annum, who, besides the members of the board, may inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines, and poisons are compounded, dispensed or retailed ;

\* \* \* \* \*

To investigate all alleged violations of the provisions of this act or any other law of this State regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy, which may come to its attention and whenever there appears reasonable cause therefor to bring the same to the attention of the proper prosecuting authorities.

Public Acts, 1905, p. 520.

## MINNESOTA.

The board of pharmacy may institute civil or criminal proceedings to recover the penalties prescribed for the sale of adulterated drugs.

### REGISTERED PHARMACISTS.

**7933.** *Penalties; "drugs, medicines, and poisons" defined; exemptions.* Any person not being or not having in his employ a registered pharmacist within the full meaning of this act, who shall, after this act shall take effect, retail, compound or dispense drugs, medicines or poisons, or who shall take, use or exhibit the title of a registered pharmacist, shall for each and every such offense be liable to a penalty of fifty dollars. Any registered pharmacist or other person who shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist or by a registered assistant, and any pharmacist or registered assistant, who, while continuing in business, shall fail or neglect to procure annual registration, and any person who shall willfully make any false representation to procure registration for himself or any other person, or who shall violate any other provision of this act, shall, except as otherwise provided, for each and every such offense be liable to a penalty of fifty dollars. Except as in this section hereafter provided, drugs, medicines and poisons shall, for all purposes of this act, be construed to include all substances, animal, vegetable or mineral, commonly kept in stock in drug stores or apothecary shops and used in compounding medicines or sold for medical purposes.

It is provided, however, That nothing in this act shall in any manner interfere with the regular practice of any physician as such, or prevent him as a physician from supplying to his patients such articles as may seem to him proper, or shall interfere with the making or vending of proprietary medicines, or with the sale by general retail dealers of any of the following articles, that is to say:

Alum,	Epsom Salts,	Rolled Sulphur,
Blue Vitriol,	Glauber Salts,	Saltpetre,
Borax,	Glycerine,	Senna Leaves,
Carbonate of Ammonia,	Gum Arabic,	Subliment Sulphur, <sup>a</sup>
Carbonate of Soda,	Gum Camphor,	Water of Ammonia,
Castor Oil,	Licorice,	
Copperas,	Logwood,	

or with the sale by such retail dealers of Paris green kept in stock in sealed packages and so sold, distinctly labeled "Paris Green, Poison", or shall prevent a shopkeeper whose place of business is more than one mile from a drug store or apothecary shop, from dealing in and selling the commonly used medicines and poisons, if put up for such sale by a registered pharmacist; or interfere with the exclusively wholesale business of any dealers, except as hereinbefore provided. (*Laws 1885, p. 182, as amended 1891, p. 172-177.*)

Statutes, 1894, vol. 2, p. 2087.

<sup>a</sup> So in Statutes.

## SALE OF POISONS.

**7935. Labeling; penalty.** No person shall sell, at retail, any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, oil tansy, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, vessel or package containing the same, a label bearing the name 'Poison', distinctly shown, together with the name and place of business of the seller. Nor shall he deliver any of the said poisons to any person without satisfying himself that such poisons are to be used for legitimate purposes. *Provided*, that nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying any of the poisons aforesaid.

Every person omitting to comply with any requirements of this section shall be liable to a penalty of ten (10) dollars for each and every such offense. (*Laws 1885, p. 183, as amended 1891 and 1899.*)

Statutes, 1894, vol. 2, p. 2088 (as amended, Laws 1899, p. 30.)

**6621. Records; exception.** An apothecary or druggist, or a person employed as clerk or salesman by an apothecary or druggist, or any person otherwise carrying on business, who shall sell or give away arsenic, or its preparations, aconite, belladonna, lead or its preparations, mercury or its preparations, hydrocyanic acid, oxalic acid, copper or its preparations, phosphorus, oil of savin, oil of tansy, morphine, strychnine, laudanum, rough on rats, or cyanide of potassium, without first recording in a book to be kept for that purpose the name and residence of the person receiving such poison, together with the kind and quantity of such poison received, except upon the written order of prescription of some practicing physician, is guilty of a misdemeanor. Any person purchasing any of the above named drugs, who shall give the person selling the same a false name for registration, shall, upon conviction thereof, be deemed guilty of a misdemeanor. *Provided* that this section shall not apply to the sale of paris green.

**6623. Substances to be labeled poison.** An apothecary or druggist, or a person employed as clerk or salesman by an apothecary or druggist, or any person otherwise carrying on business, who shall sell or give away arsenic or its preparations, aconite, belladonna, lead or its preparations, mercury or its preparations, hydrocyanic acid, oxalic acid, copper or its preparations, morphine, phosphorus, oil of savin, oil of tansy, oil of cedar, strychnine, rough on rats, cyanide of potassium, carbolic acid, tincture nux vomica, fluid extract ergot, fluid extract cotton root, chloroform, chloral hydrate, croton oil, sulphate of zinc, mineral acids, stramonium, conium, opium or its preparations, except paregoric and Dewees' carminative, without attaching to the vial, box or parcel containing such substance, a label with the name and residence of such person, the word "poison," and the name of such article written or printed, or partly written and partly printed thereon in plain and legible characters, is guilty of a misdemeanor. *Provided* that the provisions of this section shall not apply when the sale is made upon the written prescription or order of some practicing physician.

Statutes, 1894, vol. 2, p. 1766.

**1. Labeling of wood alcohol.** No person, by himself, his servant or agent, or as the servant or agent of another person or persons, shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange or

deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can or receptacle containing the said wood alcohol shall be plainly marked, stamped, branded or labeled on the outside and face of each package, bottle, cask, can or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each package, bottle, cask, can or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha", "poison".

**2. Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty dollars and not more than one hundred dollars, for each and every offense, or by imprisonment in the county jail for not less than thirty days, or more than ninety (90) days.

Laws, 1905, p. 56.

**1. Regulation of sale of cocaine.** No person shall sell or give away any cocaine, hydro chlorate<sup>a</sup> or any salts or compound of cocaine, or preparation containing cocaine except upon the written prescription of a physician or dentist licensed under the laws of the state. No prescription containing cocaine shall be filled more than once and each shall have written plainly upon it the name and address of the patient and be filed and preserved by the pharmacist who shall not give a copy thereof to the patient. This section shall not be so construed as to apply to sales at wholesale, in original packages, by any manufacturer or wholesale dealer, to a retail druggist, licensed physician or dentist when such vendor shall have affixed to each receptacle containing any such drug a label in the English language specifically setting forth the proportion of cocaine contained therein.

**2. Penalty.** Any person who shall sell or give away any of the articles mentioned in the preceding section, in violation of this act, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form, shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than (30) days nor more than (90) days, and if the person so offending shall be a licensed physician, dentist, pharmacist or assistant pharmacist, in addition to the penalty above described, such offender's license shall be revoked.

**3. Records may be examined.** Upon complaint being made of a violation of the provisions of this act, the county attorney of the county where the offense is alleged to have been committed shall prosecute such complaint and to that end is hereby authorized to examine the books of any manufacturer or wholesale dealer within the state for the purpose of tracing the sales of any of the articles herein mentioned.

Laws, 1905, p. 62.

#### ADULTERATION OF DRUGS.

**7934. Druggist responsible for quality of drugs sold; penalty.** Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or prepara-

<sup>a</sup> So in Statutes.

tions known as patent or proprietary medicines. Any person who shall knowingly, willfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used or intended to be used in medical practice; or shall mix or caused to be mixed with any such drug or medicinal substance, any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly or fraudulently sell, or cause the same to be sold, for medicinal purposes, shall be liable to a penalty of not less than fifty (50) dollars, nor more than one hundred and fifty (150) dollars for each and every such offense. (*Laws 1885, p. 183, as amended 1891 and 1899.*)

Statutes, 1894, vol. 2, p. 2087 (as amended).

**6620.** *Omitting to label drugs, or labeling them wrongly is a misdemeanor.* An apothecary or druggist, or a person employed as clerk, or salesman, by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts any untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing a drug or medicine, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Statutes, 1894, vol. 2, p. 1765.

**6625.** *Adulteration a misdemeanor.* A person who either with intent that the same may be sold as unadulterated or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast; or knowing that the same has been adulterated or diluted, offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted, in a case where special provision has not been otherwise made by statute for the punishment of the offense, is guilty of a misdemeanor.

**6626.** *Sale of unwholesome medicine a misdemeanor.* A person who, with intent that the same may be used as food, drink, or medicine, sells, or offers, or exposes for sale, any article whatever which to his knowledge is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

Statutes, 1894, vol. 2, p. 1767.

**6627.** *Penalty.* The person convicted of a crime declared to be a misdemeanor, for which no other punishment is prescribed by this or by any statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in the county jail for not more than three months, or by a fine of not more than one hundred dollars.

Statutes, 1894, vol. 2, p. 1704.

**DISTRIBUTION OF SAMPLES.**

1. *Indiscriminate distribution prohibited.* No person, or persons, either directly or indirectly, by agent or otherwise, shall scatter, distribute or give away any samples of any medicine, drugs or medical compounds, salve or liniment of any kind unless the same is delivered into the hands of an adult person, or mailed to such persons through the regular mail service.

2. *Penalty.* Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred (\$100) dollars, or by imprisonment in the county jail for a term not to exceed ninety days.

Laws, 1905, p. 52.



## MISSISSIPPI.

Special authority to investigate alleged violations of the drug law is not delegated to any officer and no effort appears to be made to enforce the law.

### REGISTERED PHARMACISTS.

**1258. *Penalty for practicing without license.*** If any person shall practice as an attorney and counsellor at law, or shall practice as a physician or surgeon, or shall practice as a dentist, or shall practice as a pharmacist, without having first been examined and obtained a license as required by law, he shall, on conviction, be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned in the county jail not exceeding thirty days.

Annotated Code, 1892, p. 368.

### SALE OF POISONS.

**1248. *Restrictions.*** It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with the two following sections.

**1249. *Record; label.*** Every druggist, apothecary, or other person, who shall sell or give away, except upon the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package.

**1250. *Arsenic to be mixed with soot or indigo.*** A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

**1251. *Penalty.*** Any druggist or apothecary, or other person, who shall offend against the provisions of the last section or the one before the last, shall, on conviction, be fined not exceeding five hundred dollars or imprisoned in the county jail twenty days, or both.

**1252. *Not to be sold to minors.*** A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor.

Annotated Code, 1892, p. 367-8.

1. *Sale of cocaine restricted.* No druggist, apothecary, physician or other person shall sell or give away cocaine in any quantity whatever, except to regularly licensed physicians or dentists, or upon prescriptions of such physicians; which shall not be used more than once or refilled, but this shall not interfere with the use of the same by such physicians or dentists in their practice.

2. *Penalty.* Any person violating the foregoing section shall, upon conviction before any court of competent jurisdiction, be fined not less than ten dollars nor more than five hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

Laws, 1900, p. 145.

#### ADULTERATION OF DRUGS.

952. *Penalty.* If any person shall manufacture, sell, or keep or offer or exhibit for sale any adulterated food or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Annotated Code, 1892, p. 311.

2095. "*Drug*" defined. \* \* \* the term "drug" includes all medicines for external or internal use.

2097. *Adulteration defined.* A drug shall be deemed adulterated: (a) If, when sold under a name recognized in the United States pharmacopœia, it differ from the standard of strength, quality, or purity laid down therein; (b) If, when sold under a name not recognized in said pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differ from the standard of strength, quality, or purity laid down in such work; or (c) If its strength, quality, or purity fall below the professed standard under which it is sold.

2107. *Adulterated drugs forfeited.* If any person shall sell, keep, or offer for sale any adulterated food or drug, the whole of the adulterated article shall be forfeited to the county.

Annotated Code, 1892, p. 534-536.

## MISSOURI.

The pharmacy act does not specifically provide for the inspection of drugs or the enforcement of the law prohibiting adulteration of same.

### REGISTERED PHARMACISTS.

**3036. *Conduct of drug stores.*** It shall be unlawful for any person not a registered pharmacist, within the meaning of this chapter, to conduct any pharmacy, drug-store, apothecary shop or store, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided.

Revised Statutes, 1899, vol. 1, p. 766.

**3037. *Medicines must be dispensed under personal supervision of a registered pharmacist; penalty.*** It shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense prescriptions of physicians or to retail or dispense poisons for medical use, except as an aid to and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. (*As amended, Laws, 1901, p. 143.*)

Revised Statutes, 1899, vol. 1, p. 767.

**3043. *What druggists may sell.*** Apothecaries, registered as herein provided, shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American or United States pharmacopœia, as of recognized medical utility, except intoxicating liquors, which shall only be sold by druggists and pharmacists, as prescribed by section 3047 of this chapter.

Revised Statutes, 1899, vol. 1, p. 768.

### SALE OF POISONS.

**2263. *Label; penalty.*** Every person who shall sell or deliver to any other any arsenic, corrosive sublimate, prussic acid or any other substance or liquid usually denominated poison, without having the word "poison" plainly written or printed on a label and attached to vial, box, vessel or package containing the same, or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same, or who shall sell or deliver any such substance or liquid to any minor, without a written permission from the parent or guardian of such minor, specifying the kind of drug that such minor is authorized to purchase, shall on conviction be adjudged guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars.

**2265. Physicians' prescriptions excepted.** So much of section 2263 as requires the word "poison," or the name of the drug sold or delivered, to be labeled on the box, vial or other package containing the same, shall not extend to any practicing physician who shall deliver any of the articles therein mentioned with a prescription for the use of the articles.

Revised Statutes, 1899, vol. 1, p. 626.

**3044. Schedules; conditions; penalty.** It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B," except as follows: Schedule "A"—arsenic and its preparations, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, and the essential oil of bitter almonds. Schedule "B"—opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, veratrum, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, corrosive sublimate, red precipitate, white precipitate, mineral acids, carbolic acid, oxalic acid, without labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poisons enumerated in schedules "A" and "B," unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for legitimate purposes. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, name and address of purchaser, the name of poison sold, the purpose for which it was represented by the purchaser to be required, and the name of the dispenser—such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poison in not unusual quantities or doses upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist to retail, sell or give away any alcoholic liquors or compounds as a beverage. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars.

**3046. Exceptions.** This chapter shall not apply to physician§ putting up their own prescriptions, nor to the sale of proprietary medicines.

Revised Statutes, 1899, vol. 1, p. 768-9.

**1. Sale of cocaine restricted.** It shall not be lawful for any druggist or other person to retail or sell or to give away any cocaine, hydro-chlorate or other salt of or any compound of cocaine, or preparation containing cocaine, or any salt(s) of or any compound thereof, excepting upon the written prescription of a licensed physician or a licensed dentist, licensed under the laws of the state, which prescription shall only be filled once: Provided, that the provisions of this section shall not apply to sales in the usual quantities at wholesale by any manufacturer or wholesale dealer when such manufacturer or wholesale dealer shall have affixed to the box, bottle or package containing such cocaine, hydro-chlorate or other salt or compound of cocaine or preparation containing cocaine, a label specifically setting forth the proportion of cocaine contained in any preparation.

**2. Penalty.** Every person who shall be found guilty of violation of the provisions of this act, shall, for the first offense, be fined a sum of not less than ten dollars, nor more than fifty dollars, and for each subsequent offense not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail not exceeding ninety days, or either or both, in the discretion of the court.

Laws, 1905, p. 145-146.

#### ADULTERATION OF DRUGS.

**3042. Druggist responsible for quality of drugs; penalty.** Every registered pharmacist, apothecary or owner of any drug-store shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as "patent medicines", and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and in addition thereto, have his name stricken from the register.

Revised Statutes, 1899, vol 1, p. 768.

**2269. Adulteration a misdemeanor.** Every person who shall fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or any drugs or medicine, shall be deemed guilty of a misdemeanor.

Revised Statutes, 1899, vol. 1, p. 627.

**2378. Penalty.** Whenever any offense is declared by statute to be a misdemeanor, and no punishment is prescribed by that or any other statute, the offender shall be punished by imprisonment in a county jail not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment.

Revised Statutes, 1899, vol. 1, p. 648.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**2278. Use of strychnine or other poisons; penalty.** Any person who shall adulterate, by the use of strychnine or other poisonous liquids or ingredients, any spirituous, fermented, malt or vinous liquors, or shall sell any such liquors by retail or wholesale, knowing the same to be adulterated as aforesaid by or with strychnine or other poisonous liquids or ingredients, shall be deemed guilty of a felony, and upon conviction thereof, be punished by imprisonment in the penitentiary not exceeding five years.

Revised Statutes, 1899, vol. 1. p. 630.

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## MONTANA.

There is no officer specifically charged with the administration of the law regulating the adulteration of drugs.

### REGISTERED PHARMACISTS.

**640.** *Compounding or vending drugs; in charge of pharmacy.* It shall hereafter be unlawful for any person other than a registered pharmacist, as hereinafter defined, to retail, compound or dispense drugs, medicines or pharmaceutical preparations, in the state of Montana, or to institute, conduct or manage a pharmacy, store or shop for the retailing, compounding or dispensing drugs, medicines or pharmaceutical preparations, in the state of Montana, unless such person shall be a registered pharmacist, as this act provides, or shall place in charge of said pharmacy, store or shop, a registered pharmacist, except as hereinafter provided.

**649.** *Penalty.* Any person who is not a registered pharmacist in the meaning of this act, who shall keep a pharmacy, store or shop for the compounding and dispensing of physicians' prescriptions, or for the sale of drugs, medicines, or chemicals, and who shall not have in his employ in said pharmacy, store or shop, a registered pharmacist, in the meaning of this act, shall for each and every such offense, be liable to a fine of two hundred and fifty dollars.

Codes, 1895, vol. 1, p. 88 and 91.

**651.** *Conditions of sale by others than registered pharmacists; provisos.* Any proprietor of a pharmacy, or other person, who shall permit the compounding and dispensing of physicians' prescriptions, or the vending of drugs, medicines or pharmaceutical preparations, in his store or place of business, except by a registered pharmacist, in the meaning of this act, or under the immediate supervision of a registered pharmacist, or who, while continuing in the pursuit of pharmacy in the state of Montana, shall fail or neglect to procure his annual registration, or any person who shall willfully make any false representations to procure for himself, or for another, registration under this act, or who shall violate any other provision of this act, shall, for each and every offense, be liable to a fine of one hundred dollars; *Provided*, That nothing in this act shall interfere with the business of those merchants who keep on sale such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only, in sealed and plainly labeled packages; *Provided*, also, that nothing in this act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying to his patients such articles as may seem proper, nor with exclusive wholesale business of any dealers, except as hereinafter provided; *Provided*, also, that nothing in this act shall in any manner interfere with the business of merchants in towns having less than five hundred inhabitants, in which there is no licensed pharmacy, to sell or vend such medicines, compounds and chemicals as are required by the general public.

Codes, 1895, vol. 1, p. 91.

## SALE OF POISONS.

**654. Substances which must be labeled "poison" when retailed; exemptions.** It shall be unlawful for any person from and after the passage of this act to retail any of the following named poisons, to-wit: Arsenic, and its preparations, corrosive sublimate, white and red precipitate, biniiodide of mercury, cyanide of potassium, hydro-cyanic acid, strychnine, and all poisonous vegetable alkaloids and their salts, the essential oil of almonds; opium, and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna,<sup>a</sup> colchicum, conium, nux vomica, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, oxalic acid, without labeling the box, bottle, vessel, paper or package in which said poison is contained, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to deliver or sell any poisons enumerated above, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or dose upon the prescription of practitioners of medicine. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor; *Provided*, however, That this section shall not apply to manufacturers, making and selling at wholesale any of the above poisons, and provided that each bottle, box, vessel, paper or package in which said poison is contained shall be labeled with the name of the article, the word "poison," and the name and place of business of the seller.

Codes, 1895, vol. 1, p. 92.

**19. Penalty.** Except in cases where a different punishment is prescribed by this Code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or both.

Codes, 1895, vol. 2, p. 755.

## ADULTERATION OF DRUGS.

**652. Druggist responsible for quality of drugs.** The proprietors of all pharmacies shall be held responsible for the quality of all drugs and medicines and chemicals sold or dispensed at their respective places of business except patent and proprietary preparations and articles sold in the original packages of the manufacturer. Any person who shall willfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine, or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article, and any person who shall substitute, or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor and liable to a prosecution therefor. All penalties collected for such violations shall be paid into<sup>a</sup> the county treasurer of the county wherein such conviction may be had, for the benefit of the school fund of such county.

Codes, 1895, vol. 1, p. 92.

**79. False labeling.** Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, wilfully, negligently,

<sup>a</sup> So in Statutes.

or ignorantly, omits to label the same, or puts an untrue label, stamp or other designation of contents, upon any box, bottle or other package, containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Codes, 1895, vol. 2, p. 862.

**682. *Manufacture and sale of adulterated products a misdemeanor.*** Every person who adulterates, or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them, with a fraudulent intent, to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

**683. *Sale of decayed or unwholesome products a misdemeanor.*** Every person who sells, or keeps for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome, or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Codes, 1895, vol. 2, p. 863.



## NEBRASKA.

The law specifically charges the State board of pharmacy with the enforcement of the pure drug law, but it can act only on complaint being entered. No means are provided, however, for its execution, and the board finds it very difficult to make much progress.

### REGISTERED PHARMACISTS.

**4370.** *Compounding and vending drugs; penalty; proviso.* Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself or any person, permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his store or place of business, except by or in the presence of, or in and under the supervision of a registered pharmacist; or any person not being a registered pharmacist who shall take charge of or act as manager of such pharmacy or store, or who not being a registered pharmacist shall retail, compound or dispense drugs, poisons or medicines of any kind, or any person violating any provisions of this act to which no other penalty is herein attached shall be deemed guilty of a misdemeanor and for every such offense, and upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or shall be imprisoned not less than ten days nor more than ninety days; *Provided*, That nothing in this act shall be construed so as to prohibit a registered pharmacist from taking an apprentice to learn the business of pharmacy. (*Laws 1889, p. 564.*)

**4371.** *Exceptions.* Nothing in this act shall prevent any wholesale or retail dealers in any business from selling any patent or proprietary medicines, nor any resident registered physician from dispensing his own medicines on his own prescriptions.

Compiled Statutes, 1905, p. 1085-1086.

### SALE OF POISONS.

**7677.** *Record; label; not sold to minors.* Every apothecary, druggist, or other person who shall sell or give away, except upon the prescription of a physician, any article or articles of medicine belonging to the class usually known as poisons, shall be required: *First*, To register, in a book kept for that purpose, the name, age, sex, and color of the person obtaining such poison. *Second*, The quantity sold. *Third*, The purpose for which it is required. *Fourth*, The day and date on which it was obtained. *Fifth*, The name and place of abode of the person for whom the article is intended. *Sixth*, To carefully mark the word "poison" upon the label or wrapper of each package. *Seventh*, To neither sell or give away any article of poison to minors of either sex.

**7678.** *Small quantities of "arsenic" to be mixed with soot or indigo before delivering to purchaser.* No apothecary, druggist, or other person shall be permitted to sell, or give away, any quantity of arsenic less than one pound, without first mixing either soot or indigo therewith, in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

**7679. Penalty.** Any person offending against the provisions of either of the last two preceding sections shall be fined in any sum not less than twenty nor more than one hundred dollars.

Compiled Statutes, 1905, p. 1918-1919.

**1. Cocaine to be sold only on original prescription of physician.** No apothecary, druggist or other person shall be permitted to sell or give away any quantity of cocaine, except upon the prescription of a physician, said prescription not to be re-filled, provided that nothing in this act shall prohibit sale from manufacturers or wholesale dealers to retail druggists, physicians or dentists nor the use and prescription of these drugs by dentists in the practice of their profession.

**2. Penalty.** Every person offending against the provisions of this act, shall be fined in any sum not less than Twenty Dollars nor more than One Hundred Dollars. *Laws 1905, p. 696.*

Compiled Statutes, 1905, p. 1974-1975.

#### ADULTERATION OF DRUGS.

**4372. Penalty; prosecution; board of pharmacy to employ chemist.** No person shall add to or remove from any drug, medicine, chemical, or pharmaceutical preparation any ingredient or material for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value, or medical effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation, so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale any such drug, medicine, chemical, or pharmaceutical preparation, or any person who shall substitute or cause to be substituted one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor and be liable to prosecution under this act. If convicted, he shall be liable to all the costs of the action, and for the first offense be liable to a fine of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, and for each subsequent offense a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars. On complaint being entered, the board of pharmacy is hereby empowered to employ an analyst or chemist, whose duty it shall be to examine into the so-claimed adulteration, substitution, or alteration, and report upon the result of his investigation, and if the said report shall be deemed to justify such action, the board shall duly cause the prosecution of the offender, as provided in this act. (*Laws 1887, p. 513.*)

Compiled Statutes, 1905, p. 1086.

#### ADULTERATION OF LIQUORS WITH DRUGS.

**4233. Penalty.** Every person so licensed, or any other person, who shall intentionally or otherwise, sell or give away, or direct, or permit any person or persons in his employ to sell or give away any malt, spirituous, or vinous liquors, which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall forfeit and pay the sum of one hundred dollars for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.

Compiled Statutes, 1905, p. 1045.

## NEVADA.

The board of pharmacy may investigate alleged adulterations of drugs and institute prosecutions.

### REGISTERED PHARMACISTS.

**15. *Penalty for violation of pharmacy law.*** Any person practicing pharmacy or compounding drugs or medicines or filling physicians' prescriptions in this State, without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail for not less than fifty days, nor more than one hundred and eighty days for each and every offense, or by both such fine and imprisonment. Any person may institute proceedings at law provided for in this Act, and it shall be the duty of the Board of Pharmacy, or any member thereof, whenever satisfied that any of the provisions of this Act have been violated, to institute, or cause to be instituted, the proper proceedings for punishment thereof.

Statutes, 1901, p. 127.

**9. *Negligence in dispensing drugs a misdemeanor; penalty.***<sup>a</sup> Any person who shall, after the passage of this Act, fail to use due care and reasonable caution, or who shall be grossly negligent in compounding drugs or in the filling of prescriptions, to the jeopardy of the health or life of the public, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred or more than five hundred dollars, or by imprisonment in the county jail for not less than fifty days nor more than one hundred (and) eighty days for each and every offense, or by both such fine and imprisonment.

**10. *Certificate may be refused or revoked.*** The Board may refuse a certificate to any individual guilty of unprofessional or dishonorable conduct, or when said Board shall be advised by satisfactory and competent proof that the applicant for such certificate is unduly careless, grossly negligent, or fails to use reasonable precaution in the compounding of drugs or the filling of prescriptions, to the jeopardy of the health or life of the public; and it is hereby further provided that, upon conviction of the offense set forth in section nine of this Act, the certificate to practice pharmacy granted to the person so convicted shall be in writing by the Board of Pharmacy forever revoked, and a copy of such revocation shall be furnished the respective County Clerks and County Recorders of the several counties within this State, and it shall be the duty of the respective County Clerks to keep and file said revocation and also to keep a list of the persons whom said revocations name; and it shall be the duty of the respective

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<sup>a</sup> See also Sale of Poisons, p. 120.

County Recorders to record in their offices in the proper book of record said revocations. In all cases of refusal or revocation, except in cases of conviction of the offense provided for in section nine of this Act, the party aggrieved may appeal to the Courts for adjudication of the controversy.

Statutes, 1901, p. 126-7.

### SALE OF POISONS.

18. *Labels; record; penalty.* It shall be unlawful for any person or persons to retail any poisons enumerated in Schedules "A" and "B," appended to this Act, without labeling the box, bottle or paper in which said poison is contained with the name of the article, the word poison, and the name and place of business of the seller, nor shall it be lawful to sell or deliver any poison mentioned in Schedules "A" and "B," unless on inquiry it is found that the buyer is aware of its poisonous character, and that it is to be used for a legitimate purpose, nor shall it be lawful to sell or deliver any poison included in Schedule "A" without making, or causing to be made, an entry, in a book kept for that purpose only, stating the date of sale, the name and address of purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required and the name of the dispenser; said book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons when prescribed by practitioners of medicine, nor to the sale of poisons if in <sup>a</sup> a single bottle, box or package does not contain more than one ordinary dose. Dealers shall affix to every bottle, box, parcel or other enclosure of any original package containing any of the articles mentioned in Schedules "A" and "B" of this Act, a suitable label or brand with the word "poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale or to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine not exceeding fifty dollars.

19. *Filling of prescriptions; penalties; exceptions; poison schedules.* Any registered or licensed pharmacist who shall in his place of business permit the compounding or dispensing of drugs or the filling of prescriptions of medical practitioners of this State by persons not licensed by the Board of Pharmacy, and any person not duly licensed by said Board, who shall compound or dispense drugs or fill the prescriptions of medical practitioners within this State, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for every subsequent offense. Nothing in this Act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicine or poison, nor with the exclusive wholesaling business of any dealer, except that portion of section eighteen which relates to marking or labeling certain poisons mentioned in this Act; nor shall general dealers come under the provisions of this Act in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines, but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

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<sup>a</sup> So in Statutes.

## SCHEDULE "A."

Arsenic, corrosive sublimate, cyanide of potassium, hydrocyanic acid, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium and all its preparations excepting those which contain less than two grains to the ounce.

## SCHEDULE "B."

Aconite, belladonna, cocaine, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, white precipitate, red precipitate, biniodide of mercury, and essential oil of almonds.

Statutes, 1901, p. 128-129.

**ADULTERATION OF DRUGS.**

**17. *Penalty; investigation.*** No person shall add to or remove from any drug, chemical or medical preparation any ingredient or material for the purpose of adulteration or substitution or which shall deteriorate the quality, commercial value or medical effect, or alter the nature or composition of such article, and no person shall knowingly sell or offer for sale any such adulterated, altered or substituted drug, chemical or medical preparation without first informing the purchaser of the adulteration or sophistication of the article sold or offered for sale. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars for the first offense, and for each subsequent offense a fine of not less than fifty dollars nor more than one hundred dollars. On written complaint being entered against any person or persons charging them with specific violation of any of the provisions of this section, the Board of Pharmacy is hereby empowered to delegate one of its members, or other suitable person, who shall have authority to inspect drugs, chemicals or medicines, and to make a thorough investigation of the case; he shall then report the result of his investigation, and, if such report justify such action, the Board shall notify the proper District Attorney, who shall prosecute the offender according to law.

Statutes, 1901, p. 128.

## NEW HAMPSHIRE.

The State board of health is charged with the enforcement of the law relating to the adulteration of drugs and medicines, and has recently undertaken to a limited extent the examination of these products.

### REGISTERED PHARMACISTS.

1. *Conduct of drug stores.* No person shall conduct or keep a shop of any kind in this state for the purpose of retailing drugs, medicines, or such chemicals as are used in compounding medicines, or engage in the business of compounding and putting up prescriptions of physicians and selling medicines, either as proprietor, agent, or assistant, without first having obtained a certificate from the commissioners appointed under the provisions of this chapter; but it shall be lawful for any person to sell proprietary medicines, or be an owner in the stock in trade in any druggist or apothecary's shop, if he takes no part in conducting or keeping the shop. (*Laws 1875, p. 442.*)

5. "*Registered assistant*" not entitled to manage store. They (i. e., "the commission of pharmacy and practical chemistry") shall examine all applicants over eighteen years of age who have served two years under a registered pharmacist, and grant to such as pass satisfactory minor examinations a certificate as "registered assistant." Such certificate shall not entitle the holder to act as manager of a drug store or pharmacy. (*Laws 1889, p. 84.*)

10. *Penalty.* If any person shall engage in the business of retailing and vending, directly or indirectly, drugs, medicines, and chemicals, and in dispensing medicine and compounding physicians' prescriptions, without being registered as provided by this chapter or the law heretofore in force, he shall be punished by a fine not exceeding fifty dollars for each week he shall continue the business without being so registered. (*Laws, 1875, p. 443.*)

11. *Physicians may dispense their own prescriptions.* The provisions of this chapter shall not be so construed as to apply to physicians compounding and putting up their own prescriptions. (*Laws 1875, p. 443.*)

Public Statutes and Session Laws, 1901, p. 431-433.

12. *Commissioners charged with enforcement of foregoing sections.* It shall be the duty of the commissioners to enforce the provisions of this chapter. For actual services and necessary expenses in the performance of this duty, they shall be paid from the state treasury such sums as the governor and council may determine and approve.

Laws 1901, p. 540.

### SALE OF POISONS.

13. *Record.* Every apothecary, druggist, or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid, shall make a record of such sale in a book kept for that purpose, specifying the kind and

quantity of the article sold, and the time when and the name of the person to whom such sale is made, which record shall be open to all persons who may wish to examine the same.

**14. Penalty.** Any person who shall violate the provisions of the preceding section shall be fined not exceeding one hundred dollars.

**15. Physicians' prescriptions excepted.** The two preceding sections shall not apply to physicians, in their prescriptions or recipes to their patients. *Laws 1848, ch. 736, as amended, Laws 1850, p. 966.*

Public Statutes and Session Laws, 1901, p. 814 et seq.

#### ADULTERATION OF DRUGS.

**4. State board of health to investigate quality of drugs.** The state board of health shall take cognizance of the interests of the public health, relating to the sale of drugs and foods and the adulteration of the same, and shall make all necessary investigations and inquiries in reference thereto, and for these purposes may appoint inspectors, analysts, and chemists, who shall be subject to its supervision and removal; and said board may expend annually an amount not exceeding eight hundred dollars for the purpose of carrying out the provisions of this section and of the chapter relating to the adulteration and the sale of unwholesome foods and of poisons. (*Laws, 1891, p. 334.*)

Public Statutes and Session Laws, 1901, p. 334.

**1. Sale prohibited.** No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine, or any adulterated article of food or substance to be used in the manner of food or drink.

**2. "Adulteration" defined.** If any drug or substance used for medicine, sold under a name recognized by the United States Pharmacopœia, or in some other Pharmacopœia, or other standard work of materia medica, differs materially from the standard of strength, quality, or purity laid down in such work, or contains less of the active principle than is contained in the genuine article, weight for weight, or falls below the professed standard under which it is sold, it shall be deemed to be adulterated within the meaning of this chapter.

**4. Penalty.** Whoever fraudulently adulterates for the purpose of sale any article of food or drink, drug or medicine, or knowingly sells any fraudulently adulterated article of food or drink, drug or medicine, or any kind of diseased or unwholesome provisions as defined in this chapter, shall be imprisoned not exceeding one year, or be fined not exceeding four hundred dollars.

**5. Samples must be furnished for analysis.** Every person offering or exposing for sale any drug or article of food within the meaning of this chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money, a sample sufficient for the purpose of the analysis of such drug or article of food.

**7. Penalty for hindering inspector.** Whoever hinders, obstructs, or in any way interferes with any inspector, analyst, or other officer appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty dollars for the first offense and one hundred dollars for each subsequent offense.

**8. Portion of sample to be reserved.** Before commencing the analysis of a sample, the analyst shall reserve a portion, which shall be sealed; and in case of a complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney, and part to the secretary of the state board of health.

9. *Enforcement of law by state board of health.* The state board of health shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter, and for the collecting and examining of drugs and foods, articles of clothing, fabrics, wall-paper, or anything containing poisonous pigments or substances whereby the health of any person may be injured. *Laws 1891, p. 333 et seq.*

Public Statutes and Session Laws, 1901, p. 814-815.

#### ADULTERATION OF LIQUORS WITH DRUGS.

10. *Penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year. (*Laws 1860, p. 2246.*)

Public Statutes and Session Laws, 1901, p. 815.



## NEW JERSEY.

The State board of health is charged with the enforcement of the general pure food and drug law, and the State board of pharmacy with the enforcement of those provisions of the pharmacy law which relate to the adulteration of drugs by pharmacists.

All fines imposed in actions instituted by the board of pharmacy are paid to the board.

### REGISTERED PHARMACISTS.

**2. *Conduct of pharmacy; compounding medicines, etc.*** From and after the passage of this act it shall not be lawful for any person not a registered pharmacist, within the meaning of this act, to conduct any store or pharmacy, or to employ any unregistered pharmacist or unregistered assistant for retailing, dispensing or compounding drugs, medicines or poisons, or for any one not a registered pharmacist or registered assistant to prepare and dispense physicians' prescriptions, or to retail or dispense medicines or poisons, except under the immediate supervision of a registered pharmacist; this section shall not be so construed as to prohibit the employment in pharmacies or drug stores, of apprentices, but such apprentices or other unregistered employes shall not be allowed to prepare, compound and dispense prescriptions, or to sell or furnish medicines, prescriptions or poisons, except in the presence of and under the personal supervision of a registered pharmacist of this state, who must either be the proprietor or owner of said store or pharmacy, or in the actual employ of such proprietor or owner; and for the violation of this section the owner, corporation, association, copartnership or person being the owner or proprietor of said store or pharmacy shall be equally liable as principal for said violation.

Laws, 1901, p. 86.

**6. *Labels, poison schedules.*** It shall not be lawful for any person to retail or dispense any of the poisons enumerated in "schedule A," appended to this section, or any other substance commonly recognized as a deadly poison, or any substance which in doses of five grains or less is destructive of human life, without distinctly labeling with a red label the bottle, box, can or container or wrapper in which said poison is contained, with the name of the article and the word "poison" and the name and place of business of the dispenser, and not without being satisfied that the purchaser is aware of its poisonous nature and intends to use it for a legitimate purpose, and it shall be unlawful for any person to give a fictitious name or make any false representations to the seller when buying any of the poisons thus enumerated, but the penal provisions of this act shall not apply to the sale of such poisons as are used in the arts, agriculture or in manufacturing to persons known to be engaged in such pursuits; nor to the dispensing of poisons upon the prescription of a practicing physician.

## SCHEDULE A.

Arsenic and its compounds and chemical derivatives, corrosive sublimate and other poisonous derivatives of mercury, phosphorus and its poisonous derivatives, prussic acid and its poisonous derivatives, tartar emetic and other poisonous derivatives of antimony, sugar of lead and other poisonous derivatives of lead, essential oil of bitter almonds, oils of tansy, pennyroyal, rue, savin and croton, carbolic acid, oxalic acid, and mineral acids, cocaine, strophanthus, cocculus indicus, chloroform, chloral hydrate, aconite, belladonna, conium, cantharides, digitalis, hyocyanus, nux vomica, Indian hemp, veratrum viride, yellow jessamine, opium, their alkaloids and other preparations (except paragoric<sup>a</sup> and other preparations of opium having less than two grains to the ounce), ergot, savin, cotton root and their preparations.

7. *Violations and penalty.* Any person or persons who shall establish or conduct any pharmacy or drug store for the retailing, dispensing or compounding of drugs, medicines, physicians' prescriptions or poisons, not being a duly registered pharmacist of this state, or shall be engaged as clerk or assistant or apprentice in any store or pharmacy, and retailing, dispensing or compounding drugs, medicines or physicians' prescriptions, not having first obtained a certificate of registration as a pharmacist or registered assistant in accordance with the provisions of this act; or, being a duly registered pharmacist or registered assistant or an apprentice, shall violate any of the provisions of this act, or shall adulterate or sell any adulterated drug, medicine or chemical; or any person who shall procure or attempt to procure registration for himself or herself or any other person under this act, by making or causing to be made any false representations, or shall fraudulently represent himself or herself to be registered in accordance with this act, or any person who shall violate any of the provisions of this act, shall forfeit and pay for each and every offense the sum of one hundred dollars (together with costs) as a penalty therefor; to be sued for and recovered by and in the name of "The Board of Pharmacy of the State of New Jersey."

9. *Eruptions.* Nothing in this act shall be so construed to apply to or in any manner interfere with the strictly professional pursuits of any physician, nor with the making and vending of non-poisoning patent or proprietary medicines, nor with the sale of simple non-poisonous domestic remedies by retail dealers in rural districts, nor with the ownership of any pharmacy or store, in whole or in part, by any person not a registered pharmacist; *provided*, such pharmacy or store be at all times in charge of a registered pharmacist; and any person holding any certificate of registration granted under any former act, with the renewal certificate thereof, shall be considered a registered pharmacist within the meaning of this act.

Laws, 1901, p. 89-91.

SALE OF POISONS. <sup>b</sup>

1. *Sale of cocaine restricted.* No person shall knowingly sell, furnish or give away any cocaine, or any patent or proprietary remedy containing cocaine, except upon the prescription of a registered practicing physician, or of a dentist in his own practice, or of a veterinarian in his own practice; nor shall any such prescription be refilled; nor shall any physician or dentist prescribe cocaine, or any patent or proprietary remedy containing cocaine, for any person

<sup>a</sup> So in Laws.

<sup>b</sup> See also sec. 6, p. 125.

known to be an habitual user of cocaine; *provided*, that the provisions of this act shall not apply to persons engaged in the wholesale drug trade, regularly selling cocaine to persons engaged in the retail drug trade.

2. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail where said violation was committed, for a term of three months, or both, at the discretion of the court before which such offender shall be convicted.

Laws, 1904, p. 187.

### ADULTERATION OF DRUGS.

1. *Definition of "drug."* \* \* \* The term "drug" as used in this act shall include every article of medicine for internal or external use, and every ingredient in such article. (*Laws 1901, p. 186.*)

2. *Definition of adulteration.* The following drugs shall be deemed to be impure within the meaning of this act: (1) any drug which, being known under or by a name recognized in the last revised United States pharmacopœia, possesses a strength, quality or degree of purity inferior to or different from that laid down in such revised pharmacopœia; (2) any drug which not being known under or by a name recognized in the last revised United States pharmacopœia, but which is found in some other pharmacopœia or in some other standard work on materia medica, possesses a strength, quality or degree of purity inferior to or different from that laid down in such other pharmacopœia or standard work; and (3) any drug whose strength, quality or degree of purity falls below the professed standard under which it is sold. (*Amended March 29th, 1904; Laws, 1904, p. 309.*)

4. *Possession or sale of adulterated articles unlawful.* No person shall distribute or sell, or have in his possession with intent to distribute or sell, any article of food or drug which, under any of the provisions of this act, is or shall be deemed to be impure.

5. *Imitations must be sold as such.* No person shall distribute or sell, or offer to distribute or sell, any article of food or any drug which is an imitation of some other article of food or of some other drug under or by the name of the article of food or drug imitated, but the same shall be distributed and sold, or offered for distribution or sale, only by the true name of the imitation.

11. *Enforcement of act by state board of health.* The state board of health shall have the power from time to time to adopt, promulgate and publish by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes appointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the board, such orders concerning any performance of duty as they from time to time may deem proper; they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special services as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the legislature for carrying out the provisions of this act; the said

board shall have the power, and it shall be their duty, through said analysts, chemists, chief inspector and other inspectors and employes and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act. *Laws 1901, p. 187-188.*

**12. Sampling by inspectors.** Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of one or more witnesses, into two parts, and shall duly seal each part in a suitable can, vessel or package, and, at the time of taking such sample, shall tender, and if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act or of any other statute of this state relative to the prevention of deception in the sale of food products, no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made. \* \* \* (*Amended April 4, 1902; Laws, 1902, p. 579.*)

**13. Penalty; proviso concerning warranties.** Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any analysts, chemists, chief inspector or other inspector or employe of the state board of health in the performance of any duty under this act, shall be liable to a penalty of fifty dollars: *provided, however,* that if any person charged with the violation of any of the provisions of this act concerning impure foods or impure drugs shall prove at the hearing or trial of the complaint that the article alleged to be impure was produced under a warranty from any person or persons residing within this state, in the form hereinafter set forth, that said article was pure within the meaning of this act, and prior to the hearing or trial shall have filed in the district court, or with the justice of the peace, police justice or recorder, before whom the case is prosecuted, and with the attorney of the prosecutor of the case, a copy of such warranty, the person so complained against shall be discharged from prosecution; the warranty to justify such discharge shall specifically name and describe the article or articles warranted and shall be of the following form, to wit: "It is hereby warranted that the following-described article or articles, to wit, ——— are pure and unadulterated within the meaning of the act of the legislature of the state of New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to pre-

vent deception in the distribution and sale thereof;’ approved the — day of —, A. D. nineteen hundred and one”; every such warranty shall be signed by the warrantor, but no warranty shall be a defense if the person offering it shall have been notified, prior to the sale complained of, that the article or articles mentioned in it were impure within the meaning of this act.

**19. False warranty; penalty.** Any person who shall give or utter any false warranty of the form prescribed in the fifteenth section of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or imprisonment at hard labor for not more than one year, at the discretion of the court.

Laws, 1901, p. 186-199.

#### DISTRIBUTION OF SAMPLES.

**1. Restriction by municipalities, etc.** It shall be lawful for the common council or other governing body of any city, town, township, borough or other municipality within this state, by ordinance, to regulate and prohibit the distribution, depositing or leaving on the public streets, highways, public places, or on private property, or in any private place or places within any such municipality, any medicine, medicinal preparation or preparation represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto; *provided, however,* that such municipality shall not be authorized to prohibit a delivery of any such article by handing the same to any person above twelve (12) years of age willing to receive the same.

**2. Penalty.** It shall be lawful for any such municipality, in and by any such ordinance, to provide for the imposition of a penalty of fifty dollars for the violation thereof.

Laws, 1904, p. 202.

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## NEW MEXICO.

The State board of pharmacy is given power to enforce the law governing adulterations.

### REGISTERED PHARMACISTS.

**3717. Charge of drug store.** It shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any drug store, pharmacy, apothecary shop or store for the purpose of retailing, compounding or dispensing medicines in the Territory of New Mexico, except as hereinafter provided.

**3718. Prescriptions must be compounded by or under the supervision of a registered pharmacist.** It shall be unlawful for the proprietor of any such store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians, except as an aid to, and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of not less than twenty-five, nor more than one hundred dollars, and upon a second conviction and proof thereof shall be fined in a sum not less than one hundred dollars not more than two hundred dollars. *As amended March 15, 1905; Laws, 1905, p. 193.*

**3726. Penalties; exemptions.** Any person not a registered pharmacist, as provided in this act, who shall conduct a store or pharmacy, or place for retailing, compounding or dispensing drugs, medicines or chemicals, for medical use, or for compounding or dispensing physicians' prescriptions in the Territory of New Mexico, or who shall take, use, or exhibit the title of, Registered Pharmacist, shall be deemed guilty of a misdemeanor, and upon a conviction thereof, be liable to a penalty of not less than five, nor more than one hundred dollars: *Provided*, That any person or persons not a registered pharmacist may own and conduct such store if he or they keep constantly in their employ a registered pharmacist: *Provided, further*, This act shall not apply to physicians putting up their own prescriptions, nor to the sale of patent or proprietary medicines, nor to the sale of those articles commonly known as Grocers' Drugs, except those articles that are dominated, Poisons, under the law known as the, New Mexico Poison Law; nor to any regularly licensed physician of the Territory of New Mexico engaged in the drug business in towns or cities situated twenty miles or more from a regular licensed pharmacist engaged in the drug business. *Laws, 1888-9, p. 118; as amended, Laws 1897, p. 144.*

Compiled Laws, 1897, p. 913-915.

**3729. Special permits.** It shall be the duty of the said board to grant to persons or merchants in towns or camps having no drug store, minor certificates without charge, as they may deem proper, to vend such medicines, compounds or chemicals as are required by the general public: *Provided*, That this law is not to be so construed as to prevent ranchmen or miners not within reach of a store or place where drugs are sold from dispensing medicines to their families or employes: *Provided, further*, That it shall be the duty of the secretary of said board to render an accurate annual statement to the governor

of the territory, of all moneys received and expended by said board during each year, and he shall also report upon the general condition of pharmacy throughout the territory. (*Laws 1888-9, p. 118 et seq.*)

Compiled Laws, 1897, p. 916.

#### SALE OF POISONS.

**1259. Labels; penalty.** Every apothecary, druggist, or other person, who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or any other violent poison, without having the word poison, and the true name written thereof, written or printed in Spanish and English, upon a label put on the phial, box, or package that contains the same, shall be punished by a fine not exceeding one hundred dollars. (*Laws, 1853-4, p. 136.*)

**1260. Records; schedules.** That hereafter it shall be unlawful for any person, not a registered pharmacist, to sell or dispense any poisons enumerated in schedules A and B, except as provided by section fourteen of the New Mexico pharmacy law, approved February 15, 1889.

#### SCHEDULE A.

Arsenic, mercury, strychnia, and their preparations and salts, acetate of lead, tartar emetic, cyanide of potassium, hydrocyanic acid, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and such other preparations of opium containing less than two grains to the ounce.

#### SCHEDULE B.

Aconite, belladonna, coca, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantuarides, creosote, digitalis, and their pharmaceutical preparations and alkaloids, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, with the name of the article, the word poison, and the name and place of business of the seller; nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any registered pharmacist to sell or dispense any poisons enumerated in schedules A and B without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for at least four years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine: *Provided*, Nothing in this act shall be so construed as to prevent the sale of such poisonous articles as are directly used in mining or for the reduction or concentration of ores.

**1261. Penalty.** Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail for not more than six months, or both in the discretion of the court. *Laws 1897, p. 138-139.*

Compiled Laws, 1897, p. 374-377.

## ADULTERATION OF DRUGS.

**3724. Druggist responsible for quality of drugs.** Every owner of a drug store in the territory of New Mexico shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exceptions of those sold in the original packages of the manufacturer or wholesale dealer, and also those known as proprietary medicines. And should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, his license as a registered pharmacist shall be thereby revoked, and in addition thereto, be liable to a penalty not exceeding five hundred (\$500) dollars. (*Laws, 1888-9, p. 121.*)

Compiled Laws, 1897, p. 915.

**1245. Penalty.** If any person shall fraudulently adulterate for the purpose of selling any drug or medicine, in such manner as to make the same injurious to health, he shall be punished by imprisonment in the county jail, not exceeding one year, or by fine not exceeding three hundred dollars, and such drug or medicine shall be forfeited and destroyed. (*Laws, 1853-4, p. 136.*)

**1246. Mixing, etc., so as to render injurious; penalty.** No person within the Territory of New Mexico shall mix, color, stain or powder or permit any other person to mix, color, stain or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive or unclean animal or vegetable substance, with the intent that the same may be sold in the said territory, and no person shall sell in the Territory of New Mexico any such article so mixed, colored, stained, powdered or manufactured. Any person violating this section shall be guilty of a misdemeanor, and for each offense to be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both in the discretion of the court.

**1247. Injurious adulteration or dilution.** No person shall, within the Territory of New Mexico, except for the purpose of compounding as hereinafter described, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with the intent that the same may be sold in the said Territory of Mexico, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

**1248. Ignorance of adulteration bar to conviction.** No person shall be liable to be convicted under either of the two last foregoing sections in respect to the sale of any article of food or of any drug if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained or powdered as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

**1249. Must be of quality, etc., demanded; penalty; exemptions.** No person shall sell in the Territory of New Mexico any article of food or drug which is not of the nature, substance and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined, not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six



months, or both in the discretion of the court: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the name is required for the production or preparation thereof as an article of commerce in a fit state for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

**1250.** *Compounded drugs to be of composition demanded by purchaser; proviso.* No person shall sell in the Territory of New Mexico any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health and not intended, fraudulently, to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

**1252.** *Application of proviso must be proved.* In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

**1253.** *Ignorance of presence of adulteration bar to prosecution.* If the defendant in any prosecution under this act, prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

**1254.** *Forged warranties; penalty.* Any person who shall forge, or shall after knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section one thousand two hundred and fifty-three, shall be guilty of a misdemeanor and be punishable on conviction, by imprisonment for a term not exceeding one year with hard labor.

**1255.** *False applications of warranties or labels.* Every person who shall willfully apply to any article of food or a drug, a certificate of warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

**1256.** *"Drug" defined.* \* \* \* The term drug as used in this act shall include all medicines for internal or external use.

**1257.** *Exemptions.* That the governor may from time to time declare certain articles or preparations to be exempt from the provisions of this act, and it shall be the duty of the secretary of the territory to prepare and publish from time to time a list of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with this section. *Laws, 1888-9, p. 303.*

## NEW YORK.

The State board of health is authorized to conduct such investigations of the quality of drugs sold as may be necessary to secure the enforcement of the law.

### REGISTERED PHARMACISTS.

**194. Subdivision 1. Pharmacy defined.** From and after the passage of this act every place in which drugs, medicines or poisons are retailed or dispensed or physicians' prescriptions compounded shall be deemed to be a pharmacy, or a drug store, and the same shall be under the personal supervision of a licensed pharmacist or druggist respectively.

**Subdivision 8. Unlawful to engage in drug business without certificate from board of pharmacy.** Except as prescribed in this act, it shall not be lawful for any person to practice as a pharmacist, assistant pharmacist or druggist or to engage in, conduct, carry on or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this state.

Revised Statutes, Codes and General Laws (Birdseye), 1901, vol. 2, p. 2859-2860.

**199. Application of act limited.** This article shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser, or to the sale of paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or to the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, salammoniac, salt petre, salsoda, epsom salts, rochelle salts, and sulphur, except as herein provided. Provided, however, that in the several places in this state outside of incorporated cities and villages, and in incorporated villages of the fourth class, said places and villages not having therein or within three miles thereof a regularly licensed pharmacy or drug store, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and retail dealers may sell the ordinary non-poisonous domestic remedies. Any division of the state board of pharmacy, having within its territory any such village or place, shall, whenever the necessity therefor is shown to exist, grant to some resident therein, who has had experience in dealing in drugs, medicines and poisons, a permit to compound medicines, fill prescriptions and sell poison for a period not exceeding one year, upon the payment of a fee not exceeding

three dollars. Such permit shall be limited to the village or place in which such person resides and may be limited to one or more of the above classifications and to the sale of certain kinds or classes of poisons.

**200. Apprentices not permitted to sell drugs except under supervision of druggist or pharmacist.** This article shall not be so construed as to prohibit the employment in licensed pharmacies, or drug stores, of apprentices or assistants for the purpose of being instructed in the practice of pharmacy; but such apprentices or other unlicensed employes or assistants shall not be allowed to prepare or dispense receipts or prescriptions or to sell or furnish medicines or poisons, except in the presence of and under the personal supervision of a licensed pharmacist or druggist, who must either be the proprietor or owner of said pharmacy or must be in the actual employ of such proprietor or owner, and where violations of this article occur on the part of the said apprentices or other unlicensed employes in any pharmacy or store, the person, partnership, association or corporation, being the proprietor of such pharmacy or drug store, shall be equally liable as principal, for such violation.

**201. Subdivision 3. Penalties.** Any person who shall attempt to procure or who shall procure a license or registration for himself, herself, or for any other person, under this title, by making or causing to be made any false representations shall be guilty of a misdemeanor. Any licensed pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered; any person not licensed by said board who shall prepare or dispense a medical prescription or physician's prescription or dispense or sell at retail poisons or medicines except under the immediate supervision of a duly licensed person, whose certificate, license or registration is displayed in the place where the same is prepared, dispensed or sold; any person not licensed by said board who shall open or conduct or have charge of or supervise any pharmacy or drug store for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself, or herself to be licensed or any person, who knowingly refuses to permit any member of said board or inspector of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of lawfully inspecting the same or intentionally prevents the lawful inspection of any place in which drugs, medicines or poisons are retailed or dispensed, or physicians' prescriptions compounded; any person whose license or certificate of registration has been duly revoked by said board and who refuses to deliver up his or her certificate or license to said board; any proprietor whose name does not appear upon the sign as herein above provided, any holder of a license or certificate of registration who fails to display the same as above provided; or any person who shall violate any of the provisions of this title, in relation to the retailing and dispensing of drugs, medicines and poisons, for which violation no other punishment is hereinbefore imposed, shall for such offense be guilty of a misdemeanor.

**Subdivision 4. Fine paid to state board of pharmacy.** Any person violating any of the provisions of this article, in addition to, or irrespective of the punishment hereinbefore provided, shall forfeit to the state board of pharmacy the sum of twenty-five dollars for every such violation, which may be used for and recovered in the name of said board and shall be paid to state board of pharmacy for its use, as in this article provided. All fines imposed and collected, under any of the provisions of this article, shall be paid over to the state board of pharmacy.

401. *Omission to label drugs, or wrong labeling.* An apothecary, or licensed druggist, or licensed pharmacist, or a person employed as clerk or salesman by an apothecary or licensed druggist or licensed pharmacist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing a drug or medicine, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is in danger, is guilty of a misdemeanor.

403. *Physicians excepted from provisions of section 401.* The provisions of section four hundred and one shall not apply to the practice of a practitioner of medicines who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser; provided, however, that the sale of medicines or poisons at wholesale shall continue to be subject to such regulations as from time to time may be lawfully made by the board of pharmacy or by any competent board of health.

Revised Statutes, Codes and General Laws (Birdseye), vol. 4 (Supplement 1905), p. 223, 224.

#### SALE OF POISONS.

402. *Labeling; recording the sale; schedules.* It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to wit:

##### SCHEDULE A.

Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

##### SCHEDULE B.

Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum veride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less, and such other poisons as the state board of pharmacy, under the authority given to it by the public health law, may from time to time add

to either of said schedules. Every person who shall dispose of or sell at retail or furnish any poisons included under Schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated under said schedule A, a suitable label or brand in red ink with the word "poison" upon it. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

Revised Statutes, Codes and General Laws (Birdseye), vol. 4, (Supplement 1905), p. 223.

**405a.** *Prescriptions containing opium and morphine not to be refilled except in certain cases.* A person who, except upon the written or verbal order of a physician, refills more than once prescriptions containing opium, morphine or preparations of either, in which the dose of opium exceeds one-fourth grain or morphine one-twentieth grain, is guilty of a misdemeanor.

Revised Statutes, Codes and General Laws (Birdseye), 1901, p. 1092.

#### ADULTERATION OF DRUGS.

**40.** *Definition of "drug".* \* \* \* the term, drug, when so used shall include all medicines for external and internal use.

**41.** *Adulterations prohibited and defined.* No person shall, within the state, manufacture, produce, compound, brew, distill, have, sell or offer for sale any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act: A. In the case of drugs:

1. If when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standards of strength, quality or purity, laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold. (*Laws, 1881, p. 553; amended Laws, 1893, p. 1510.*)

**41a.** *Adulteration of food, drugs, etc.* A person who, either,

1. With the intent that the same may be sold as adulterated<sup>a</sup> or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast, or,

2. Knowing that the same has been adulterated or diluted; offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted, in a case

<sup>a</sup> So in Statutes.

where special provision has not been made by statute, for the punishment of the offense, \* \* \* (*Laws, 1889, p. 168.*)

**42. Duties of State board of health in respect to adulterations.** The state board of health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs and the adulterations thereof, and make all necessary inquiries and investigations relating thereto. It shall appoint such public analysts, chemists and inspectors as it may deem necessary for that purpose, and revoke any such appointment whenever it shall deem the person appointed incompetent, or his continuance in the service for any reason undesirable. It shall, from time to time, adopt such measures and make such regulations and declarations, in addition to the provisions of this article, as may seem necessary to enforce or facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state, and all such regulations and declarations made in any year shall be filed in the office of the secretary of state and published in the session laws first published after the expiration of thirty days from such filing. (*Laws 1881, p. 554; amended Laws 1885, p. 316.*)

**44. Samples to be furnished.** Every person selling, or offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon tender of the value thereof, furnish any analyst, chemist, officer or agent of the state board of health or of any local board of health, with a sample of any such article or drug, sufficient for the purpose of analysis or test. For every refusal to furnish the same, the person so refusing shall forfeit to the people of the state the sum of one hundred dollars. (*Laws, 1881; amended Laws, 1893, p. 1513*)

Revised Statutes, Codes and General Laws (Birdseye), 1901, p. 2815-2818.

**1. Punishment of misdemeanors in general.** A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this code, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both.

Revised Statutes, Codes and General Laws (Birdseye), 1901, p. 2391.

**197. Subdivision 1. Standard.** Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopoeia.

**Subdivision 2. Pharmacist responsible for quality of drugs.** Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

**Subdivision 3. Adulteration a misdemeanor; goods forfeited.** Any person who shall knowingly, wilfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopoeia, or used or intended to be used in medical practice or shall knowingly, wilfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so falsified or adulterated shall be forfeited to the board and by the board destroyed. (See sec. 41, p. 137.)

**41b.** *Adulteration of natural fruit juices, penalty.* Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious or poisonous substance, as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice of any of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. (*Laws, 1899, p. 744.*)

Revised Statutes, Codes and General Laws (Birdseye), 1901, p. 2817, 2861.

#### DISTRIBUTION OF SAMPLES.

**405b.** *Penalty for careless distribution.* Any person, firm, or corporation, who distributes, or causes to be distributed, any free or trial samples of any medicine, drug, chemical or chemical compound, by leaving the same exposed upon the ground, sidewalk, porch, doorway, letter-boxes, or in any other manner, that children may become possessed of the same, shall be guilty of a misdemeanor punishable by a fine not exceeding twenty-five dollars for each offense, but this section shall not apply to the direct delivery of any such article to an adult. (*Laws, 1903, p. 1148.*)

Revised Statutes, Codes and General Laws (Birdseye), vol. 4 (Supplement, 1905), p. 224.

## NORTH CAROLINA.

The secretary of the State board of pharmacy may investigate complaints of alleged adulterations of drugs and may institute prosecutions.

### REGISTERED PHARMACISTS.

4. *Exclusive rights defined; exceptions.* It shall be unlawful for any person not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poison, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poison, except as hereinafter provided, or for any person not licensed as a pharmacist within the meaning of this act to compound, dispense or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions except as an aid to and under the immediate supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of any pharmacy or drug store or other place of business to cause or permit any other than a person licensed as a pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to and under the immediate supervision of a person licensed as a pharmacist: *Provided, however,* that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine in the compounding of his own prescriptions, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations which do not contain poisonous ingredients, nor with the sale of poisonous substances which are sold exclusively for use in the arts or for use as insecticides when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "Poison", the vignette of the skull and cross bones and the name of at least two readily obtainable antidotes: *Provided, further,* that in any village of not more than five hundred inhabitants the board of pharmacy may grant any legally registered practicing physician a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted, and shall cease and terminate when the population of the village for which such permit was granted shall become greater than five hundred: *And provided further,* that the board of pharmacy may, after due investigation, grant to any legally registered practicing physician in towns or villages of not more than five hundred, and not exceeding six hundred inhabitants, a permit to conduct a drug store or pharmacy in such town or village subject to the provisions of this act.

23. *Penalty for illegally assuming rights of pharmacist.* Any person, not being licensed as a pharmacist, who shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians'



prescriptions contrary to the provisions of section four of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

**24. Penalty for dispensing drugs contrary to law.** Any person, not being licensed as a pharmacist, who shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, and any person being the owner or manager of a drug store, pharmacy or other place of business, who shall cause or permit any one not licensed as a pharmacist to dispense, sell at retail or compound any drug, medicine or physician's prescription contrary to the provisions of section four of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Laws, 1905, Public, p. 119 and 125.

#### ADULTERATION OF DRUGS.

**3. Responsibility of druggists for quality of drugs sold.** Every person who shall engage in the sale of drugs, chemicals and medicines shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturers, and also those known as "patent or proprietary medicines"; and should he intentionally adulterate, or cause to be adulterated, or exposed to sale, knowing the same to be adulterated, any drugs, chemicals or medical preparations, he shall be guilty of a misdemeanor and liable to a fine not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register of licensed pharmacists, provided he be a licensed pharmacist.

**11. Prosecutions.** Upon information that any provision of this act has been or is being violated, the secretary of the board of pharmacy shall promptly make investigations of such matters, and, upon probable cause appearing, shall file complaint and prosecute the offender. All fines and penalties prescribed in this act shall be recoverable by suit in the name of the people of the State.

Laws, 1905, Public, p. 118 and 121.

#### SALE OF POISONS.<sup>a</sup>

**20. Restrictions; label; record; provisos.** It shall be unlawful for any persons to sell or deliver to any person any of the following described substances or any poisonous compound, combination or preparation thereof, to-wit: The compounds and salts of arsenic, antimony, lead, mercury, silver and zinc, oxalic and hydrocyanic acids and their salts, the concentrated mineral acids, carbolic acid, the essential oils of almonds, pennyroyal, tansy and savine, croton-oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, conium, cannabis indica, digitalis, hyocyamis, nux vomica, opium, ergot, cannabis stramonius, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or cocaine or any other poisonous alkaloids or their salts, or any other virulent poisons, except in the manner following: It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly

<sup>a</sup> See also sec. 4, p. 140.

labeled with the name of the substance, the word "Poison," and the name of the person or firm dispensing the substance. And before a delivery is made of any of the following substances, to-wit, the compounds and salts of arsenic, antimony and mercury, hydrocyanic acid and its salts, strychnine and its salts, and the essential oil of bitter almonds, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is required as represented by the purchaser, the date of delivery, the name and address of the purchaser, the name of the dispenser, which book shall be preserved for at least five years and shall at all times be open to the inspection of the proper officers of the law: *Provided, however*, that the foregoing provision shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry: *And provided also*, that the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale; but the box, bottle or other package containing such substances, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison", and the name and address of the manufacturer or wholesaler: *Provided further*, that it shall not be necessary to place a poison label upon or to record the delivery of the sulphide of antimony or the oxide or carbonate of zinc, or lead, or of colors ground in oil and intended for use as paint, or Paris green, when dispensed in the original package of the manufacturer or wholesaler, or calomel, paregoric or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in this section when in a single box, bottle or other package, or when the bulk of two fluid ounces or the weight of two avoirdupois ounces does not contain more than an adult medicinal dose of such poisonous substance.

**28. Penalty.** Any person who shall sell or deliver to any person any poisonous substance specified in section twenty of this act without labeling the same and recording the delivery thereof in the manner prescribed in said section twenty shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Laws, 1905, Public, p. 123 and 126.<sup>a</sup>

**1. Regulation of sale of cocaine, morphine, etc.** It shall be unlawful for any person, firm or corporation to sell by retail, or give away any cocaine, opium or morphine except upon the written prescription of a reputable practicing physician, except in cases of emergency and in the absence of a physician: which said prescription shall not be refilled unless so directed by the attending physician, except in cases of emergency and in the absence of a physician: *Provided*, that the provisions of this act shall not apply to sales at wholesale by any manufacturer or wholesale dealer who shall sell to the retail druggist, firm or corporation in original packages only, nor to sales of laudanum and paregoric, or other preparation containing not more than thirty per cent of cocaine, morphine or opium.

**2. Penalty.** Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding thirty days, or fined not exceeding fifty dollars. No veterinary surgeon shall be allowed to prescribe for a human being or to sell, give away, or in any manner dispose of the drugs mentioned in this chapter except for the use of dumb animals.

Laws, 1905, Public, p. 104.

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<sup>a</sup> The law of 1905 takes the place of the pharmacy law of 1881.

## NORTH DAKOTA.

The State agricultural experiment station is charged with the enforcement of the pure drug law.

### REGISTERED PHARMACISTS.

**7280. Penalty for unlawfully acting as pharmacist.** Every person who is not a registered pharmacist, or has not a registered pharmacist in his employ and who, either:

1. Takes, uses or exhibits, the title or certificate of a registered pharmacist; or,
2. Retail, compounds or dispenses medicine; or,
3. Permits the compounding or dispensing of prescriptions, or the vending of drugs, medicines or poisons in his store or place of business except under the supervision of a registered pharmacist; or,
4. Violates or fails or neglects to comply with and observe any provision of law relating to or regulating the practice of pharmacy; and every person who,
5. Willfully makes any false representation to procure registration as a pharmacist for himself or for any other person, is guilty of a misdemeanor, and upon conviction thereof.

Is punishable by a fine not exceeding fifty dollars. (*Laws 1893, p. 196.*)

**7281. Exceptions.** The provisions of the last section shall not be construed to interfere in any manner with the business of a physician in regular practice; nor to prevent such physician from supplying his patients with whatever he may deem necessary; nor to prevent him from receiving a certificate as a registered pharmacist as provided by law; nor to interfere with the making or compounding of proprietary medicines or medicines placed in sealed packages with the name of the contents and of the person by whom prepared or compounded; nor to prevent shop keepers from dealing in or selling the commonly used medicines and poisons, if such medicines or poisons are put up by a regular pharmacist; nor from dealing in and selling patent or proprietary medicines; nor to interfere with the exclusive wholesale business of any dealer. (*Laws, 1893, p. 197.*)

Revised Codes, 1899, p. 1455-1456.

### SALE OF POISONS.<sup>a</sup>

**7303. Regulations.** No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the names of the person or persons receiving such poison, and his, her or their residence, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell,

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<sup>a</sup> See also p. 146, secs. 4, 5, and 6.

give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison", printed or written upon it, in plain and legible characters.

**7304. Violation a misdemeanor.** Any person violating any of the provisions of section 7303 shall be deemed guilty of a misdemeanor.

Revised Codes, 1899, p. 1460.

**7282. Poisons must be properly labeled.** Every person who, at retail, sells, furnishes or delivers to another, either :

1. Arsenic or its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and all other poisons, vegetable alkaloids and their salts, essential oil of bitter almonds, opium or its preparations, except paregoric and other preparations of opium with less than two grains to the ounce ; or,

2. Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without affixing to the bottle, box, vessel or package containing the same, the name of the contents, the word "poison", and his name and place of business, is guilty of a misdemeanor.

**7283. Exception.** The provisions of the last section shall not be construed to include or apply to the dispensing of physicians' prescriptions specifying or containing poison.

**7284. Record.** Every person who, at retail, sells, furnishes or delivers to another any of the articles or preparations mentioned in section 7282 or any drug, chemical or preparation which according to the standard works on medicines or materia medica is liable, in quantities of sixty grains or less, to destroy adult human life, and who, either :

1. Fails or neglects, before delivering the same, to enter or cause to be entered in a book kept for that purpose, the date of sale, the name and address of the person to whom delivered or sold, the name, quantity and quality of the article or preparation delivered or sold, and the name of the dispenser ; or,

2. Fails, neglects or refuses during business hours to exhibit such book and every part thereof, for inspection and to permit the same and every part thereof, upon demand, to be inspected by any physician, coroner, sheriff, constable or magistrate of the county.

Is guilty of a misdemeanor.

**7285. Penalty.** Every person convicted of any of the offenses mentioned in sections 7282 and 7284 is punishable by a fine of not less than five and not exceeding one hundred dollars. *Laws 1890, p. 306.*

Revised Codes, 1899, p. 1456.

### ADULTERATION OF DRUGS.

**7286. Adulteration a misdemeanor.** Every person who knowingly, willfully <sup>a</sup> fraudulently, either :

1. Falsifies or adulterates or causes or permits to be falsified or adulterated, any drug, medicinal preparation authorized or recognized by any standard work on pharmacy, or used or intended to be used medicinally ; or,

2. Mixes or causes or permits to be mixed with any such drug or medicinal preparation any foreign or inert substance for the purpose or with the intent

<sup>a</sup> So in Statutes.

of destroying or weakening its medicinal power or effect or of lessening its cost; or,

3. Sells, furnishes or delivers or causes or permits any such falsified or adulterated drug or medicinal preparation to be sold, furnished or delivered for medicinal purposes,

Is guilty of a misdemeanor. (*Laws 1890, p. 306.*)

Revised Codes, 1899, p. 1457.

**7309. Adulterating food or medicines a misdemeanor.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

Revised Codes, 1899, p. 1460.

**6812. Penalty for misdemeanors.** Except in cases where a different punishment is prescribed by this code or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Revised Codes, 1899, p. 1388.

**7302. False labeling, substitution, adulteration, etc., a misdemeanor.** Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, willfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Revised Codes, 1899, p. 1459.

**1. Adulteration prohibited.** It shall be unlawful for any person, his agent or servant, or while acting as agent or servant of any other person or corporation to manufacture for sale, offer for sale, or sell within this state any drugs which is adulterated within the meaning of this act.

**2. "Drug" defined.** The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics.

**3. Adulteration defined.** A drug shall be deemed to be adulterated:

First. If, when sold under or by a name recognized in the United States pharmacopoeia, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard, or unless such difference is made known or so appears to the purchaser at the time of the sale.

Second. If, when sold under or by a name not recognized in the United States pharmacopoeia, but which is found in some other pharmacopoeia or other stand-

ard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work.

Third. If its strength, quality or purity falls below the professed standard under which it is sold.

Provided, That a drug or medicine shall not be deemed adulterated in the following case:

First. If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States pharmacopoeia, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth.

4. *Drugs and medicines to be labeled.* Every proprietary product, drug, medicine or beverage containing more than 5 per cent of ethyl alcohol, or which contains chloral hydrate, ergot, morphine, opium or any of their compounds or derivates, cocaine or any of its salts, bromine, iodine, or any of their salts, shall be clearly labeled in black open gothic letters printed on a white background showing the name and percentage of each of the foregoing constituents, and said label shall be affixed to each and every package, carton, box or bottle in such a way as to be clearly seen.

5. *Cocaine.* No sale or gift of cocaine or of its salts shall be made or delivery thereof made in this state except upon the written prescription of a licensed physician.

6. *Methyl alcohol prohibited.* It shall be unlawful to sell, offer or expose for sale, or have in possession any preparation or product, intended for the use of man, either for internal or external purposes, which contains methyl alcohol or "wood spirits."

7. *Physician's prescriptions exempt.* Nothing in this act shall be so construed as to in any way interfere with the written prescription of any regularly licensed physician or with the filling of the same by a licensed druggist.

8. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for the first offense be punished by a fine of not less than five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act, and all such adulterated or misbranded articles may, by order of the court be seized and destroyed.

9. *Duty of State's attorney.* It shall be the duty of the attorney general and state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station as provided for in sections 11 and 12 of this act.

10. *The North Dakota experiment station to inspect and analyze drugs and medicines.* The North Dakota government agricultural experiment station shall make analysis of drugs and medicines found on sale in North Dakota suspected of being adulterated, at such times and places and to such extent as it may determine, and may appoint such agent or agents as it may deem necessary for the enforcement of the provisions of this act, and such agent or agents shall have free access and egress, at all reasonable hours, for the purpose of examining into any place wherein it is suspected any drug or medicine adulterated with any deleterious or foreign ingredient or which falls below the standard of purity or where such ingredients exist, and such agent or agents, upon tendering the market price of said article, may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid.

11. *Report of station.* Whenever said station shall find by its analysis that adulterated drugs have been on sale in this state or that said drugs are in

violation of this act, it shall forthwith transmit the facts so found to the attorney general and state's attorney of the county in which said adulterated product was found.

**12. Certificates as evidence.** Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo relating to the analysis of any drug, drug products or medicines, shall be presumptive evidence of the facts therein stated.

**13. Station to make annual report.** The said station shall make an annual report to the governor upon the work done under this act and said report may be included in the report which said station is already authorized by law to make to the governor.

**14. Date of taking effect.** All goods coming into this state after July 1, 1905, shall be subject to the provisions of this act, while those goods within the state prior to that date shall be considered as exempt until Jan. 1, 1906.

Laws, 1905, p. 16.

#### DISTRIBUTION OF SAMPLES.

**1. Restrictions.** Any person who shall by himself, his servant or agent, or as the servant or agent of any other person, leave, throw, or deposit upon the doorstep or premises owned or occupied by another, or who shall deliver to any child under fourteen years of age, any patent or proprietary medicine or any preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic or any drug or medicine that contains poison, or any ingredient that is deleterious to health, as a sample, or in any quantity whatever for the purpose of advertising, shall be deemed guilty of a misdemeanor.

**2. Definition of terms used.** The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic as used in this act, shall include all remedies for internal or external use, either in packages or bulk, simple, mixed or compounded.

**3. Penalty.** Whoever violates the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both, for each and every violation.

Laws, 1903, p. 91.

## OHIO.

The State dairy and food commissioner is authorized in a general way to inspect drugs and enforce the law prohibiting the sale of adulterated drugs.

### REGISTERED PHARMACISTS.

**4405.** *Exclusive rights defined; exceptions.* It shall be unlawful for any person not a legally registered pharmacist to open, or conduct, any pharmacy, or retail drug or chemical store, either as proprietor or manager thereof, unless he shall have in his employ and place in charge of such pharmacy, or store, a legally registered pharmacist under the laws of this state. It shall be unlawful for any person, not a legally registered pharmacist, to compound, dispense, or sell any drug, chemical, poison, or pharmaceutical preparation, upon the prescription of a physician or otherwise; provided, however, that a legally registered assistant pharmacist may compound, dispense or sell, any such drug, chemical, poison, or pharmaceutical preparation when employed in a pharmacy or drug (store) which is under the supervision, management and control of a legally registered pharmacist. Provided also, that nothing in this section shall apply to, or in any manner interfere with the business of a physician, or prevent him from supplying to his patients such medicines as to him may seem proper; nor with the making or vending of patent or proprietary medicines by any retail dealer, nor with the selling by any person of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber's salt, cream of tartar, bi-carbonate of sodium, quinine, rochelle salts, epsom salts, alum, camphor gum, oil of cinnamon, oil of lemon; nor prohibit any person from selling paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles and boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and directions for its use on each bottle or box; nor prohibit any person from selling paris green when put up in bottles or boxes, bearing the name of a legally registered pharmacist or wholesale dealer, and labelled as required by section 4364-54 of the Revised Statutes, nor with the exclusively wholesale business of any dealer. (*Laws, 1884, p. 61.*)

Bates' Annotated Statutes, 1897, p. 2350; as amended, Laws, 1900, p. 84.

**4410.** *Regulations as to who shall compound prescriptions.* No person not a qualified assistant, shall be allowed by the proprietor or manager of any retail drug or chemical store, to compound or dispense the prescriptions of physicians, except as an aid under the supervision of a registered pharmacist or his qualified assistant.



**4412. Penalty.** Any person owning a pharmacy or retail drug or chemical store, who, in violation of the provisions of section *four thousand four hundred and five* of this act, causes or permits the same to be conducted or managed by a person not a registered pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty dollars, or more than one hundred dollars, and each week that he shall cause or permit such pharmacy, retail drug or chemical store to be so conducted or managed shall constitute a separate and distinct offense, and render him liable to a separate prosecution and punishment therefor; \* \* \* And for the violation of any of the provisions of section *four thousand four hundred and ten*, such proprietor or manager shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars for each and every offense, \* \* \* provided, that nothing in this act shall be so construed as to in any way affect the right to (of) any person to bring a civil action against any person referred to in this act, for any act or acts for which a civil action may now be brought. It shall be the duty of the Ohio board of pharmacy, upon application therefor being made to said board, to cause the prosecution of any person or persons violating any of the provisions of this act. (*Law of 1884, as amended.*)

Bates' Annotated Statutes, 1897, vol. 2, p. 2352.

#### SALE OF POISONS.

**1. Regulations; label; record.** It shall be unlawful for any person to knowingly sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, or to sell or to deliver to any person, any of the following described substances, or any poisonous compound, poisonous combination or poisonous preparation thereof, to-wit: The compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, zinc, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, carbolic acid, the essential oils of almonds, penny royal, tansy and savin, croton oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis, indica, digitalis, hyocyanus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or any other poisonous alkaloids or their salts or any other virulent poison, except in the manner following:

It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, "Poison", and the names of two or more substances which may be used as antidotes. And before delivery shall be made of any of the foregoing substances, there shall be recorded in a book (kept) for that purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser, and the name of the dispenser, which book shall be preserved for at least five years, and shall at all times be open to inspection by the proper officers of the law.

**2. Exceptions.** The provisions of section 1 of this act shall not apply to articles dispensed to or upon the order or prescription of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry

and the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale, but the box, bottle or other package containing such substance when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler; nor shall it be necessary to place a poison label upon, nor to record the delivery of the sulfid of antimony, or the oxid or carbonate of zinc, or of colors ground in oil, and intended for use as paints, or calomel, paregoric, or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in section one of this act when a single box, bottle or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce, does not contain more than an adult medicinal dose of such poisonous substance; nor in case of preparations recommended in good faith for diarrhœa and cholera, when each bottle or package is accompanied by specific directions for use and a caution against habitual use; nor in the case of liniments and ointments when plainly labeled "For external use only." Nor in the case of preparations put up and sold in the form of pills, tablets or lozenges and intended for internal use, where the dose recommended does not contain more than  $\frac{1}{4}$  of an adult medicinal dose of such poisonous substance.

3. *Restrictions on sale of cocaine and morphine.* It shall be unlawful for any person to dispense, sell or deliver to any person, any salts of cocaine, morphine, or its salts, or any of the alkaloids or salts of alkaloids of opium, except upon the written prescription of a legally qualified physician, or dentist, such prescription not to be refilled, except upon the written order of the (person) prescribing the same; except, however, that sulphate of morphine may be sold by a registered pharmacist or assistant pharmacist in original packages containing not less than one-eighth ounce when registered in accordance with the provisions of section one of this act.

4. *Penalty.* The penalty for the violation of any of the provisions of any section of this act shall not be less than ten dollars nor more than fifty dollars for each separate offense.

Laws, 1902, p. 280.

1. *Sale of cocaine restricted.* Whoever sells, barter or gives away any quantity of cocaine, except upon the prescription of a physician, duly licensed under the laws of the state of Ohio, or sells, barter or gives away any quantity of cocaine to any person or persons without having first marked the word "poison" upon the label or wrapper containing the same and registered in a book to be kept by him or her for that purpose, the day and date on which it is sold, bartered or given away, the name and address of the physician who prescribed the same, the quantity thereof, the name, age, sex and color of the person obtaining the same, the purpose for which it is required and the name and place of abode of the person or persons for which the same is intended, shall be fined not more than five hundred dollars nor less than fifty dollars, but the provisions of this act do not extend to any person, persons, firm or corporation engaged in selling drugs and medicines at wholesale to sell any quantity of cocaine to another person, persons, firm or corporation engaged in selling drugs or medicines at wholesale or retail, in accordance with the laws governing such business.

Laws, 1902, p. 145.

## ADULTERATION OF DRUGS.

1. *Adulteration prohibited.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

2. *"Drug" defined.* The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics.

3. *"Adulteration" defined.* An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the seventh decennial revision of the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the seventh decennial revision of the United States Pharmacopœia but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if, its strength, quality or purity falls below the professed standard under which it is sold. \* \* \*

4. *Sample may be demanded for analysis.* Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

5. *Penalties.* Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale. *Laws 1884, p. 67.*

Bates' Annotated Statutes, 1897, p. 2228; as amended, Laws, 1904, p. 116.

10626. *Depositing poison in thoroughfares.* Whoever leaves or deposits any poison, or any substance containing poison, in any common, street, alley, lane, or thoroughfare of any kind, or any yard or inclosure other than the yard or inclosure occupied by such person, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than thirty nor less than five days, or both, and shall be liable to the person injured for all damages sustained thereby.

Laning's Revised Statutes, 1905, p. 2101.

## ADULTERATION OF LIQUORS WITH POISONS.

7082. *Penalty.* Whoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with cocculus-indicus, vitriol, grains of paradise, opium, alum, capsul-

<sup>a</sup> So in Laws.

cum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells, or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty, nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale.

**7083.** *Use of active poison in manufacture of liquor.* Whoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years, nor less than one year.

Bates' Annotated Statutes, 1897, p. 3239.

**6949.** *Branding of liquor; penalty.* Whoever, being engaged in the manufacture and sale of intoxicating liquors, fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, and also the words "containing no poisonous drugs, or other added poison," shall be fined not more than one thousand dollars, and imprisoned not more than six months nor less than one month.

Bates' Annotated Statutes, 1897, p. 3194.

## OKLAHOMA.

There are no special provisions for the enforcement of the law regulating the sale of adulterated drugs.

### REGISTERED PHARMACISTS.

**2889.** *Registered and assistant pharmacists only to dispense drugs.* It shall hereafter be unlawful for any person other than a registered pharmacist, or assistant pharmacist as hereinafter defined, to retail, compound or dispense drugs, medicines or pharmaceutical preparations in the Territory of Oklahoma, or to institute, conduct or manage a pharmacy, store or shop for the retailing, compounding or dispensing of drugs, medicines or pharmaceutical preparations in said Territory of Oklahoma, unless such person shall be a registered pharmacist, as this act provides, or shall place in charge of said pharmacy, store or shop, a registered pharmacist, except as hereinafter provided.

**2891.** *Provisions as to assistant pharmacists.* "Assistant pharmacists" in the meaning of this act, shall comprise all persons regularly registered as licentiates in pharmacy in the Territory of Oklahoma for the year ending July 1, 1897, who have been authorized to assist in the dispensing and compounding of physicians' prescriptions under the supervision of a properly qualified person; and all persons over eighteen years of age, having two years practical experience in the compounding and dispensing of physicians' prescriptions, who shall pass such examination as the territorial board of pharmacy shall require. Assistant pharmacists shall not be permitted to conduct or manage a pharmacy on their own account, or assume the management of such business for others.

**2898.** *Penalty.* Any person who is not a registered pharmacist in the meaning of this act, who shall keep a pharmacy, store, or shop, for the compounding and dispensing of physician's prescriptions, and who shall not have in his employ, in said pharmacy, store, or shop, a registered pharmacist, in the meaning of this act, shall, for each and every offense, be liable to a fine not less than twenty-five dollars nor more than two hundred dollars.

**2900.** *Penalty for compounding of prescriptions by unlicensed employees; exceptions.* Any proprietor of a pharmacy, or other person, who shall permit the compounding and dispensing of physician's prescriptions or the vending of drugs, medicines or pharmaceutical preparations in his store or place of business, except by a registered pharmacist, or assistant pharmacist in the meaning of this act, or under the immediate supervision of one, or who, while continuing the pursuit of pharmacy in the Territory of Oklahoma, shall neglect to procure his annual registration, or any person, who shall wilfully make any false representations to procure for himself, or for another, registration under this act, or who shall violate any other provision of this act, shall, for each and every offense, be liable to a fine of one hundred dollars: *Provided*, That nothing in this act shall interfere with the business of those merchants who keep on sale

<sup>a</sup> So in Statutes.

such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes, only in sealed and plainly labeled packages: *Provided, also*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines in towns of three hundred inhabitants or less, nor with the exclusive wholesale business of any dealers, except as hereinafter provided: *Provided, also*, That nothing in this act shall in any manner interfere with the business of merchants in towns having less than three hundred inhabitants, in which there is no licensed pharmacy, or with country merchants, to sell or vend such medicines, compounds and chemicals as are required by the general public and in form and manner prescribed by the board of pharmacy. *Session Laws, 1897, p. 229.*

Revised Statutes, 1903, vol. 1, p. 700-703.

**2348. *Apothecary liable for negligence.*** Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Revised Statutes, 1903, p. 621.

#### SALE OF POISONS.

**2349. *Record and witness of sale.*** No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the name of the person or persons receiving such poison, and his, her or their residence, together with the name and residence of some person witness to such sale,<sup>a</sup> excepting upon the written order or prescription of some practicing physician, whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it, in plain and legible characters.

**2350. *Violation a misdemeanor.*** Any person violating any of the provisions of the first preceding section shall be deemed guilty of a misdemeanor.

**2351. *Penalty for refusing to exhibit poison record.*** Every person whose duty it is by the second preceding section to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book upon reasonable demand made during business hours, is punishable by fine not exceeding fifty dollars.

Revised Statutes, 1903, vol. 1, p. 621.

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<sup>a</sup> So in Statutes.

**2902. Regulations governing retailing of poisons.** It shall be unlawful for any person, from and after the passage of this act, to retail any of the following poisons, except as follows: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine and all other poisonous, vegetable alkaloids, and their salts, essential oil or bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any registered pharmacist, or other person, to sell any of the poisons above enumerated, without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such a book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescription of practitioners of medicine. Any violations of the provisions of this section shall make the offender liable to a fine of not less than twenty-five dollars and not more than one hundred dollars, and upon conviction for the second offense, in addition to the fine, he shall have his name stricken from the register. (*Session Laws 1897, p. 230.*)

Revised Statutes, 1903, vol. 1, p. 704.

**2886. Labeling; penalty.** No druggist, apothecary or other person, except practicing physicians in their ordinary practice, shall sell or give away, except upon the order or prescription of a practicing physician, any article or articles, belonging to the class usually known as poisons, without first registering in a book kept therefor the name, age, and sex of the person receiving such poison, the quantity sold, the purpose for which it is required, the day and date when delivered, and the name and place of abode of the person for whom it is intended, and carefully marking the word "POISON" upon the label or wrapper of each phial, box or package, and no such person shall sell or give away any such article of poison to any minor except upon the order or prescription of a physician. Every person violating any of the provisions of this section, shall forfeit for each such violation, not less than twenty nor more than one hundred dollars.

Revised Statutes, 1903, vol. 1, p. 699.

#### ADULTERATION OF DRUGS.

**2355. Adulteration a misdemeanor.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

**2356. *Selling tainted drugs, etc.*** Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk by any person or animal, is guilty of a misdemeanor.

Revised Statutes, 1903, vol. 1, p. 622.

**1935. *Penalty.*** Except in cases where a different punishment is prescribed by this code or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

Revised Statutes, 1903, vol. 1, p. 561.

**2536. *Penalty for injurious adulterations.*** Any person who shall fraudulently adulterate, for the purpose of sale, any drug or medicine, or offer for sale or sell, any drug or medicine containing any foreign substance to itself or in such a manner as to render the same injurious to health, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars.

Revised Statutes, 1903, vol. 1, p. 649.



## OREGON.

The State dairy and food commissioner is authorized to inspect drugs and secure samples and transmit same for analysis to the chemist of the State agricultural college. The State board of pharmacy may institute prosecutions for violations of that portion of the pharmacy law which prohibits adulteration or substitution of drugs by pharmacists. One-half of the fines collected inure to the board of pharmacy.

### REGISTERED PHARMACISTS.

**3803.** *Drug business must be conducted by registered pharmacist.* From and after the passage of this act, it shall be unlawful for any person not a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store for the purpose of retailing, compounding, or dispensing medicines or poisons, or for the proprietor of any store or pharmacy to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to and under the supervision of a registered pharmacist. (*Laws 1891, p. 157.*)

Codes and Statutes (Bellinger and Cotton), 1902, p. 1282.

**3813.** *Prosecutions by indictment; disposition of fines.* Any person not being a registered pharmacist, or who shall not have complied with all the provisions of this act, who shall take, exhibit, or use the title of pharmacist, or who proposes to or does compound or dispense prescriptions of medical practitioners, or retail medicines or poisons to be used as medicines or poisons, or have not in any way followed the provisions of this act, shall be subject to indictment for each offense, and upon conviction shall be fined for the first offense fifty dollars and the costs of the prosecution, and for each subsequent violation he shall be fined one hundred dollars and the costs of the prosecution: Provided, that nothing in this act shall be construed to apply to the business of a licensed practitioner of medicine, nor to prevent such practitioner from supplying his patients with such articles as he may deem proper, nor to those who sell medicine or poisons by wholesale only, nor to the manufacture or sale of proprietary or patent medicines. All actions for the recovery of the several penalties prescribed in this act shall be prosecuted by the district attorney of the proper county in the name of the State of Oregon, upon the relation of himself, or any member of the board, and it shall be his duty to prosecute all persons violating the provisions of this act and to sue for all penalties herein provided for, upon proper complaint being made. All penalties collected under this act shall inure, one half to the board of pharmacy and the remainder to the county treasurer for the use of the school fund of the county in which the suit was prosecuted and judgment obtained. (*Laws 1895, p. 116.*)

Codes and Statutes (Bellinger and Cotton), 1902, p. 1286.

## SALE OF POISONS.

**3812.** *Poisons must be labeled; inquiry as to use; penalties.* It shall be unlawful for any person, from and after the passage of this act, to retail any of the following poisons, to wit: Arsenic and its preparations, corrosive sublimate, white precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, morphine, cocaine, and their combinations, and essential oil of bitter almonds, aconite, belladonna, colchium,<sup>a</sup> conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, carbonic acid, oxalic acid, preparations containing opium, except paregoric and other preparations of opium containing less than two grains to the ounce, and other deadly poisons, without labeling the box, vessel, or paper in which said poison is contained, with the name of the article, the word "poison", and the name and place of business of the seller; nor shall it be lawful for any person to deliver or sell such poisons unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for legitimate purpose. The proprietor of every drug store shall keep in his place of business a registry book, in which shall be entered an accurate record of the sales of all such poisons. Any violation of this section shall make the owner, manager, and principal of said store liable to a fine of not less than ten dollars, and not more than one hundred dollars for each offense: *provided*, that nothing herein contained shall apply to the dispensing of physicians' prescriptions of any of the poisons aforesaid, nor to manufacturers making and selling at wholesale any poisons: *but provided*, that each box, vessel, or paper in which said poison is contained (except physicians' prescriptions), shall be labeled as above specified. (*Laws 1895, p. 115.*)

Codes and Statutes (Bellinger and Cotton), 1902, p. 1285.

**3815.** *Sale of opium, chloral hydrate and cocaine without license prohibited.* No person shall have in his or her possession or offer for sale opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine who has not previously obtained a license from the county clerk of the county in which he or she resides or does business. He shall pay the county clerk the sum of one dollar (\$1) for his services. Said license shall be valid for one year from the date of issue.

**3816.** *Record of applications for license; form of license and fee.* The county clerk shall keep a book in which he shall record the name, the place of business, and date of application of persons who apply to him for license to sell opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, or any of them. On payment of the sum of one dollar, he shall issue to the applicant a license in this form:

LICENSE TO SELL OPIUM, MORPHINE, ENG-SHE OR COOKED OPIUM, HYDRATE OF CHLORAL, AND COCAINE.

Received this — day of —, 18—, from A— B—, the sum of one dollar, in payment for a license authorizing the said A— B— to keep on hand and to sell in the manner prescribed by law opium, morphine, eng-she or cooked opium, hydrate of chloral, and cocaine for the term of one year from date

Signed at —, this — day of —, 18—.

C— D—,  
County Clerk of — county.

<sup>a</sup> So in Statutes.

**3817. Licenses to be issued only to physicians and druggists.** No license shall be issued by the county clerk of any county to any person authorizing him or her to have in stock, or to sell or give away to any person, opium or any of the drugs named above in sections 3815 and 3816, except regularly qualified physicians who keep a stock of drugs and medicines for their own use in prescription and regularly qualified druggists.

**3818. What sales permitted only on prescription.** No person shall give away or sell opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, except to those who present a prescription for the same from a physician or a regularly qualified pharmacist; and the party selling shall sell and deliver only the quantity and the kind named in the prescription. The seller shall retain the prescription, and keep it open for public inspection.

**3819. Person prescribing must register and present diploma; proviso.** No physician or pharmacist shall prescribe the use of opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, unless he or she shall previously have registered with the county clerk of the county wherein he or she resides and practices his or her profession his or her name and address, the name and location of the institute of which he or she is a graduate, and the date of his graduation. He or she shall also exhibit his or her diploma in evidence to the county clerk, or a certificate from a board of pharmacy, if there be one in the county: *Provided*, That all physicians who have been engaged in the practice of medicine in this state for the period of two (2) years preceding the passage of this act shall, if they so desire, be excused from presenting their diploma.

**3820. Prescription must be for disease and in fit quantities.** Physicians or pharmacists shall not prescribe for any person the use of opium, morphine, eng-she or cooked opium, hydrate of chloral, or cocaine, except for the cure of disease, and he or she shall prescribe only in such cases and in such quantities as are recognized by medical scientists as proper and fit.

**3821. Record of prescription.** Physicians or pharmacists who prescribe opium or any of the drugs above named shall keep a record, which shall be open to public inspection, of all cases in which they have prescribed opium, or any of the above-named drugs, stating the date of the prescription, the name and residence of the patient, the disease for which he or she prescribed, and how much and how often the patient was instructed to use the medicine prescribed containing any of the above-named drugs.

**3822. "Physician" and "pharmacist" defined.** The word "physician," as used in this act, shall be understood to mean any person who has graduated at a recognized school of medicine, and who has a diploma therefrom. The word "pharmacist," in this act, shall be understood to mean any person who has graduated at a recognized school of pharmacy, and who has a diploma therefrom, or has a certificate from a board of pharmacy if there be one in his county; if there be none, then he or she shall satisfactorily prove to the county clerk that he or she has had not less than four years' practical experience in the drug business.

**3823. Penalties.** Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250), or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by both fine and imprisonment, at the discretion of the court.

**3824. Justices have jurisdiction.** Justices of the peace shall have jurisdiction of offenses declared in this act.

**3825. Fines paid to school fund.** All moneys for convictions under this act shall be given to the common school fund of the district where the conviction has been had. *Laws 1887, p. 87-89.*

Codes and Statutes (Bellinger and Cotton), 1902, p. 1287-1289.

**1991. Restricting sale of opium.** It shall be unlawful to sell or give away opium, or any preparation of which opium is the principal medicinal agent, to any person except druggists and practicing physicians, except on the prescription of a practicing physician, written in the English or Latin language; and the druggist filling such prescription shall keep the same on file for one year, subject to be inspected by any public officer of the state.

Codes and Statutes (Bellinger and Cotton), 1902, p. 698.

### ADULTERATION OF DRUGS.

**3811. Liability for quality of drugs sold.** Every registered pharmacist, apothecary, and owner of any store shall be held responsible for the quality of all drugs, chemicals, or poisons he may sell or dispose of, with the exception of those sold in original packages of the manufacturer, and also those known as proprietary and patent medicines, and should he knowingly intermingle and fraudulently adulterate, or cause to be adulterated, or knowingly substitute in a physician's prescription any drugs, chemicals, or medical preparations he shall be deemed guilty of a misdemeanor, and upon conviction thereof be liable to a penalty not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register. (*Laws 1891, p. 160.*)

Codes and Statutes (Bellinger and Cotton), 1902, p. 1285.

**2120. Injurious adulteration; penalty.** If any person shall adulterate for the purpose of sale any drug or medicine, in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any such adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section 2118, (by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars) and such adulterated drugs or medicines shall be forfeited and destroyed.

**2121. Unwholesome medicines; penalty.** It shall be unlawful for any person or persons to sell or exchange, any unwholesome, unclean, tainted, or diseased foods or medicines of any kind whatever.

**2122. Penalty.** Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. Justices' courts shall have jurisdiction in all cases arising under this act.

**2123. Innocent purchasers of adulterated products exempt; conditions.** If any person or persons shall have purchased foods, drinks, medicines, or fertilizers, believing them to be pure and unadulterated, which shall prove by analysis or tests to be adulterated, such person or persons shall not be deemed to be guilty under this act: Provided, that such person or persons pay to the state dairy and food commissioner the sum of ten dollars in case of analysis or five dollars for each test made by him to determine the quality of such foods, drinks, medicines, or fertilizers, as the case may be, and who shall, after being

informed of such adulteration, at once mark the same as required by section 2121; all moneys collected by the commissioner for making analysis shall be paid by the commissioner to the state agricultural college for making tests, to be credited to the state, and become a part of the state appropriation to defray the expenses of the enforcement of this act. *Laws 1893, p. 99-100.*

Codes and Statutes (Bellinger and Cotton), 1902, p. 734.

**3780. Spices and extracts, when impure, must be labeled.** All spices and fluid extracts sold or offered for sale in this state, if not pure, shall be labeled "adulterated," with the percentage of adulteration.

**3786. Provisions for analyses.** It shall be the duty of the chemist of the State Agricultural College to correctly analyze any and all substances the said (Dairy and Food) commissioner may send him for the purposes of carrying out the provisions of this act, and the certificate of analysis of said chemist, duly signed by him, shall be *prima facie* evidence in all courts of justice: Provided however, that the testing of milk and cream shall be done by the dairy and food commissioner, and the certificate of said commissioner as to any such test, duly signed by him, shall be *prima facie* evidence in all courts of justice of the facts therein stated.

**3787. Inspection authority of commissioner.** The said commissioner, and such experts and chemists or agents as he shall duly authorize for the purpose, shall have access to, egress and ingress to all places of business, factories, stores, farm buildings, carriages, cars, vessels, and implements used in the manufacture, production, or sale of any food, drinks, medicines, or fertilizers; and they shall also have the power and authority to open any package, case, or vessel containing such articles which may be manufactured, sold, or exposed for sale, and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the commissioner or his deputy any sample of food, drinks, medicines, or fertilizers for analyzing or testing, upon a tender of the price thereof in money.

**3791. Penalties.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than six months. Justice's courts shall have concurrent jurisdiction of all cases arising under this act. *Laws 1901, p. 262-264.*

Codes and Statutes (Bellinger and Cotton), 1902, p. 1274-1276.

**3767. Sale of adulterated articles not plainly marked unlawful.** No person or persons shall sell or expose for sale or exchange, or have in his or their possession for sale or exchange, any adulterated food, drink, medicine, or fertilizer, unless the same shall be plainly marked so as to establish its true character and distinguish it from a pure article of food, drink, medicine, or fertilizer.

**3768. Adulteration defined.** An article of food or drink or medicine shall be deemed to be adulterated within the meaning of this act when:

1. Any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength;
2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it;
3. If any valuable constituent has been wholly or in part abstracted from it;
4. If it is an imitation of or is sold under the name of another article;
5. If it is colored, coated, powdered, or polished whereby damage is concealed, or if it is made to appear better, or of greater value as compared with the total solids, than it really is \* \* \* *Laws 1901, p. 258.*

Codes and Statutes (Bellinger and Cotton), 1902, p. 1270.

## PENNSYLVANIA.

The State pharmaceutical examining board may have analyses made of drugs alleged to be adulterated and may institute prosecutions in case sufficient evidence is found.

### REGISTERED PHARMACISTS.

1. *Registered pharmacist only to compound and vend drugs; penalty.* Hereafter no person whomsoever, shall open or carry on, as manager in the state of Pennsylvania any retail drug or chemical store, nor engage in the business of compounding or dispensing medicines or prescriptions of physicians, or of selling at retail any drugs, chemicals, poisons or medicines without having obtained a certificate of competency and qualification so to do from the state pharmaceutical examining board, and having been duly registered as herein provided; but it shall be lawful for the widow or legal representatives of a deceased person, who was a manager and registered pharmacist, to carry on or continue the business of such deceased pharmacist: *Provided*, That the actual retailing, dispensing or compounding of medicines or poisons to be done only by an assistant, qualified and registered as herein provided. Any person who shall violate or fail to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction before any court shall be punished by a fine not exceeding one hundred dollars. (*Laws 1891, p. 313.*)

12. *Restrictions of pharmacy act not to apply to physicians in their regular practice.* No person shall hereafter engage as manager in the business of an apothecary, or pharmacist, or of retailing drugs, chemicals and poisons, or of compounding and dispensing the prescriptions of physicians, either directly or indirectly, without having obtained such certificate as aforesaid. But nothing contained in this act shall in any manner interfere with the business, of any practitioner of medicine, nor prevent him from administering or supplying to his patients such articles as to him may seem fit and proper, nor shall it interfere with the making and dealing in proprietary remedies, popularly called patent medicines, nor prevent storekeepers from dealing in and selling the commonly used medicines and poisons, if such medicines and poisons conform in all respects to the requirements of section nine [*Note: Sec. 17 as quoted below from Digest*]: *Provided*, The provisions of section ten (*Secs. 19 to 22 incl., as given below*) of this act be fully complied with.

13. *Penalty.* Any person who shall violate or fail to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction before any court shall be punished by a fine not exceeding one hundred dollars, or be imprisoned in the county jail of the proper county for a term not exceeding one year or either, or both, at the discretion of the court.

16. *Prescriptions must be compounded only by or under the supervision of a registered pharmacist.* No person shall be allowed, by the proprietor or manager of any store or place where prescriptions are compounded, to compound or dispense the prescriptions of physicians except under the immediate supervision of said proprietor or his qualified assistant, unless holding a properly

certified certificate of registration or competency from the state pharmaceutical examining board, as herein provided; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars. *Laws 1887, p. 192.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 108-110.

### SALE OF POISONS.

**330. Regulations and restrictions.** No apothecary, druggist or other person, shall sell or dispose of, by retail, any morphia, strychnia, arsenic, prussic acid or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant of full age, of the town or place in which such sale shall be made; and in all cases of such sale, the word "poison" shall be carefully and legibly marked or placed upon the label, package, bottle or other vessel or thing in which such poison is contained; and when sold or disposed of, otherwise than under the prescription of a physician, the apothecary, druggist or other person selling or disposing of the same, shall note in a register, kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale; any person offending herein, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine, not exceeding fifty dollars. (*Laws 1860, p. 401.*)

Brightly's Purdon's Digest, 1894, vol. 1, p. 529.

**19. A "poison" defined.** A poison in the meaning of this act shall be any drug, chemical or preparation, which, according to standard works on medicine or *materia medica*, is liable to be destructive to adult human life, in quantities of sixty grains or less.

**20. Containers of poisons shall be suitably labeled.** No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel or package containing the same, a label, printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes.

**21. Record of sales of certain poisons to be kept.** It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose the name of the seller, the name and residence of the buyer, the name of the article, quantity sold or disposed of, and the purpose for which it is said to be intended, which book of registry shall be preserved for at least two years, and shall at all times be open to the inspection of the coroner or courts of the county in which the same may be kept.

**22. Physicians' prescriptions and insecticides excepted; penalty.** The provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles, nor to the sale to agriculturalists of such articles as are commonly used by them as insecticides. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than fifty dollars for each and every offense.

**23. Provisions for enforcement.** It shall be the duty of the state pharmaceutical examining board to investigate all complaints and charges of non-

compliance or violation of the provisions of this act, and prosecute all persons so offending, whenever there shall appear to the board reasonable ground for such action. *Laws 1887, p. 193-194.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 110.

1. *Regulation of sale of cocaine.* No person shall sell, furnish or give away any cocaine, or any patent of proprietary remedy containing cocaine, except upon the prescription of a registered practicing physician, or of a dentist, or a veterinarian; nor shall any such prescription be refilled; nor shall any physician, dentist or veterinarian prescribe cocaine, or any patent or proprietary remedy containing cocaine, for any person known to such physician, dentist or veterinarian to be an habitual user of cocaine: Provided, That the provisions of this act shall not apply to persons engaged in the wholesale drug trade, regularly selling cocaine to persons engaged in the retail drug trade.

2. *Penalty.* Any person violating any of the provisions of this act shall be sentenced to pay a fine of not more than one hundred dollars, and undergo an imprisonment of not more than six months, or both, or either, at the discretion of the court. *Laws 1903, p. 259.*

Brightly's Digest, 1903, p. 113.

#### ADULTERATION OF DRUGS.

17. *Prohibition.* No person shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medical substance, or any preparation authorized or recognized by the pharmacopoeia of the United States, or used or intended to be used in medicinal practice, or mix or cause to be mixed with any such drug or medicinal substance any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medical power and effect, and wilfully, knowingly or fraudulently sell or cause the same to be sold for medicinal purposes.

18. *Penalty.* Any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, and shall forfeit to the commonwealth all articles so adulterated. *Laws 1887, p. 193.*

Brightly's Purdon's Digest, 1894, vol. 1, p. 110.

10. *"Drug" and "adulteration" defined; analyst employed; penalty.* No person shall, within this State, manufacture for sale, offer for sale or sell, any drug which is adulterated within the meaning of this act. The term drug used herein shall include any medicinal substance or any preparation authorized or known in the "Pharmacopoeia of the United States," or the "National Formulary," or the American Homeopathic Pharmacopoeia, or the American Homeopathic Dispensatory.

A drug shall be deemed to be adulterated within the meaning of this act:

1. If any substance or substances have been mixed with it so as to depreciate and weaken its strength, purity or quality.

2. If any quality, substance or ingredient be abstracted so as to deteriorate or affect injuriously the quality or potency of the said drug.

3. If any inferior or cheaper substance or substances have been substituted in whole or part for it.

4. If it is an imitation or is sold under the name of another drug.

5. If the drug shall be so altered that the nature, quality, substance, commercial value or medicinal value of it will not correspond to the recognized



formulae or tests of the latest edition of the "National Formulary," or of the "Pharmacopoeia of the United States," or the American Homeopathic Pharmacopoeia, or the American Homeopathic Dispensatory, regarding quality or purity.

On complaint being entered, the State Pharmaceutical Examining Board is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into the so claimed adulteration and report upon the result of his investigation, and if said report justifies such action, the board shall duly cause the prosecution of the offender as provided in this law. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding one hundred dollars, or undergo an imprisonment not exceeding ninety days, or both. *Laws 1897, p. 85.*

Brightly's Digest, 1903, p. 53.

1. *Adulteration of fruit syrups prohibited.* Any person, firm, or corporate body who shall, by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale or expose for sale, or have in possession with intent to sell, any fruit-syrup which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharine, dulcin, glucin, betanaphthol, abrastol, asaprol, fluorides, fluoborates, fluosilicates or other fluorine compounds; also any coal tar dyes, sulphate of copper, or any other coloring matter injurious to health, or any preservatives or their compounds injurious to health, shall be deemed guilty of a misdemeanor.

2. *Penalty.* Every person, firm or corporation, and every officer, agent, servant or employe of such person, firm or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than sixty nor more than one hundred dollars, with the costs, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.

3. *Enforcement.* It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this act, for which purpose he shall have the same power which is given him to enforce the provisions of the act authorizing his appointment.

4. *Disposition of fines.* All penalties or fines which may be recovered in any proceeding to enforce the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury for the use of the Commonwealth.

Laws, 1905, p. 311 and 312.

#### ADULTERATION OF LIQUORS WITH POISONS.

47. *Prohibition.* It shall be unlawful for any person or persons to make use of any active poison, or other deleterious drugs, in any quantity or quantities, in the manufacture or preparation, by process of rectifying or otherwise, of any intoxicating, malt or alcoholic liquors, or for any person or persons to knowingly sell such poisoned or drugged liquors in any quantity or quantities; and any person or persons so offending shall be deemed guilty of a misdemeanor. (*Laws 1863, p. 389.*)

Brightly's Purdon's Digest, 1894, p. 1234.

## PHILIPPINE ISLANDS.

No special provision is made for the enforcement of the law prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

7. *Practitioners of pharmacy must be registered.* It shall be unlawful for any person to practice pharmacy in any of its branches in the Philippine Islands, without a certificate of registration from the Board of Pharmaceutical Examiners.

12. *Practice of pharmacy defined.* Any person shall be regarded as practicing pharmacy within the meaning of this Act who shall for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, pharmaceutical preparation, doctor's or veterinarian's prescription; but this provision shall not apply to students carrying on laboratory work in pharmacy in any legally chartered pharmaceutical school, nor to persons selling chemical products for industrial purposes, nor to persons selling minero-medical waters in bottles.

Acts of the Philippine Commission, 1903, vol. 8, p. 338-339.

18. *Labeling; poison cabinet; prescriptions to be preserved.* Every owner and proprietor of a pharmacy or drug store shall:

(a) Provide a seal containing an inscription giving the name of the pharmacy or drug store, and shall affix the same to every prescription, box, bottle or other package containing medicine sold in said pharmacy or drug store. He shall further label all medicines, except patent, proprietary, or other secret medicines or drugs, so as to designate their ingredients by name, or by the number of the prescription and the name of the physician writing it.

(b) Provide a cabinet in which shall be kept all violent poisons enumerated in section nineteen of this Act, and cause said cabinet to be locked when not in use.

(c) Preserve in a book kept for that purpose, consecutively numbered copies of all prescriptions filled.

Acts of the Philippine Commission, 1903, vol. 8, p. 341.

### SALE OF POISONS.<sup>a</sup>

19. *Record; label.* Every person who dispenses, sells, or delivers any of the following violent poisons, to wit, arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanide, atrophine, cocaine, morphine, strychnine, or any of their salts, and all other poisonous vegetable alkaloids or any of their salts, hydrocyanic acid, prussic acid, oil of bitter almonds containing hydrocyanic or prussic acid, oil of mirbane (nitro-benzene),

<sup>a</sup> See also sec. 18.

opium and its preparations, except paregoric and such others as contain less than 450 milligrams of opium per one hundred cubic centimeters (two grains to the ounce), shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose, and he shall affix to every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison", and a vignette representing a skull and bones, before delivering it to any person. Books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the Board of Pharmaceutical Examiners, and of health officers or officers of the law, and every such book shall be preserved for at least five years after the last entry in it has been made.

**20. *Drugs to be labeled as poisonous but not registered; penalty.*** Every person who dispenses, sells, or delivers any aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophanthus, oil of tansy, veratrum viride, or their pharmaceutical preparations, carbolic acid (phenol), chloral hydrate, chloroform, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical, or preparation which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less, without the prescription of a physician, shall label the receptacles containing them as is provided for poisons in section nineteen, but shall not be required to register the same.

Nothing in this section shall be construed as applying to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription the prescribed dose of which contains a dangerous quantity of poison shall be filled without first consulting the prescribing physician and verifying the prescription.

Any person violating the provisions of this or the preceding section shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, in the discretion of the court.

**23. *Exceptions.*** Except as to the labeling of poisons, this Act shall not apply to registered physicians putting up their own prescriptions or dispensing medicines to their patients; nor to persons selling drugs, medicines, chemicals, or poisons at wholesale only; nor to persons selling non-poisonous domestic remedies usually sold by grocers or merchants.

Acts of the Philippine Commission, 1903, vol. 8, p. 341-342.

#### ADULTERATION OF DRUGS.

**17. *Pharmacists responsible for quality of products sold; penalty.*** Every registered pharmacist or second-class pharmacist (*practicante de farmacia*) shall be responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale; and it shall be unlawful for him to manufacture, prepare, sell or administer any prescription, drug, chemical, medicine, or

poison under any fraudulent name, direction or pretense, or to adulterate any drug, chemical, medicine, or poison so used or sold, or to sell or offer for sale any adulterated or deteriorated drug, chemical, medicine, or poison. Any drug, chemical, medicine, or poison shall be held to be adulterated or deteriorated within the meaning of this Act if it differs from the standard of quality or purity given in the United States Pharmacopœia. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than five hundred dollars.

Acts of the Philippine Commission, 1903, vol. 8, p. 341.

## PORTO RICO.

No officer is specifically charged with the enforcement of the pure drug law.

### ADULTERATION OF DRUGS.

**335. *False labeling or substitution by druggist.*** Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

**337. *Fraudulent adulteration.*** Every person who adulterates or dilutes any articles of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

**338. *Selling tainted drugs, etc.*** Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Revised Statutes and Codes, 1902, (Penal Code) p. 552-553.

**15. *Penalty for felony.*** Except in cases where a different punishment is prescribed by this Code every offense declared to be a felony is punishable by imprisonment in the penitentiary not exceeding five years.

**16. *Penalty for misdemeanor.*** Except in cases where a different punishment is prescribed by this Code every offense declared to be a misdemeanor is punishable by imprisonment in jail not exceeding two years, or by a fine not exceeding two hundred and fifty dollars, or by both.

Revised Statutes and Codes, 1902, (Penal Code) p. 471.

## RHODE ISLAND.

The State board of registration in pharmacy is charged with the administration of the law relating to the sale of adulterated drugs, but is only authorized to act after complaint has been made.

### REGISTERED PHARMACISTS.

1. *Sales of drugs must be made under supervision of or by a registered pharmacist.* No person, unless a registered pharmacist, or registered assistant-pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist or a registered assistant-pharmacist, within the meaning of this chapter, shall retail, compound or dispense medicines or poisons, except as hereinafter provided.

7. *Penalty.* Every person, not a registered pharmacist, who shall keep open shop for the retailing and dispensing of medicines and poisons, or who shall take, use or exhibit the title of registered pharmacist, and every person who shall violate any of the provisions of this chapter shall, upon the first conviction, be fined fifty dollars and, upon the second and every subsequent conviction, shall be fined one hundred dollars; and all fines recovered shall enure, one-half thereof to the use of the state and one-half thereof to the use of the complainant: *Provided, however,* that in towns or parts of towns where there is no registered pharmacist within three miles, any person may sell the usual domestic medicines put up by a registered pharmacist and marked with his label; such person procuring annually a certificate from the state board of pharmacy therefor, and paying one dollar for such certificate.

8. *Exceptions.* Nothing hereinbefore contained shall apply to any practitioner of medicine who does not keep open shop for the retailing, dispensing or compounding of medicines or poisons, nor prevent him from administering or supplying to his patients such articles as he may deem fit and proper; nor shall it interfere with the making and dealing in proprietary medicines, popularly called patent medicines, unless such medicines be wholly or in part composed of some of the articles enumerated in Schedule A of this chapter, nor with the business of wholesale dealers in supplying medicines and poisons to registered pharmacists and physicians, and for use in the arts; nor shall it apply to such wholesale dealers in drugs and medicines in the trade on the twenty-sixth day of March, one thousand eight hundred and seventy-four, as the state board of pharmacy shall in their discretion deem suitable persons, and who shall keep and maintain in their employ one or more registered assistant-pharmacists, who shall have the sole charge and care of the compounding and dispensing of all medicines and poisons sold at retail.

General Laws, 1896, p. 461 and 463.

### SALE OF POISONS.

9. *Label; records.* No person shall hereafter sell, either by wholesale or retail, any of the poisons enumerated in Schedule A<sup>a</sup> of this chapter, without

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<sup>a</sup> See sec. 10, p. 17, for schedule.

distinctly labeling the bottle, box, vessel or paper and wrapper or cover in which said poison is contained, with the name of the article, the word "poison", and the name and place of business of the seller; and every registered pharmacist selling or dispensing any of said poisons shall first enter in a book, to be kept for that purpose only, and subject always to inspection by the state board of pharmacy or any officer or agent thereof or other proper authority, and to be preserved for at least five years, a record of the same in accordance with Schedule B<sup>a</sup> of this chapter: *Provided*, that if any of said poisons form a part of the ingredients of any medicine or medicines compounded in accordance with the written prescription of a medical practitioner, the same need not be labeled with the word "poison"; but all prescriptions, whether or not composed in part or in whole of any of said ingredients, shall be carefully kept by the pharmacist on a file or in a book used for that purpose only and numbered in the order in which they are received or dispensed, and every box, bottle, vial, vessel or packet containing medicines so dispensed, shall be labeled with the name and place of business of the registered pharmacist so dispensing said medicine, and be numbered with a number corresponding with that on the original prescription retained by said pharmacist on such book or file. Such prescriptions shall be preserved at least five years and shall be open to the inspection of the writer thereof, and a copy shall be furnished free of expense whenever demanded by either the writer or the purchaser thereof.

General Laws, 1896, p. 463.

#### ADULTERATION OF DRUGS.

**10. Penalty.** Every person who shall knowingly adulterate, or cause to be mixed any foreign or inert substance with any drug or medicinal substance, or any compound medicinal preparation recognized by the pharmacopoeia of the United States or of other countries, as employed in medicinal practice, with the effect of weakening or destroying its medicinal power, or who shall sell the same knowing it to be adulterated, shall, in addition to the penalties prescribed in section seven hereof, forfeit to the use of the state all articles so adulterated found in his possession and shall be deprived of the right of practicing as a pharmacist in this state thereafter. Whenever complaint shall be made of any violation of the provisions of this section, the state board of pharmacy, on being notified thereof, shall make investigation of the same, employing competent persons when necessary to make analysis of the articles alleged to be adulterated; and if such complaint shall be substantiated said board shall assist in making prosecution against the respondent.

#### SCHEDULE A.

Arsenic and its preparations.	Oxalic Acid.
Cotton Root and its preparations.	Savin.
Corrosive Sublimate.	Strychnia.
Cyanide of Potassium.	Volatile Oil of Bitter Almonds, of
Ergot and its preparations.	Pennyroyal, of Savin and of Tansy.
Hydrocyanic Acid.	Proprietary or secret medicines recommended, sold or advertised as
Opium and its preparations, paregoric excepted.	Emmenagogues and Parturients.

General Laws 1896, p. 464.

<sup>a</sup> Form in which record of poison sales must be kept.



1. *Inspectors of saleratus, bicarbonate of soda and cream of tartar.* The city council of Providence shall, and the town councils of the several towns may, appoint an inspector of saleratus, bicarbonate of soda and cream of tartar, for said city and towns respectively.

2. *Duties of inspectors.* Every inspector shall, whenever requested, test any of such articles which shall be presented to him for inspection, and shall give his certificate to any person applying therefor, whether said article be impure or adulterated, and for every such certificate he shall be entitled to the sum of two dollars.

3. *Provisions as to analysis.* Every inspector shall, whenever requested, make an analysis of any such article which may be presented to him for that purpose, and shall give his certificate to any person who shall apply therefor, of the result of such analysis, for which certificate he shall be entitled to the sum of ten dollars.

4. *Penalty for selling an impure article.* Every person who shall sell saleratus, bicarbonate of soda or cream of tartar, which has been adulterated and thereby rendered an impure article, shall be fined twenty dollars, together with the cost of testing and analyzing such impure article; one-half of said fine to the use of the city or town where such sale shall be made, and one-half thereof, together with the cost of testing and analyzing such impure article, to the use of the person who shall sue for the same.

General Laws, 1896, p. 443.

1. *Certificate may be revoked for violation of law.* Every certificate of registration hereafter granted under the provisions of this chapter (152) shall be granted upon the condition that the person registered will not violate or permit to be violated, upon the premises occupied by him thereunder, any of the provisions of this chapter or of chapters 92 or 102 of the General Laws, and every such certificate hereafter granted shall contain such condition written or printed upon the face thereof, and such certificate and the registration of the person named therein shall become and be null and void upon conviction of such person of any offence, under either of said chapters, committed upon the premises occupied by such registered person.

2. *Board of pharmacy to enforce law.* It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of the provisions of this chapter or of the provisions of Chapter 102 of the General Laws relating to druggists and persons licensed to sell medicines and poisons, and to bring all such cases to the notice of the proper prosecuting officers.

Public Laws, 1900-1, p. 262.



## SOUTH CAROLINA.

The State board of health has authority to make regulations to facilitate the enforcement of the law and to conduct such analytical investigations as it may deem necessary.

### REGISTERED PHARMACISTS.

**1118. *Pharmacists must be licensed.*** Every pharmacist, apothecary and retail druggist, who has not been previously licensed according to law, who carries on and conducts the business of such occupation in this State must have a license therefor from one of the above named Board. [Board of Pharmaceutical Examiners.]

**1120. *Exceptions.*** \* \* \* *Provided, however,* That outside of cities, towns and villages, and in towns or villages of three hundred inhabitants or less, where there is no regular pharmacist, practicing physicians shall have the right to compound and sell medicines upon their obtaining a special license from said Board of Pharmaceutical Examiners and paying therefor a fee of five dollars.

Nothing in this article, however, shall be construed as intending to hinder or prohibit any physician lawfully engaged in the practice of his profession anywhere within this State from putting up his own prescriptions or dispensing his own medicines.

Code, 1902, vol. 1, p. 434-435.

**302. *Pharmacist must have license; penalty.*** Every pharmacist, apothecary or retail druggist who has not been previously licensed according to law who carries on and conducts the business of such occupation in this State must have a license therefor from the Board of Pharmaceutical Association of South Carolina; and any person who shall carry on and conduct the business of said occupations, or any of them, without such license shall be liable to indictment as for a misdemeanor, and on conviction subject to a fine not exceeding five hundred (\$500) dollars or imprisonment not exceeding six months.

**303. *Prescriptions to be compounded only by licensed pharmacist.*** It shall not be lawful for the proprietor of any pharmaceutical shop to allow any person not qualified in accordance with the laws of this State regulating the licensing of apothecaries and the sale of drugs and medicines to dispense poison or compound the prescriptions of physicians; and any person who upon indictment for violation of this Section shall be convicted of the same shall pay a fine not exceeding five hundred dollars or suffer imprisonment for a period not more than six months.

**304. *Enforcement.*** The Pharmaceutical Association of the State of South Carolina is hereby authorized and directed to prosecute all persons violating the provisions of the two preceding Sections or any of them. In case any person convicted of violating any of the provisions of the same be punished by fine, one-half of said fine to be paid to the informer through whose agency such conviction shall be had.

Code, 1902, vol. 2, p. 332.

### SALE OF POISONS.

**1124. Record.** Every pharmacist or other person selling any poison shall be satisfied that the purchase is made for legitimate purposes, and shall keep a book in which shall be recorded every sale of the following articles, viz.: arsenic and its preparations, all metallic cyanides and cyanides of potassium, tartar emetic, corrosive sublimate, aconite and its preparations, strychnine, and all other poisonous alkaloids and their salts, cantharides, ergot, hydrocyanic acid, the said record also to exhibit the name of the person to whom sold, place of his residence, and purpose of purchase as stated; which book shall be kept at all times subject to the inspection of the Coroner of the County and the solicitor of the said Association (State Pharmaceutical), or such other persons as either of them may designate.

**1125. Labeling.** All persons in this State engaged in business as pharmacists, apothecaries, or druggists, either in the wholesale or retail of drugs, shall, to every bottle, vial, box, or other package containing any poison named in the preceding Section, or any one or more of the following articles, viz.: oxalic acid, chloroform, belladonna and its preparations, opium and all its preparations except paregoric, digitalis and its preparations, henbane and its preparations, hemlock or conium, or any other article that may be added to this list by the Pharmaceutical Association of the State of South Carolina, securely attach a label, whereon shall be either printed or legibly written with red ink the name of the poison and the name of at least one antidote, with brief directions as to the mode of using the same: *Provided*, That nothing herein contained shall be construed to apply to the filling of prescriptions made by regular physicians: *And provided, further*, That it shall be the duty of the Board of Pharmaceutical Examiners, on application at the time of registration, to furnish to the party registering a form of label for poisons.

**1126. Exceptions.** Nothing herein contained shall prevent merchants and shopkeepers from vending or exposing for sale medicines already prepared: *Provided*, Such merchants and shopkeepers shall attach to the article sold a copy of the label attached thereto by wholesale druggists, and in the sale of poisons shall comply with the provisions heretofore stated.

Code, 1902, vol. 1, p. 436.

### ADULTERATION OF DRUGS.

**318. Manufacture or sale prohibited; penalty.** No person shall within this State manufacture, brew, distill, have, offer for sale, or sell, any articles of food, drugs, spirituous, fermented or malt liquors which are adulterated within the meaning of Section 1582 of the Civil Code, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifteen days, for the first offense, and not exceeding one hundred dollars or imprisonment for thirty days, or both, for each subsequent offense.

**319. Penalty for hindering inspector.** Whoever hinders, obstructs or in any way interferes with any inspector, analyst, or other officer appointed under the provisions of Section 1578 of the Civil Code, in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisonment not exceeding sixty days. *Acts 1898, p. 803 and 805.*

Code, 1902, vol. 2, p. 336-337.

**1578. Inspection.** The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food, drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purpose may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. Within sixty days after February 19, 1898, the said State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement thereof. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs, articles of food, and spirituous, fermented and malt liquors.

**1579. Exempted articles.** It shall be the duty of the State Board of Health to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this Article in accordance with the preceding Section. The State Board of Health shall from time to time fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any national Pharmacopoeia.

**1580. Samples to be furnished on demand of analyst.** Every person offering or exposing for sale, or delivering to a purchaser, any drug or article of food, or spirituous, fermented or malt liquors included under the provision of Section 1578, shall furnish to any analyst, or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of analysis of any such drug or article of food or drink which is in his possession.

**1581. Definition of drug.** The term "drug" as used in Section 1578 shall include all medicines for internal or external use.

**1582. Definition of adulteration.** An article shall, be deemed adulterated: (a) In the case of drugs: 1. If, when sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein. 2. If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia or other standard work on Pharmacopoeia Materia Medica, it differs materially from the standard of strength, quality or purity laid down in such work. 3. If its strength or purity falls below the professed standard under which it is sold. \* \* \* *Acts 1898, p. 803-805.*

Code, 1902, vol. 1 (Civil Code), p. 614-615.

## SOUTH DAKOTA.

Each member of the board of pharmacy has charge of the enforcement of the drug and pharmacy law in a certain district which is assigned to him. All fines collected inure to the South Dakota Pharmaceutical Association.

### REGISTERED PHARMACISTS.

**279.** *Registered pharmacists only to dispense drugs; penalty; exceptions.* It shall be unlawful for any person other than a registered pharmacist to retail, compound or dispense drugs, medicines or poisons or to open or to conduct any pharmacy or store for retailing, compounding or dispensing drugs, medicines or poisons unless such person shall be a registered pharmacist within the meaning of this article, except as herein provided; and any person not being a registered pharmacist within the meaning of this article who shall keep a pharmacy or store for retailing or compounding medicines or who shall take, use or exhibit the title of a registered pharmacist shall be deemed guilty of a misdemeanor and for each and every offense shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars upon conviction thereof. Any registered pharmacist who shall permit the compounding or dispensing of prescriptions or the vending of drugs or poisons in his store or place of business except under the supervision of a registered pharmacist or except by a registered assistant pharmacist as herein provided; or any pharmacist or assistant who, while continuing in business shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representations to procure registration for himself or any other person, shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than one hundred dollars upon conviction thereof. *Provided*, that nothing in this article shall apply to or in any manner interfere with the business of any physician or prevent him from supplying to his patients such articles as may seem to him proper, and, *provided* further, that no part of this section shall be so construed as to give the right to any physician to furnish any intoxicating liquors to be used as a beverage on prescription or otherwise. (*Laws 1897, p. 257.*)

Revised Codes, 1903, p. 51.

### SALE OF POISONS.

**280.** *Labels; records; penalty; schedules.* No person shall sell any poison named in schedule "a" by retail unless the box, bottle, wrapper or cover in which said poison is contained is distinctly labeled with the name of the article, the name and address of the person selling and the word "poison," and no person shall sell any poison named in schedule "b" to any person unknown to the seller, unless introduced by some person known to the seller, and on every sale the seller shall before delivery make entry on a book kept for that

purpose stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is required and the name of the person, if any, who introduced them. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for every such omission.

SCHEDULE "A."

Acetate of lead, paris green, oxalic acid, carbolic acid, chloral hydrate, chloroform, ether, sulphate of zinc, and other poisonous medicines fatal to human life in doses of from fifteen to sixty grains.

SCHEDULE "B."

Aconite, arsenic, belladonna, opium, (except in paragoric <sup>a</sup> and Dover's powders) and their preparations, strychnine, corrosive sublimate, prussic acid, cyanide of potassium, nitrate <sup>a</sup> and sulphuric acids, tartar emetic and other poisonous medicines fatal to human life in doses of fifteen grains or less. (*Laws 1893, p. 221-222.*)

Revised Codes, 1903, p. 52.

**461. Record; label.** No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as clerk or salesman by any apothecary or druggist, shall sell or give away any poison or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the name of the person or persons receiving such poison, and his, her or their residence, together with the name and residence of some person as a witness to such sale, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it in plain and legible characters.

**462. Violation a misdemeanor.** Any person violating any of the provisions of section 461 shall be deemed guilty of a misdemeanor.

**463. Penalty for refusing to exhibit poison record.** Every person whose duty it is by section 461 to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book upon reasonable demand during business hours, is punishable by fine not exceeding fifty dollars.

Revised Codes, 1903, p. 1149.

**ADULTERATION OF DRUGS.**

**281. Druggist responsible for quality of products sold; penalty for adulteration.** Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original packages of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by any standard work on pharmacy,

<sup>a</sup> So in Statutes.

or used or intended to be used in medical practice; or shall mix or cause to be mixed with any such drug or medicinal substance any foreign or inert substance whatsoever for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall wilfully and knowingly or fraudulently sell or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a penalty not exceeding five hundred dollars, and shall forfeit to the State of South Dakota all articles so adulterated. (*Laws 1887, p. 302.*)

**282. Penalty for neglect of duty by member of board of pharmacy.** Any member of the board of pharmacy or officer therein provided for, who shall wilfully neglect any of the duties provided for in this article or who shall aid or abet any person in the evasion or violation of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars for each and every offense and any person violating any provision of this article shall be guilty of a misdemeanor and fined not less than fifty dollars, unless otherwise provided in this article. (*Laws 1893, p. 221.*)

**284. Disposition of penalties.** All penalties collected under the provisions of this article shall inure to the South Dakota Pharmaceutical Association. (*Laws 1893, p. 222.*)

Revised Codes, 1903, p. 52-53.

**278. Adulteration of drugs prohibited.** No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation any ingredient or material for the purpose of adulteration or substitution, which will alter the nature or composition of such drugs or other preparation. Any person who shall thus wilfully adulterate or alter, or shall sell or offer for sale any such adulterated or altered preparation or cause to be substituted one material for another with the intention to defraud or deceive the purchaser, shall be deemed guilty of a misdemeanor and be liable to prosecution under this article. (*Laws 1893, p. 220.*)

**467. Manufacture or sale of adulterated articles a misdemeanor.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor, or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

**468. Sale of tainted or unwholesome articles a misdemeanor.** Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk by any person or animal, is guilty of a misdemeanor.

Revised Codes, 1903, p. 1149-1150.

**14. Penalty for misdemeanor.** Except in cases where a different punishment is prescribed by this code, or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Revised Codes, 1903, p. 1099.

460. *Mistake in filling order or in labeling, a misdemeanor.* Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs and medicines, who, in putting up any drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts an untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

Revised Codes, 1903, p. 1149.

## TENNESSEE.

The several grand juries are specifically charged with the investigation of violations of the law prohibiting the adulteration of drugs.

### REGISTERED PHARMACISTS.

**3635. Exclusive right defined; exceptions.** It shall be unlawful for any person not a registered pharmacist within the meaning of this chapter, to open or conduct any pharmacy or retail drug or chemical store as proprietor thereof, unless he shall have in his employ and place in charge of such pharmacy or retail drug or chemical store, a registered pharmacist within the meaning of this chapter, who shall have the supervision and management of that part of the business requiring pharmaceutical skill and knowledge; or to engage in the occupation of compounding or dispensing medicines, or prescriptions of physicians, or of selling at retail for medical purposes, any drugs, chemicals, poisons, or pharmaceutical preparation, within this state, until he has complied with the provisions of this chapter; but nothing in this section shall apply to, or in any manner interfere with, the business of any physician, or prevent his supplying to his patients such articles as may seem to him proper; or with the making of patent or proprietary medicines; or with the selling, by any store, of copperas, camphor, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, quinine, juniper berries, senna leaves, castor oil, spirits of turpentine, sweet oil, glycerine, Glauber's salts, Epsom salts, cream of tartar, bicarbonate of sodium, and of such domestic remedies as paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive sirup, sirup of ipecac, tincture of arnica, sirup of tolu, sirup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, and other similar preparations, when compounded by a regular pharmacist or wholesale druggist, and put up in bottles and boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and direction for its use on each bottle or box, or with the exclusively wholesale business of any dealer.

**3649. Regulations as to who may compound physicians' prescriptions.** No person not a qualified assistant shall be allowed by the proprietor or manager of a retail drug or chemical store to compound or dispense the prescriptions of a physician except as an aid under the supervision of a registered pharmacist or his qualified assistant.

**3651. Penalty.** Any person owning a pharmacy, retail drug or chemical store, who, in violation of the provisions of section 3635, causes or permits the same to be conducted by a person not a registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, and each week that he shall cause or permit such pharmacy, retail drug or chemical store, to be so conducted or managed, shall constitute a separate and distinct offense, and render him subject to a separate prosecution and punishment therefor. A person violating the provisions of section 3640-3642, 3645 and 3646, relating to registration, or failing to conspicuously expose such certificate



of registration, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars for each and every offense; and for the violation of any of the provisions of section 3650, such assistant pharmacist shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars for each and every offense. All fines assessed for the violation of any of the provisions of this chapter, shall be placed in the hands of the secretary of the board of pharmacy, to meet the necessary and legitimate expenses of the Tennessee Board of Pharmacy. Nothing in this chapter shall be so construed as to in any way affect the rights of any person to bring a civil action against any person referred to in this chapter, or for any act or acts for which a civil action may be brought. It shall be the duty of the Tennessee Board of Pharmacy, upon application being made to said board, to cause the prosecution of any person or persons violating any of the provisions of this chapter.

Code 1896, p. 850.

#### SALE OF POISONS.

**10. Conditions of retail trade.** It shall not be lawful for any person to retail any poisons enumerated in schedules "A" and "B" (sections 10c and 10d) appended to this act, unless on inquiry it is found that the purchaser is aware of its poisonous character, and that it is to be used for a legitimate purpose; nor to sell such poisons to any person under the age of sixteen years, except upon the written order of some responsible adult person.

**10a. Labels; record; exceptions.** Nor shall it be lawful for any person to sell or deliver any of the poisons enumerated in said schedules "A" and "B" (sections 10c and 10d) without first labeling the box, bottle, vessel, or package containing such article with the common name of said poison, with the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell any poison mentioned in said schedule "A" (section 10c), without, before delivering the same to the purchaser, causing an entry to be made in a book to be kept for the purpose, which book shall be kept open to the inspection of the proper authorities, stating date of sale, name and address of purchaser, name and quantity of poison sold, and the name of the dispenser. But they are hereby exempted from the registration of the sale of such articles when sold at wholesale, or to a registered pharmacist or registered assistant pharmacist. But the provisions of this section (sections 10-10d) shall not apply to the dispensing of poisons on prescriptions of physicians or veterinary surgeons, put up by registered pharmacists or registered assistant pharmacists, or dispensed by a physician or veterinary surgeon in his regular practice.

**10b. Penalty.** Any person violating the provisions of this section (sections 10-10d) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars, and in the discretion of the court, may be imprisoned not less than one month and not more than six months in addition to said fine.

**10c. Schedule "A."** Schedule "A." Arsenic, aconite, belladonna, corrosive sublimate, hydrocyanic acid, cyanide potassium, strychnia and its salts, cocaine and its salts, phosphorous,<sup>a</sup> oil bitter almond, cotton root and its preparations, ergot and its preparations, oil tansy, oil savin, cantharides, and its tincture.

**10d. Schedule "B."** Schedule "B." Carbolic acid, tincture iodine, oxalic acid, the mineral acids, digitalis and its preparations, colchicum, conium, nux vomica,

<sup>a</sup> So in Code.

morphine and its preparations, tully powder, chloral, croton oil, opium and its liquid preparations (except those containing less than two (2) grains to the fluid ounce), and all other deadly poisons.

Supplement to Code, 1903, p. 635-636.

1. *Sale of cocaine.* It shall be unlawful for anyone to sell, barter, or give away cocaine, or any compound thereof, in this state; provided, however, that this shall not apply to the sale of cocaine or compound thereof by a druggist upon prescription of physician, provided that no prescription calling for cocaine or compound thereof shall be filled more than one time; provided, that the provisions of this act shall not apply to wholesale druggists in supplying the trade, or retail druggists supplying dentists or physicians.

2. *Penalty.* The violation of this act shall, upon conviction, be punished by fine of not less than \$100, and not more than \$500, or punishment by imprisonment in the county jail or workhouse for a period of time not less than thirty days, nor more than six months, or both, in the discretion of the court.

Supplement to Code, 1903, p. 842.

#### ADULTERATION OF DRUGS.

**3652.** *Adulteration and substitution prohibited; adulteration defined; penalty; jurisdiction.* No person shall add to or remove from, or cause to be added to or removed from, any drug, chemical, or medical preparations, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or alter the nature or composition of such article, and no person shall knowingly or willingly sell or offer for sale, any such adulterated, altered or substituted drug, chemical, or medicinal preparation. A drug, chemical, or medicinal preparation shall be deemed to be adulterated within the meaning of this act:

1. If, when sold under, or by, a name recognized by the United States Pharmacopœia, or subsequent editions thereof, it differs from the standard of strength, quality, or purity laid down therein.

2. If, when sold under, or by, a name not recognized by the United States Pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work.

3. If its strength, quality, or purity falls below the professed standard under which it is sold. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty, nor more than one hundred dollars for each offense.

The Grand Jury shall have inquisitorial power to investigate violations of this Act, and the Circuit and Criminal Judges shall give said law in charge to the Grand Juries in their respective districts. (*Acts, 1897, p. 224; Acts, 1905, p. 184.*)

Supplement to Code, 1903, p. 634.

1. *Substitution in physicians' prescriptions unlawful.* It shall be unlawful for any corporation, firm, or person, or any combination or association of corporations, firms, or persons engaged in the business of buying, compounding, and selling drugs and medicines, to substitute any drug or medicine in lieu or stead of that given to the patient by the physician on the face of his prescription.

2. *Act applies to employees and agents.* It shall be unlawful for any agent or employee of such person, firm, or corporation, association, or combination of

persons, firms, or corporations, engaged in the business of buying and selling drugs in this state, to substitute any medicine for the specific medicine mentioned in the physician's prescription.

3. *Penalty.* Any person, firm, or corporation, violating the provisions of this act, or aiding or abetting the violations of the same, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$25, nor more than \$100 for each and every offense.

Supplement to Code, 1903, p. 823.

#### ADULTERATION OF LIQUORS WITH POISONS.

6744. *Prohibition; penalty.* It shall be a felony:

(1). To adulterate spirituous or vinous liquors by the use of strychnine or poisonous liquids or ingredients.

(2). To sell by wholesale or retail any spirituous or vinous liquors, knowing the same to be adulterated by or with strychnine or poisonous liquids or ingredients; and any person convicted thereof shall be imprisoned in the penitentiary not less than one nor more than five years; and the grand jury may have power to send for persons or papers in cases where they may be of opinion that any person or persons have been guilty of violating any of the provisions of this article.

Code, 1896, p. 1646.

## TEXAS.

Full authority to enforce the drug law is given to the State health officer, who is to direct the work of the public analysts, but as no appropriation has ever been made to carry out the provisions of the law it has never been enforced.

### REGISTERED PHARMACISTS.

**455. *Conduct of pharmacy.*** It shall be unlawful for any person, unless a qualified pharmacist within the meaning of this law to open or conduct any pharmacy or store for compounding medicines, or for anyone not a qualified pharmacist to prepare physicians' prescriptions or compound medicines, except under the supervision of a qualified pharmacist as hereinafter provided.

**464. *Proprietors must be registered or employ a registered clerk.*** Proprietors who are actually engaged in the preparation of physicians' prescriptions and compounding and vending medicine in the state of Texas at the passage of this law shall be exempt from examination; also assistants who are likewise engaged and have been so engaged for three years, and are twenty-one years old; provided he, she, or they will register as specified in this law at the first meeting of the board of pharmacy; provided that the provisions of this bill shall not prevent any person from engaging in the business herein described as proprietors or owners thereof, provided such proprietor or owner shall have employed in his business some qualified pharmacist to fill prescriptions and compound drugs.

**466. *Penalty.*** Any person not a qualified pharmacist, but who continues to compound prescriptions, or retail medicines without complying with this law, shall upon the first conviction be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, and upon the second and every subsequent conviction shall be sentenced to a fine of not less than one hundred dollars nor more than two hundred dollars.

**470. *Small towns excepted from provisions of the law.*** This law shall not apply to towns and cities containing less than one thousand inhabitants. Towns and cities that arrive at one or more thousand inhabitants on and after the passage of this law shall come within its provisions. The manner of ascertaining the census shall be the last official one, whether it be federal, state, town, or city.

**471. *Physicians excepted.*** Nothing in this law shall be construed to apply to any practitioner of medicine who does not keep open shop for compounding, dispensing, and selling medicines, nor so construed as to prevent any person or persons from investing their means in a drug store or stores, provided they keep employed qualified pharmacists for the direct supervision of vending and compounding medicines.

Wilson's Criminal Statutes, 1896, p. 171 et seq. (Penal Code).

## SALE OF POISONS.

1. *Restrictions of sale of narcotic drugs.* It shall be unlawful for any person, firm or corporation to sell, furnish or give away cocaine, salts of cocaine or preparations containing cocaine or salts of cocaine or any morphine or salts of morphine, or preparations containing morphine or salts of morphine, or any opium or preparations containing opium, or any chloral hydrate or preparations containing chloral hydrate, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be recompoundd or dispensed a second time, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by properly authorized officers of the law. Provided, however, that the above provisions shall not apply to preparations containing not more than two grains of opium, or not more than one-eighth grain of morphine, nor not more than two grains of chloral hydrate, or not more than one-sixteenth grain of cocaine, in one fluid ounce, or if a solid preparation, in one avoirdupois ounce; provided also that the above provisions shall not apply to preparations recommended in good faith for diarrhoea or cholera, each bottle or package of which is accompanied by specific directions for use, and the caution against habitual use, nor to liniments or ointments when plainly labeled "For external use only". And provided further, that the above provisions shall not apply to sales at wholesale [by] jobbers, wholesalers and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor the sales to hospitals, colleges, scientific or public institutions; nor to the sale of patent or proprietary medicines sold by druggists or others, containing any of the foregoing substances, the sale of which is prohibited by this Act; provided, such preparations be not compounded or sold for the purpose of the evasion of this Act.

2. *Prescriptions must not be given to habitual users.* It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, any cocaine or morphine, or any salts or compound of cocaine or morphine, or any preparation containing cocaine or morphine or their salts, or any opium or chloral hydrate, or any preparation containing opium or chloral hydrate, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs such substances as he may deem necessary for the treatment of such habit.

3. *Penalties.* Any person who shall knowingly violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than twenty-five (\$25.00) dollars, nor more than fifty (\$50.00) dollars, and upon a conviction for a second offense shall be fined not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars, and upon a conviction for a third and all subsequent offenses shall be fined not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, and shall be imprisoned in the county jail for not less than six months. It shall be the duty of the grand jury to make presentments for violations of this Act.

General Laws, 1905, p. 45-46.

#### ADULTERATION OF DRUGS.

429. *Penalty.* If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to change the operation of such drug or medicine, or render the same worthless, or injurious to health, he shall be punished by fine not less than fifty nor more than five hundred dollars. (*Penal Code, 1856, p. 81.*)

430. *Manufacture or sale.* No person shall within this State manufacture, offer for sale, or sell, any article of food, wines, beers, fermented or distilled liquors or drugs, which is by him known to be adulterated, within the meaning of this law. Any person violating this provision, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars.

431. *The term "drug" defined.* \* \* \* The term drug, as used in this chapter, shall include all medicines for internal and external use.

432. *"Adulteration" defined.* An article shall be deemed adulterated within the meaning of this chapter. (a) In the case of drugs:

1. If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

433. *Duty of State health officer.* It shall be the duty of the State health officer to prepare and publish, from time to time, lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this law, in accordance with the preceding article. The state health officer shall also, from time to time, fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any national Pharmacopœia.

434. *State health officer to have supervision over analysts.* The state health officer shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulterations of the same, and make all necessary investigations and inquiries relating thereto. He shall also have the supervision of the appointment of public analysts and chemists, and upon his recommendation, whenever he shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked, and be held to be void and of no effect. The state health officer shall adopt such measures as may

seem necessary to facilitate the enforcement of this law, and prepare rules and regulations with regard to the proper method of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts, and the said health officer shall be authorized to expend an amount not exceeding two thousand dollars, for the purpose of carrying out the provisions of this law; and the sum of two thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose in this article provided.

**435. *Penalty for refusing to supply sample.*** Every person selling or offering or exposing any article of food or drug for sale, or delivering any article to purchasers, shall be required to serve or supply any public analyst or other agent of the state, or local health officer appointed under this law, who shall apply to him for that purpose, and on tendering the value of the same, with a sample sufficient for the purpose of analysis of any article which is included in this law, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense, and one hundred dollars for each subsequent offense. (*Laws 1883, p. 73-74.*)

**436. *Violation a misdemeanor; hindering analyst.*** Any violation of the provisions of this law shall be treated and punished as a misdemeanor; and whoever shall impede, obstruct, hinder, or otherwise prevent any analyst, inspector, or prosecuting officer in the performance of his duty, shall be guilty of a misdemeanor, and shall be fined in any sum not less than fifty, nor more than five hundred dollars.

**437. *Regulations, etc., of health officer to be printed.*** All the regulations and declarations of the state health officer, made under this law, from time to time, and promulgated, shall be printed for general distribution. (*Laws 1883, p. 73 et seq.*)

Wilson's Criminal Statutes, 1896, p. 165-167 (Penal Code).

## UTAH.

No officer is specifically charged with the enforcement of the law relating to the quality of drugs. All fines, however, which may be collected for selling adulterated drugs inure to the State board of pharmacy.

### REGISTERED PHARMACISTS.

**1711. *Conduct of pharmacy; term defined.*** It shall be unlawful for any person other than a registered pharmacist to compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy for compounding or dispensing drugs, medicines or poisons unless such person shall be or shall employ and place in charge of his pharmacy or store a registered pharmacist within the meaning of this title. Every place in which drugs, medicines or poisons are compounded, retailed, except as hereinafter provided, or dispensed, or physicians' prescriptions compounded shall be deemed to be a pharmacy or drug store.

**1722. *Penalty.*** Any person who is not a registered pharmacist, duly authorized under this title to do business on his own account, who shall keep a pharmacy, store or shop for dispensing and compounding of physicians' prescriptions and shall not have in his employment in said pharmacy, store or shop, a registered pharmacist, authorized by the State board to manage a pharmacy shall for each and every offense be liable to a fine of not less than fifty nor more than two hundred and fifty dollars.

**1724. *Penalty for compounding prescriptions by other than registered pharmacist.*** Any proprietor of a pharmacy or the person who shall permit the compounding or dispensing of physicians' prescriptions, except by a registered pharmacist or under the immediate supervision of one, or while continuing in pursuit of pharmacy in this State, shall fail or neglect to procure his annual registration; and any person who shall wilfully make any false representations to procure registration for himself or for another or who shall violate any other provision of this title, shall, for each and every such offense be liable to a penalty of one hundred dollars.

Revised Statutes, 1898, p. 417-418, as amended, Laws 1903, p. 41.

### SALE OF POISONS.

**1727. *Labeling; schedules; exemptions.*** It shall be unlawful for any person to sell at retail or furnish any of the poisons in the schedule hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word poison, together with the antidote distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to-wit:

**Schedule A.** Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia, and all other poisonous vegetable alkaloids and their salts, oil



of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paragoric<sup>a</sup> and such others as contain less than two grains of opium to the ounce.

**Schedule B.** Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum veride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral-hydrate, chloroform, corrosive sublimate, creasote,<sup>a</sup> croton oil, mineral acids, oxalic acid, Paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which according to standard works on medicine or materia medica is liable to be destructive to adult human life in quantities of sixty grains or less. Every person who shall dispose of or sell at retail or furnish any poisons included in schedule A, shall, before delivering the same, make or cause to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of the poisonous character and that the said poison is to be used for legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poison on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in schedule A of this act, a suitable label or band in red ink with the word POISON upon it. The Board of Pharmacy shall have authority to add to either of the above schedules from time to time, whenever it shall deem such action necessary for the protection of the public. This article shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons or who is not in the employ of such a proprietor and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser or to the sale of Paris green, white hellebore and other poisons for destroying insects or any substance for use in the arts, or to the sale by merchants, of ammonia, bi-carbonate of soda, borax, cream of tartar, dye stuffs, essence of ginger, non-poisonous flavoring essence or extracts, licorice, olive oil, and sal soda, except as herein provided: *provided, however*, that merchants and retail dealers may sell, in original packages properly labeled, all such medicines and pharmaceutical preparations as bear the name of the manufacturer and are required by the general public.

Revised Statutes, 1898, p. 419, as amended, Laws 1903, p. 42.

#### ADULTERATION OF DRUGS.

**1725.** *Proprietors responsible for quality of drugs.* The proprietors of all pharmacies shall be held responsible for the quality of all drugs and chemicals sold or dispensed at their respective places of business, except patent and proprietary preparations and articles sold in the original packages of the manufacturer.

Revised Statutes, 1898, p. 419.

<sup>a</sup> So in Statutes.

**4282. Omitting to label or mislabeling drugs; prescriptions.** Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package, containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

Revised Statutes, 1898, p. 911.

**4065. Penalty for misdemeanor when not otherwise prescribed; corporations.** Except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine in any sum less than three hundred dollars, or by both. In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable as for a misdemeanor, and there is no other punishment prescribed by law, such corporation is punishable by a fine not exceeding one thousand dollars.

Revised Statutes, 1898, p. 877.

**1726. Standard; alteration a misdemeanor.** Unless otherwise prescribed for or specified by the customer, all pharmaceutical preparations sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity established by the last edition of the United States Pharmacopœia. Any person who shall wilfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article and any person who shall substitute one material for another with the intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor. All penalties collected for such violation shall be paid to the said board of pharmacy to be held by it as hereinbefore directed.

Revised Laws, 1898, p. 419, as amended, Laws 1903, p. 42.

## VERMONT.

The State board of health has authority to make such rules as it may deem necessary to facilitate the enforcement of the law regulating the sale of adulterated drugs. The only difficulty met with in the work is the lack of a sufficient appropriation.

### REGISTERED PHARMACISTS.

**4662.** *False representations as to rights to sell drugs and compound physicians' prescriptions.* It shall be unlawful for any person, not licensed as a pharmacist within the meaning of the provisions of this chapter to practice pharmacy, or to display any sign, emblem or other device, or to advertise or to indicate in any manner that the said person or person's place of business is used for the purpose of a pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to expose for sale at retail any drugs, chemicals or poisons, unless such place of business shall be conducted, managed or controlled by a licensed pharmacist, in accordance with the provisions of this act.

**4663.** *Term "practice of pharmacy" construed.* The term "practice of pharmacy" as used in this chapter shall be construed to mean the compounding of physicians' prescriptions and the preparations of ingredients therefor; but nothing in this chapter shall be construed to be applied to the business of a practitioner of medicine, nor to prevent the practitioner of medicine from supplying their <sup>a</sup> patients with such medicines as they deem proper; nor to those who sell medicines or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale, not on prescription, of drugs, medicines and poisons. Nothing in this chapter shall be so construed as to prohibit the employment in any pharmacy of apprentices or assistants for the purpose of being instructed in the practice of pharmacy, but such apprentices or assistants shall not be permitted to prepare or dispense physicians' prescriptions, nor to sell or furnish poisons, except in the presence of and under the personal supervision of a licensed pharmacist. The provisions of this chapter shall not apply to the sale of insecticides nor any substances for use in the arts.

Laws 1904, p. 180-181.

### SALE OF POISONS.

**5077.** *Record; fines.* A person who sells arsenic, strychnia, corrosive sublimate, prussic acid, or chloroform, without the written prescription of a physician, shall keep a record of the date of such sale, the article, the amount thereof sold, and the person to whom delivered; and for each neglect shall be

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<sup>a</sup> So in Statutes.

fined not more than one hundred dollars. If a person purchases such articles and gives a false name to the seller, he shall be fined not more than fifty dollars.

Statutes, 1894, p. 905.

13. *Records open for inspection.* Every apothecary, druggist, or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, morphine, opium, cocaine, carbolic acid or prussic acid, or its salts, shall make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold, and the time when, and the name of the person to whom such sale is made, which record shall be open to all health officers, members of the state board of health and state officials who may wish to examine the same.

14. *Penalty.* If a person violates the provisions of the preceding section, he shall be fined not more than one hundred dollars.

15. *Physicians' prescriptions excepted from provisions of section 13.* The two preceding sections shall not apply to legally qualified practitioners of medicine, nor to their prescriptions or recipes to their patients.

Laws, 1904, p. 200.

#### ADULTERATION OF DRUGS.

5076. *Injurious adulteration; penalty; forfeiture.* A person who fraudulently adulterates, for the purpose of sale, a drug or medicine, so as to render it injurious to health, or sells the same knowing it to be adulterated, shall be imprisoned in the state prison not more than two years, or fined not more than four hundred dollars; and such adulterated drugs or medicines shall be forfeited and destroyed under the direction of the court.

Statutes, 1894, p. 905.

1. *Sale unlawful.* No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine, or any adulterated article of food or substance to be used in the manner of food or drink, for man or domestic animals.

2. *Definition of adulteration.* If any drug or substance used for medicine sold under a name recognized by the United States pharmacopoeia or in some other pharmacopoeia, or other standard work of materia medica, differs materially from the standard of strength, quality or purity laid down in such work, or contains less of the active principle than is contained in the genuine article, weight for weight, or falls below the professed standard under which it is sold, it shall be deemed to be adulterated within the meaning of this act.

4. *Penalty.* Whoever fraudulently adulterates for the purpose of sale any article of food or drink, drug or medicine, or knowingly sells any fraudulently adulterated article of food or drink, drug or medicine, or any kind of diseased or unwholesome provisions as defined in this act, shall be imprisoned not exceeding one year, or fined not more than four hundred dollars.

5. *Samples shall be furnished to health officers for analysis.* Every person offering or exposing for sale any drug or article of food within the meaning of this act, shall furnish to any member of the state board of health, or any local health officer, who shall apply to him for the same and tender him its value in money a sample sufficient for the purpose of the analysis of such drug or article of food.

7. *Penalty for hindering health officer.* Whoever hinders, obstructs, or in any way interferes with any member of the state board of health or any local health officer in the performance of his duties under this act, shall be fined not more than fifty dollars for the first offense, and for each subsequent offense shall be fined one hundred dollars.

8. *Duplicate sample shall be delivered to defendant.* Before commencing the analysis of a sample, the analyst shall reserve a portion, which shall be sealed; and in case of a complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney, and part to the secretary of the state board of health.

18. *State board of health to regulate enforcement of law.* The State board of health shall, as soon as may be after this act takes effect, adopt such rules and regulations, not inconsistent with existing laws, as it deems necessary to facilitate the enforcement of the provisions of this act, and for the collecting and examining of drugs, foods, liquors, and candy, articles of clothing, fabrics, wall paper or anything containing poisonous pigments or substances whereby the health of any person may be injured. Said board shall cause said rules and regulations to be printed in pamphlet form for distribution, shall furnish to each local health officer a sufficient number of copies to supply the members of the local board of health and all practicing physicians in such town, and furnish to each town clerk a sufficient number of copies for distribution under the provisions of law as to the distribution of the acts and resolves of the general assembly; and it shall be the duty of said local health officers and town clerks to distribute the same. Any violation of any such rule or regulation made under the provisions of this act, shall be punished by a fine of not more than five hundred dollars.

19. *Penalty.* If any person violates any of the provisions of this act, for which no penalty is hereinbefore provided, he shall be fined not more than one hundred dollars and not less than fifty dollars.

22. *Duty of State board of health to make complaint.* It is hereby made the duty of the state board of health, or agent thereof, to bring to the notice of the proper prosecuting officer any violation of any United States statute for preventing the adulteration or misbranding of food or drugs.

Laws, 1904, p. 198-202.

#### ADULTERATION OF LIQUORS AND POISONS.

9. *Penalty.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be imprisoned not exceeding one year, or be fined not more than one thousand dollars.

Laws, 1904, p. 199.

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## VIRGINIA.

The State board of pharmacy, which is charged with the enforcement of the law regulating the sale of adulterated drugs, has been unable for several years to carry out its provisions, owing to the fact that no funds have been available for this purpose.

### REGISTERED PHARMACISTS.

**1759.** *Conduct of drug stores; exemptions.* It shall not be lawful for any person not a registered pharmacist to open or control as proprietor any retail drug or chemical store, or pharmaceutical department thereof, in this State, unless he shall have in his employ and place in charge of such store or pharmacy, or in the pharmaceutical department thereof, a registered pharmacist within the meaning of this chapter, who shall have the supervision and management of that part of the business requiring pharmaceutical skill and knowledge. And it shall not be lawful for any person to engage in the business or occupation of compounding or dispensing medicines on prescriptions of physicians or otherwise, or to sell at retail any drugs, chemicals, poisons or pharmaceutical preparations within this State, without first obtaining a certificate of registry as provided in this chapter: provided, nothing in this section shall apply to, or in any manner interfere with the regular practice of any physician or veterinary surgeon, or prevent him from supplying to his patients such articles as he may deem proper, unless such physician or veterinary surgeon keep open shop for the dispensing of such articles, or with the making or vending of patent or proprietary medicines by any retail dealer in the original packages, or with the manufacture or the exclusive wholesale business of any dealer: and provided, further, that nothing in this act shall prevent or interfere with any retail druggist or drug company or their employees from selling, compounding, dispensing or manufacturing in the regular course of business any patent or proprietary medicines, or such other pharmaceutical preparations, chemicals, drugs, or articles as are patent or proprietary: and provided, further, that in rural districts and in towns having a population of fifteen hundred or less, any physician regularly licensed under the laws of Virginia may act as a pharmacist without examination but subject to such registration and renewal as is provided for in this act.

**1760.** *Provisions as to assistant pharmacists.* A registered assistant pharmacist within the meaning of this chapter shall be a clerk or assistant in a retail drug or chemical store or pharmaceutical department who shall have obtained a certificate as such registered assistant pharmacist from the board of pharmacy under the provisions of this chapter; and it shall be unlawful for such registered assistant pharmacist to supervise, manage, or take charge of any pharmacy or retail drug or chemical store or pharmaceutical department except that during the temporary absence of the registered pharmacist, who is proprietor or manager thereof, he may act in the place of the said registered pharmacist: provided, that said temporary absence shall not in any

one case exceed six consecutive days and that the total temporary absence of such proprietor or manager shall not in the aggregate exceed the period of thirty days in any year; and it shall be unlawful for any registered assistant pharmacist to engage in the occupation of compounding or dispensing medicines on prescriptions of physicians or otherwise, or of selling at retail for medicinal purposes any drugs, chemicals, poisons, or pharmaceutical preparations except when engaged or employed in a pharmacy or retail drug or chemical store or pharmaceutical department which is in charge of and is under the supervision and actual management of a registered pharmacist. No person not registered as pharmacist or assistant pharmacist shall be allowed by the proprietor or manager of any retail drug or chemical store or pharmaceutical department to compound or dispense the prescriptions of physicians except as in aid under the supervision of a registered pharmacist or registered assistant pharmacist, who shall be present in the said pharmacy or pharmaceutical department at the time.

Code (Pollard), 1904, vol. 1, p. 924.

### SALE OF POISONS.

**1764. Restrictions; schedules; exceptions; penalty.** It shall not be lawful for any person, having authority to sell or dispense medicines or poisons, to retail, except upon prescription of a regularly licensed physician, dentist or veterinary surgeon, morphine and its preparations, opium and its preparations, containing a higher percentage of opium than laudanum prepared in accordance with formula provided by the pharmacopoeia of the United States of America; and the druggist filling said prescription shall take and file and not refill the same, nor shall such person or persons retail any poison enumerated in the following schedules "A" and "B" without distinctly labeling the bottle, box, vessel, or paper in which said poison is contained with the name of the article and the word "Poison" and the name and place of business of the seller; and, in addition thereto, at least two of the most readily obtainable effective antidotes to such poisonous article.

#### SCHEDULE "A."

Arsenic and its preparations, corrosive sublimate, biniodide of mercury, cyanide of potassium, hydron-cynic<sup>a</sup> acid, strychnine and its salts, and essential oil of bitter almonds.

#### SCHEDULE "B."

Aconite, belladonna, nux vomica, savin, ergot, cotton root, cantharides, digitalis, colchicum, conium, henbane, and their pharmaceutical preparations; creosote, croton oil, carbolic acid, oxalic acid, white and red precipitate, and all other deadly poisons.

Nor shall it be lawful for any person to sell or deliver any poisons mentioned in the said schedules "A" and "B," unless it be found, upon due inquiry, that the purchaser is aware of its poisonous nature and represents that it is to be used for a legitimate purpose, nor to any person under sixteen years of age, except upon the written order of some responsible adult person.

Nor shall it be lawful for any person to sell any poison mentioned in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made in a book, to be kept for that purpose, always open to the inspection of the proper officers of the law, stating the date of sale, name and

<sup>a</sup> So in Statutes; *hydrocyanic* probably meant.

address of purchaser, name and quantity of poison sold, purpose for which it is required, as represented by the purchaser, and name of the dispenser.

The provisions of this section shall not apply to the dispensing of poisons in usual doses on prescriptions of physicians or veterinary surgeons put up by registered pharmacists, or registered assistant pharmacists, or dispensed by a physician or veterinary surgeon in his regular practice: provided, further, that no cocaine shall be sold in this State by any person other than a regular druggist or pharmacist. No druggist or pharmacist shall sell or furnish cocaine to any person other than a licensed physician, surgeon, dentist, druggist or pharmacist. Any such druggist violating this act shall be fined not less than twenty-five nor more than one hundred dollars for each offence. Be it enacted further, that any person furnishing or causing to be furnished morphia or any other drug to a person who is an habitue and under treatment or having been under treatment for same shall be subject to the penalty imposed by this act. (*Acts 1904, p. 296.*)

Code (Pollard), 1904, vol. 1, p. 927.

#### ADULTERATION OF DRUGS.

**3812. Penalty.** If any person fraudulently or knowingly adulterate, for the purpose of sale, any drug or medicine, or any article of food or drink, with any substance that may be injurious to health, or with barytes or any substance intended to increase the weight or quantity of such food or drink, he shall be confined in jail not exceeding one year, and fined not exceeding five hundred dollars; and the adulterated articles shall be forfeited and destroyed. (*Acts 1885-6, p. 496.*)

Code (Pollard), 1904, vol. 2, p. 2036.

**1765. Exceptions.** None of the provisions of this chapter except those contained in sections seventeen hundred and sixty-three and seventeen hundred and sixty-four shall prevent the sale by merchants of quinine, epsom salts, castor oil, essence of peppermint and other flavoring preparations, calomel, camphor, iodide, bromide and chlorate of potassa, opium, paregoric, and sweet oil, and such other domestic and proprietary medicines as are usually kept by retail dealers; but the sale of laudanum, morphine, and proprietary medicines must be in original packages as obtained from druggists.

**1766. Penalties.** \* \* \* Any person violating any of the provisions of section seventeen hundred and sixty-four, or who refuses to comply upon demand with the requirements thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars or imprisonment not exceeding thirty days, or both; and any person found guilty of violating the provisions of section seventeen hundred and sixty-four shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary cost and expense incurred in inspecting and analyzing such adulterated articles which said persons may have been found guilty of manufacturing, selling, or offering for sale; and in addition thereto, if he be a registered pharmacist or registered assistant pharmacist, his name shall be stricken from the register. In all prosecutions under this chapter the board of pharmacy of the state of Virginia shall be constituted the informer, and one half the fines imposed by this section shall go to the said board of pharmacy and the other half to the commonwealth.

Code (Pollard), 1904, vol. 1, p. 928-929.



**DISTRIBUTION OF SAMPLES.**

**3814a. Restrictions; penalty.** It shall be unlawful for any person, firm, or corporation to throw or place, or cause to be thrown or placed, in any yard, hall, porch, doorway or vestibule in this State, any sample or sample package of medicine without permission from the owner or occupant of such premises. Nothing in this act shall be so construed as to prevent any person, firm, or corporation from delivery of samples or sample packages of medicine, if said delivery is made direct to the owner or occupant of any house, or to any person over twelve years of age. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars.

Code (Pollard), 1904, vol. 2, p. 2038.

## WASHINGTON.

There are no special provisions for the enforcement of the law regulating the adulteration of drugs. One-half of the fines collected inure to the State board of pharmacy.

### REGISTERED PHARMACISTS.

1. *Drugs must be dispensed by registered pharmacist.* It shall hereafter be unlawful for any person to compound or dispense drugs, medicines or poisons, or to institute any pharmacy, store, or shop for wholesaling or retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist or shall place in charge of said pharmacy, store or shop a registered pharmacist, except as hereinafter provided.

13. *Penalty.* Any person not a registered pharmacist, and not having in his employ a registered pharmacist within the full meaning of this act, who shall retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not to exceed fifty dollars. Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist, or any registered pharmacist or shopkeeper registered under this act while continuing in business, who shall fail or neglect to procure annually his renewal of registration, or any person who shall willfully make false representations or to procure registration for himself or any other person, or who shall violate any of the provisions of this act willfully and knowingly, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars; *Provided*, That nothing in this act shall operate in any manner to interfere with the business of any physician in regular practice, or to prevent him from supplying to his patients such medicines as he may deem proper, nor with the making or selling of proprietary medicine or medicines, placed in sealed packages, nor with the exclusive wholesale business of any dealer, except as hereinafter provided, nor prevent shopkeepers from dealing in and selling the commonly used medicines and poisons or patent and proprietary medicines, if such medicines and poisons are sold in the original package of the manufacturer, or in packages put up by a registered pharmacist. *Laws, 1899, p. 216 and 221.*

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 334 and 338.

### SALE OF POISONS.

15. *Record; label; exception.* The proprietor of every drugstore shall keep in his place of business a registry book, in which shall be entered an accurate record of all sales of mineral acids, carbolic acid, oxalic acid, hydrocyanic acid, potassium cyanide, arsenic and its preparations, corrosive sublimate, red precipitate, preparations of opium (except paregoric), phosphorus, nux vomica

and strychnine, aconite, belladonna, hellebore and their preparations, croton oil, oil of savin, oil of tansy, creosote, wines, and spirituous or malt liquors, and such other dangerously poisonous drugs, chemicals and medicinal substances as may from time to time be designated by the state board of pharmacy, upon a recommendation to them to that effect by the Washington state pharmaceutical association. Printed notice of all such additions to the poisons named and provided for in this section shall be given to all persons registered under this act with the next following renewal of their certificate thereafter. Said record shall state quantity purchased, the date, for what purpose used, buyer's name and address, and said record at all times during business hours shall be subject to the inspection of the prosecuting attorney or any authorized agent of the board of pharmacy: Provided, that no such wines, spirituous or malt liquors shall be sold for any other than medical, scientific, mechanical or sacramental purposes, and no other license shall be necessary under any law of the state for pharmacists to make said sale in compliance with the provisions of this act. All poisons shall be plainly labeled as such and that such label shall also bear the name and address of the manufacturer if said poison is in the original package of the manufacturer, if otherwise that of the druggist putting up or selling the same. The provisions of this section shall not apply to dispensing under physicians' certificates. (*Laws 1899, p. 222.*)

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 339.

#### ADULTERATION OF DRUGS.

14. *Proprietors of drug stores responsible for quality of drugs.* Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by the Pharmacopœia of the United States or used or intended to be used in medical practice, or shall willfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medical purposes shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of any of the provisions of this section may suffer both fine and imprisonment. In any case he shall forfeit to the state of Washington all drugs or preparations so falsified or adulterated. (*Laws 1899, p. 222.*)

Ballinger's Codes and Statutes, Supplement (Mahan), 1903, p. 338.

## WEST VIRGINIA.

It is the duty of the State board of pharmacy to investigate alleged sales of impure drugs, but no appropriation is made for such investigations, and on this account the law can not be enforced. One-half the fines collected for violations inure to the board of pharmacy.

### REGISTERED PHARMACISTS.

1. *In charge of drug stores.* It shall be unlawful for any person not a registered pharmacist, or who does not employ as his salesman a registered pharmacist, within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided.

2. *Sole right to dispense prescriptions and poisonous drugs.* It shall be unlawful for the proprietor of any store or pharmacy to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense the poisons named in schedules "A" and "B" herein, for medical use, except as an aid to, and under the supervision of a registered pharmacist.

3. *May sell all medicines and poisons.* Apothecaries registered as in this act provided, shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons, authorized by the National, American or United States dispensatory and pharmacopœia, as of recognized utility.

10. *No person, not a registered pharmacist, shall conduct a drug store.* No person shall procure, or attempt to procure, registration for himself or for another, under this act, by making or causing to be made, any false representations; nor shall any person, not a registered pharmacist, as provided in this act, conduct a store, pharmacy, or place for retailing, compounding or dispensing drugs, medicines or chemicals for medicinal use, or for compounding or dispensing physicians' prescriptions, or take, use or exhibit the title of a registered pharmacist.

11. *Exceptions.* This act shall not apply to physicians putting up their own prescriptions, nor to the sale of patent, proprietary medicines and such other ordinary drugs and dyestuffs as are usually sold in a country store. The term "ordinary drugs" shall not be held to include any of the poisons named in schedules "A" and "B," nor any intoxicating liquors.

Code, 1899, p. 991-994.

### SALE OF POISONS.<sup>a</sup>

9. *Regulations; schedules; record; penalty.* No druggist or registered pharmacist shall retail any of the poisons enumerated in the following schedule, except as hereinafter provided:

#### SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, essential

<sup>a</sup> See also secs. 1, 2, and 8.

oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

## SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, sulphate of copper, acetate <sup>a</sup> of lead, mineral acids, carbolic acid and oxalic acid. When ever any of the said poisons are sold, the box, vessel or paper in which the same is put up, shall be distinctly labeled with a device bearing the death's head and cross-bones, and also the name of the article, and the name and place of business of the seller. The seller shall also ascertain, upon due inquiry, that the purchaser is aware of the poisonous character of the drug, and that it is to be used for legitimate and lawful purposes. He shall also, before delivering any of the poisons named in *Schedule A* to the purchaser, cause an entry to be made in a book kept for the purpose, which entry shall show the date of the sale, the name and residence of the purchaser, the name and quantity of the poison sold, the purpose for which it is to be used as represented by the purchaser, and the name of the dispenser; such book to be always subject to the inspection of the proper authorities, and to be preserved for at least five years from the date of the last entry. The provisions of this section shall not apply to the dispensing of drugs in not unusual quantities on the prescriptions of physicians. Nothing in this act contained shall be construed so as to protect any druggist or registered pharmacist from any penalty or forfeiture prescribed in any other law regulating the sale of alcoholic or other intoxicating liquors; and the name of any registered pharmacist who shall be convicted twice of the violation of such law, shall be stricken from the register, and he shall no longer be a registered pharmacist. Nor shall this act be construed to authorize any person to carry on the business of a druggist without first having obtained a license therefor, if such license be required by any other law, or to sell, offer or expose for sale, any of the liquors, drinks, mixtures or preparations mentioned in section one of chapter thirty-two of the Code of West Virginia, as amended and re-enacted by chapter one hundred and seven of the Acts of 1877, except for medicinal, mechanical or scientific purposes. And no sale of any such liquors, drinks, mixtures or preparations shall be made by any druggist or registered pharmacist, except upon the written prescription of a practicing physician in good standing in his profession, and not of intemperate habits, specifying the name of the person and the quantity of such liquors to be furnished him; but no druggist or registered pharmacist, who is a practicing physician, shall himself, or by his agent or clerk, sell any such liquors, drinks, mixtures or preparations upon his own prescription. And if any person carrying on or interested in the business of a druggist shall, in violation of this section, sell any such liquors, drinks, mixtures or preparations, he shall be guilty of a misdemeanor, and for such offense be fined not less than twenty-five nor more than one hundred dollars; and it shall be the special duty of the judge of every circuit court to give this provision in charge to the grand juries of their respective courts. In any prosecution against a person carrying on or interested in the business of a druggist for selling any such liquors, drinks, mixtures or preparations, contrary to law, if the sale be proved, it shall be presumed that such sale was unlawful, unless the contrary be shown.

Code, 1899, p. 993.

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<sup>a</sup> So in Code.

**ADULTERATION OF DRUGS.**

*7. Merchants responsible for quality of drugs sold; exceptions; penalty.* Every applicant for registration as a pharmacist shall present to the commissioners of pharmacy satisfactory evidence that he is a person of good moral character and not addicted to drunkenness, and all persons whether registered pharmacists or not, shall be held responsible for the quality of all drugs, chemicals and medicines they may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and those known as "patent medicines." Any person who shall knowingly, intentionally and fraudulently adulterate or cause to be adulterated any drugs, chemicals or medical preparations, or knowingly sell any adulterated drugs, chemicals or medical preparations, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not exceeding one hundred dollars, and if he be a registered pharmacist, his name shall be stricken from the register.

Code, 1899, p. 992.

*12. Responsibility of enforcement.* It shall be the duty of the board to investigate all complaints and charges of noncompliance or violation of the provisions of this act, and to bring the same to the notice of the proper prosecuting officer, as provided for in section seven of this act, whenever there appears to the board reasonable grounds for such action.

*14. Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and for every such offense shall be fined not less than twenty-five nor more than one hundred dollars, and (except as provided in section seven of this act) the name of any person convicted of such violation shall be stricken from the register and he shall no longer be a registered pharmacist in this State. It shall be the duty of the clerk of the court in which, or the justice of the peace before whom any conviction is had, to transmit forthwith a certified copy of the record entry of such conviction to the commissioners of pharmacy, who shall thereupon strike the name of the person so convicted from the register. All fines collected under any of the provisions of this act shall be paid one-half to the State school fund and the other half to the commissioners of pharmacy.

Code, 1899, p. 994-995.

## WISCONSIN.

It is the duty of the State dairy commissioner to enforce the law regarding adulterated drugs, but the working force of the dairy and food commission has been so small that no systematic effort has been made to prosecute violators of the law.

### REGISTERED PHARMACISTS.

**1409g.** *Penalty for unlicensed sale of drugs; assistants; terms defined; labels.* Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison", or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having five hundred or more inhabitants, unless such person shall be a registered pharmacist or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist shall forfeit fifty dollars for each offense. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison", in his store or place of business in towns, cities or villages having less than five hundred inhabitants, or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having less than five hundred inhabitants, unless such person shall be a registered pharmacist or registered assistant pharmacist or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist or registered assistant pharmacist, shall forfeit fifty dollars for each offense; provided, that under the personal supervision of a registered pharmacist a registered assistant may compound or dispense prescriptions and vend drugs, medicines or poisons without incurring such forfeiture; and that nothing herein shall be construed to interfere with any practicing physician from dispensing his own medicines, or supplying his patients with such articles as may seem to him proper, nor interfere with the general sale of proprietary medicines, prepared and compounded within the state by physicians and registered pharmacists, if the same shall be sold in sealed packages on which shall be printed or stamped the name of the contents and the directions for using, together with the name of the physician or pharmacist by whom prepared and compounded, nor interfere with the general sale of proprietary medicines that have been prepared and compounded outside the state and brought into the state, nor with the sale of the usual domestic remedies, nor with the exclusively wholesale business of any dealer. The term "usual domestic remedies", referred to in said section, is hereby construed to include alum, ammonia, borax, bay rum, castor oil, camphor spirits, camphor gum, copperas, glycerine, epsom salts, glauber salts, rochelle salts, fennel seed, indigo, magnesia, potash, senna leaves, sulphur, vaseline, insect powder, resin, turpentine, and blue vitrol.<sup>a</sup> Poisonous drugs or medicines, such as rough on

<sup>a</sup> So in Statutes.

rats, carbolic acid, aconite, laudanum, paregoric and spirits of nitre may be sold by general stores in sealed packages only: said package to be properly labeled by a registered pharmacist of Wisconsin. The label shall have the name of a registered pharmacist thereon, and the words "Registered Pharmacist of Wisconsin, Certificate No. —" with the proper directions for the use thereof. The sale of these articles put up by wholesale druggists or manufacturers, not registered pharmacists of Wisconsin, is not legal under this act.

Statutes, 1898, vol. 1, p. 1057 (as amended, Laws 1899, p. 510).

#### SALE OF POISONS.<sup>a</sup>

**4601c. Labels; penalty.** Any person who shall by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver, or have in his possession with intent to sell or exchange or expose or offer for sale or exchange any medicine known as patent or proprietary, or of which the formula is kept secret by the manufacturer, which contains morphine, strychnine, cocaine or poisonous or narcotic alkaloid or drug, in any quantities which the state board of health shall deem harmful to the life or health of the public, unless the presence of the same be distinctly shown by a label upon the bottle or package and upon the outer wrapper thereof, shall be punished as provided in section 4601a. [Note: Sec. 4601a provides for a fine of not less than twenty-five nor more than one hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than four months.] (*Laws 1897, p. 277.*)

Statutes, 1898, vol. 2, p. 2785.

**1419. Labeling; record; penalty.** No person shall sell at retail or give away any poison commonly recognized as such, except paris green put up in packages and labeled "paris green, poison", and especially aconite, arsenic, and its preparations, belladonna,<sup>a</sup> biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, morphine, nux vomica, oil of savin, oil of tansy, oil of bitter almonds, oil of cloves, ovalic<sup>b</sup> acid, opium and preparations of opium, phosphorus, sulphuric ether, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, or any mixture containing enough of any of said poisons or of any combination of them sufficient to kill a person taking the same without affixing to the box, bottle, vessel or package containing the same and to the wrapper or cover thereof a label bearing the word "poison" distinctly shown, together with the name and place of business of the seller. And every person who shall sell at retail any such poison shall keep in his place of business a book in which shall be entered an accurate record of the sale of all poisons; such record shall contain the amount purchased, the date, for what purpose purchased and the buyer's name and address, and shall be, during ordinary business hours, subject to the inspection of the district attorney of the county in which such store is located or of any authorized agent of the state board of pharmacy. Any person failing or neglecting to comply with the provisions of this section shall forfeit for each such violation not less than five dollars nor more than fifty dollars.

Statutes, 1898, vol. 1, p. 1067.

<sup>a</sup> See also sec. 1409g, p. 203.

<sup>b</sup> So in Statutes.



**4608g.** *Label on vaccine virus, etc.; penalty.* Any person who or corporation which shall sell or gratuitously distribute any vaccine virus, therapeutical serum, modified toxins or similar products with the intention that they shall be used in the prophylaxis or treatment of contagious disease, without having his or its name stamped in plain English letters thereon or on the package or bottle containing the same, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. (*Laws 1897, p. 262.*)

Statutes, 1898, vol. 2, p. 2794.

#### ADULTERATION OF DRUGS.

**4600.** *Penalty for sale; "drug" defined.* Any person who shall, by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver or have in his possession with intent to sell, exchange, offer for sale or exchange any drug or article of food which is adulterated, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than four months. The term "drug," as used in this section, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics.

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**4601.** *Definition of adulteration.* An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if, when sold under or by a name not recognized in said pharmacopœia, but which is found in the pharmacopœia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current edition of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold. \* \* \* *Laws 1897, p. 275-276.*

Statutes, 1898, vol. 2, p. 2783-2784.

**1410a.** *Duties of dairy commissioner in enforcing the law.* It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture and sale of dairy products, the adulteration of any article of food or drink or of any drug, and personally or by his assistants to inspect any milk, butter, cheese, lard, sirup, coffee, tea or other article of food or drink or drug made or offered for sale within the state which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink or drug in violation of law. The district attorney of the county in which a violation of any such law has occurred shall, when called upon by the commissioner or either of his assistants to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the adulteration of food, drinks and drugs and their sale. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products or

practicing deception or fraud in the manufacture and sale thereof. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner or either of his assistants shall be paid into the state treasury.

**1410b. Samples for analysis.** The commissioner, his agent or assistant \* \* \* may enter any place or building in which there is reason to believe that any food, drink or drug is made, prepared, sold or offered for sale, and may open any package or receptacle of any kind containing, or which is supposed to contain, any article of food, drink or drug, and examine or analyze the contents thereof. Any such article or a sample thereof may be seized or taken for the purpose of having it analyzed; but if the person from whom it is taken shall so request, at the time of taking, the officer shall then and in the presence of such person securely seal up two samples of such article, one of which shall be for analysis under the direction of the commissioner, the other shall be delivered to the person from whom the sample or article was obtained. \* \* \*

**1410c. Submission of articles for analysis; evidence.** The State board of health, medical officers of local boards of health, town and village boards or common councils may submit to the dairy and food commissioner samples of water or other drinks, or food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable; such reports shall fully specify the result of the analysis and be signed by such commissioner; they shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

Statutes, 1898, vol. 1, p. 1059-1060.

#### DISTRIBUTION OF SAMPLES.

**4601d. Restrictions; penalty.** Any person who shall by himself, his servant or agent, or as the servant or agent of any other person leave, throw or deposit or have in his possession with intent to leave, throw or deposit upon the doorstep or premises owned or occupied by another or who shall deliver to any child under the age of fifteen years, when not accompanied by an adult, any patent or proprietary medicine or any preparation, pill, tablet or drug that contains poison or other ingredients deleterious to health, as a sample or in any quantity whatever for the purpose of advertising or otherwise, shall be deemed guilty of a misdemeanor and shall be punished as provided in section 4601a. [By a fine of \$25 to \$100 or imprisonment of 30 days to 4 months.]

Laws, 1901, p. 468.

## WYOMING.

The commissioners of pharmacy are empowered to employ analysts to investigate complaints relative to the adulteration of drugs and may institute prosecutions.

### REGISTERED PHARMACISTS.

**2213.** *Only registered pharmacists can retail drugs.* It shall not be lawful for any person, other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy or store for retailing, compounding or dispensing drugs, medicines or poisons unless such person shall be, or shall employ and place in charge of such pharmacy or store, a registered pharmacist within the meaning of this chapter, except as hereinafter provided.

**2222.** *Penalty; assistants.* Any person not being, or having in his employ, a registered pharmacist within the meaning of this chapter, who shall keep a pharmacy or store for retailing or compounding medicines, or who shall take, use or exhibit the title of a registered pharmacist shall, for each and every offense, be liable to a penalty of fifty dollars. Any registered pharmacist, who shall permit the compounding and dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist, or except by a "registered assistant" pharmacist, or any pharmacist or "registered assistant" who, while continuing in business, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representations to procure registration for himself or any other person, shall for every offence, be liable to a penalty of fifty dollars; Provided, That nothing in this chapter shall apply to or in any way interfere with the business of any physician, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the making or vending of patent or proprietary medicines, or medicines placed in sealed packages, with the name of the contents, and of the pharmacist or physician by whom prepared or compounded, nor with the sale of the usual domestic remedies by retail dealers, nor with the exclusively wholesale business of any dealers as hereinafter provided; And Provided further, That no part of this section shall be so construed as to give the right to any physician to furnish any intoxicating liquors as a beverage, on prescription or otherwise. *Laws 1888, p. 32 and 35.*

Revised Statutes, 1899, p. 626 and 628.

### SALE OF POISONS.

**2224.** *Labeling; exemptions; penalty.* No person shall sell at retail any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, opium, oxalic

acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, bottle, vessel or package containing the same, and to the wrapper or cover thereof, a label bearing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller. No person shall deliver any of said poisons to any person under the age of fifteen years, nor shall he deliver any of said poisons to any person without satisfying himself that such poison is to be used for a legitimate purpose; Provided, That nothing herein contained shall apply to the dispensing of physicians' prescriptions of any of the poisons or articles aforesaid. It shall be the duty of the person vending any of the poisons aforesaid before delivering the same to the purchaser, to cause an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison sold, and the name of the dispenser; and such book shall always be open for inspection by the proper authorities, and shall be preserved for reference for at least two years. Any person failing to comply with the requirements of this section shall be liable to a penalty of ten dollars for each and every offense. (*Laws, 1888, p. 36.*)

Revised Statutes, 1899, p. 629.

4. *Poison labels; penalty.* Whenever any pharmacist, druggist, physician or other dealer in poisons, chemicals, medicines and drugs, whether wholesale or retail, within the State of Wyoming shall sell any drug or chemical, and the indiscriminate or careless use of which might be destructive of human life, except that such dealer shall affix to each bottle or package of such drug, chemical or poison a label printed in red ink, and a cautionary emblem of the skull and cross-bones, or the words "Caution" or "Poison" shall upon conviction thereof before any court having competent jurisdiction be fined in any sum not exceeding one hundred dollars nor less than ten dollars.

Laws, 1903, p. 112.

1. *Sale of certain dangerous drugs prohibited except upon prescription.* It shall be unlawful for any person or persons, firm or corporation, to sell, barter, give away, or have in its, or their possession, or in any manner distribute, any of the drugs known as cocaine, or its derivatives; opium, or its derivatives; chloral hydrate, or its derivatives, or any other drug or combination of drugs, the natural effect of which, is to induce delirium; or to sell, barter, give away, or have in possession, or in any manner distribute, any patent or proprietary medicines, known to contain any of the drugs heretofore mentioned, or the derivatives of any such drugs; except that regular licensed pharmacists may keep for sale and sell such drugs, upon the bona fide written prescription of a regular practicing physician, which prescription must not be repeated or refilled.

2. *Penalty.* Any person found guilty of a violation of any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and, for the first offense, shall be fined not less than fifty dollars, nor more than one hundred dollars, and for each and every conviction of the same offense thereafter shall be fined not less than \$100.00 and not more than \$250.00, and imprisoned in the county jail not less than sixty days and not more than six months.

3. *Unnecessary prescription deemed malpractice.* Any physician who shall prescribe any of the drugs herein mentioned, except in cases where its, or their, use is necessitated and required by the then existing physical or mental condition of the person so applying for such prescription, shall, upon conviction thereof, in the manner provided by law, be deemed guilty of malpractice and

unprofessional conduct, and it shall thereupon be the duty of the State Board of Medical Examiners to revoke and annul the license of such physician to practice medicine in the State of Wyoming.

Laws, 1903, p. 129.

#### ADULTERATION OF DRUGS.

**2223. Adulteration prohibited; penalty.** No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation so that it will not correspond to the recognized test of identity or purity. Any person who shall thus wilfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale any such adulterated or altered drug, medicine, chemical or pharmaceutical preparation, or any person who shall substitute or cause to be substituted one material for another with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this act. If convicted he shall be liable to all the costs of the action, and all expenses incurred by the commissioners of pharmacy in connection therewith, and for the first offence be liable to a fine of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense a fine of not less than seventy-five nor more than one hundred and fifty dollars. On complaint being entered the commissioners of pharmacy are hereby empowered to employ an analyst or chemical expert whose duty it shall be to examine into the so claimed adulteration, substitution or alteration, and report upon the result of his investigation; and if said report justify such action the commission shall duly cause the prosecution of the offender as provided in this law. (*Laws 1888, p. 36.*)

Revised Statutes, 1899, p. 629.

**5109. Penalty for fraudulent adulteration.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with a fraudulent intent to offer the same for sale, or to cause or permit the same to be offered for sale, as unadulterated and undiluted; and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than sixty days, or by both.

**5110. Penalty for selling spoiled medicine.** Every person who knowingly sells or keeps, or offers for sale, or otherwise disposes of, or tries to dispose of, any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk shall be fined not more than fifty dollars, or imprisoned in the county jail not more than thirty days, or both. (*Laws, 1884, p. 4.*)

Revised Statutes, 1899, p. 1264-1265.

**6. Sale of adulterated drugs prohibited.** No person or persons shall within the State of Wyoming manufacture for sale, offer for sale, or sell any drug or article of food, drink or illuminating oil which is adulterated within the meaning of this act.

**7. Terms "drug," "food," and "drinks" defined.** The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics,

disinfectants and cosmetics. The term "food" as used in this act, shall include all articles used for food, whether simple, mixed or compound, the term "drinks," shall include all drinks whether distilled, brewed, simple, mixed or compound, including mineral waters which shall be used as food, medicines or beverages by any person, or persons, while in the State of Wyoming, whether a citizen or not.

**8. Adulteration defined.** An article shall be deemed to be adulterated within the meaning of this act—

(a) In case of drugs: (1) If when sold under or by the name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by the name not recognized in the United States Pharmacopoeia, but which may be found in some other pharmacopoeia, or other standard work on *Materia Medica*, it differs materially from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls belows the professed standard under which it is sold. \* \* \*

**9. Samples for analysis.** Every person manufacturing, offering or exposing for sale, whether a manufacturer or not, or delivering to a purchaser any drug or article of food or drink included in the provisions of this act shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food or drink which is in his possession.

**10. Penalties.** Whoever refuses to comply upon demand, with the requirements of this act, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three hundred dollars (\$300) nor less than fifty dollars (\$50), or imprisoned not exceeding one hundred nor less than thirty days, or both, at hard labor. Any person found guilty of manufacturing, offering for sale or selling an adulterated article of food, drugs or drinks under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person shall be found guilty of manufacturing, selling or offering for sale.

Laws, 1903, p. 103-104.

#### ADULTERATION OF LIQUORS WITH POISONS.

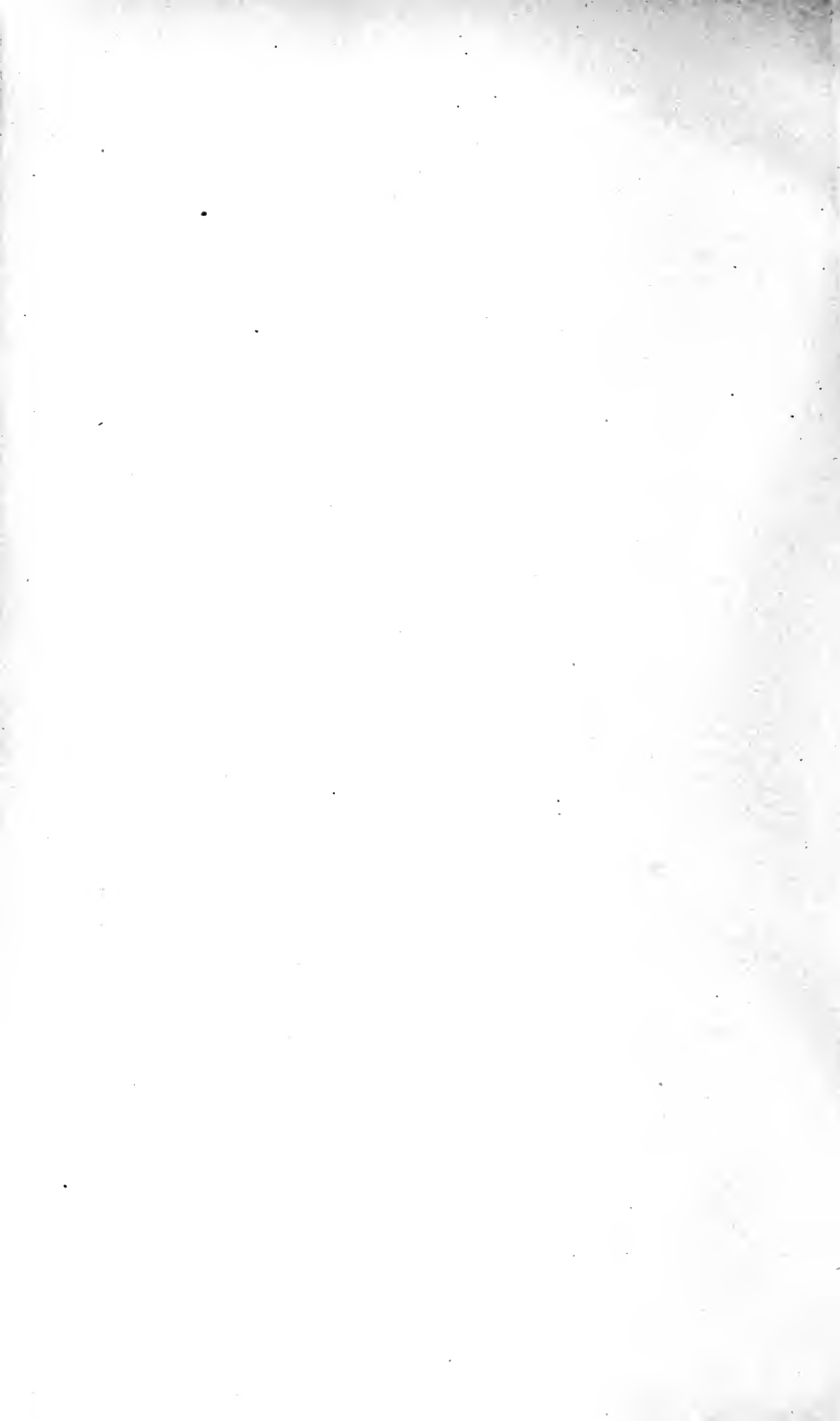
**1. Prohibition; labels; penalty.** Whoever adulterates, for the purpose of sale within the State of Wyoming any spirituous, alcoholic, vinous or malt liquors used or intended for drink or medicinal or mechanical purposes, with *Cocculus-indicus*, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous, adulterated or injurious to the health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, and whoever uses any active poison in the manufacture or preparation of any intoxicating liquor or sells in any quantity any intoxicating liquor so manufactured or prepared, and whoever engages in the manufacture and sale of intoxicating liquors and fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, whether a resident of the State of Wyoming or not, and also the words "containing no poisonous drugs, or other added poison," and any person guilty of violating any of the provisions of this act shall be adjudged

to pay in addition to the penalties provided for by this act all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors, whether alcoholic, vinous or malt, intended for drink of which said party may have been guilty of adulterating or selling or keeping for sale or offering for sale, shall be fined in any sum not less than twenty dollars or more than one hundred dollars, or be imprisoned not less than twenty days nor more than sixty days, or both, at the discretion of the court, excepting manufacturers who manufacture and place on sale liquors containing poisons or that are not labeled as provided for in this act, shall be fined not more than one thousand dollars and imprisonment <sup>a</sup> not more than six months nor less than one month.

Laws, 1903, p. 111.

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<sup>a</sup> So in Laws.





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