

CHAPTER 98.

[S. B. 85.]

DRUGS AND MEDICINES.

AN ACT relating to drugs and medicine; regulating the sale and dispensing thereof; requiring licenses and registrations for the privilege of selling, dispensing and compounding the same, and fixing fees therefor; creating a state board of pharmacy, and prescribing their powers and duties with respect thereto; prescribing penalties; amending sections 10, 11, 13, 16 and 17-c of chapter CXXI (121), Laws of 1899; repealing all acts and parts of acts in conflict therewith; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is hereby created a state board of pharmacy, which may be referred to hereinafter as the board, to consist of three members, to be appointed by the governor. Each of the members of said board shall be a citizen of the United States and a resident of the State of Washington, and at the time of his appointment shall have been a duly registered pharmacist under the laws of the State of Washington for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be such a duly registered pharmacist. The first members of said board shall be appointed by the governor within thirty days after this act takes effect, the term to be designated by the governor, one for a term ending on the third Monday in January, 1937, one for a term ending on the third Monday in January, 1939 and one for a term ending on the third Monday in January, 1941. Appointments of members after the first, except to fill an unexpired term, shall be for a term of four years. Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall

State board
of pharmacy,
creation of.

Qualification
of members.

hold office for the term of his appointment and until his successor is appointed and qualified. Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he shall furnish the member with a letter setting forth his reasons for the removal and shall file a copy of such letter with the secretary of state where it shall remain subject to public inspection. In case of resignation, disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a new member for the unexpired term.

Organization
of board.

SEC. 2. Members of the board shall meet at such places and times as the board shall determine and as often as necessary to discharge the duties imposed upon it by this act. The board shall elect a chairman from among its members. Two members shall constitute a quorum for the transaction of business. Each member of the board shall receive ten dollars per day for each day actually spent in the performance of his official duties, including days spent [spent] in going to and returning from the place of such performance, together with his actual and necessary traveling expenses.

Powers
and duties.

SEC. 3. The board shall have power and it shall be its duty—

(1) To pass upon the qualifications of applicants for licenses, registrations and certificates, prepare the necessary lists of examination questions, which may be partly oral and partly written, and determine and designate the applicants who successfully pass examination, and issue such licenses, registrations and certificates as are required and authorized by the provisions of chapter CXXI (121) of the Laws of 1899, as amended, and chapter 180 of the Laws of 1923, as amended;

(2) To appoint, employ, discharge at will, and fix the compensation of a secretary and such inspec-

tors, assistants and clerks as it shall deem necessary and advisable to discharge its duties under this act;

(3) To exercise a general supervision over, and to direct the enforcement of, the provisions of chapter CXXI (121) of the Laws of 1899, as amended, and chapter 180 of the Laws of 1923, as amended;

(4) To hold hearings and revoke or suspend, as provided by law, licenses, registrations and certificates issued pursuant to the provisions of chapter CXXI (121) of the Laws of 1899, as amended, and chapter 180 of the Laws of 1923, as amended;

(5) To make such rules and regulations as may be necessary or convenient, not inconsistent with law, to aid and facilitate the performance of the duties and powers imposed upon it by this act.

SEC. 4. That section 10 of chapter CXXI (121), Laws of 1899, as amended by section 5 of chapter 213 of the Laws of 1909 (§ 10135 of Remington's Revised Statutes) be amended to read as follows: Amendment.

Section 10. Every person claiming registration as a graduate in pharmacy or as a licentiate of some other state board, shall, before a certificate be granted, pay the sum of ten dollars, and every applicant for registration by examination under this act shall pay the sum of ten dollars before the examination be attempted: *Provided*, That in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge any time within one year. Every shopkeeper not a pharmacist, desiring to secure the benefits and privileges of this act, is hereby required to secure a shopkeeper's license, and he or she shall pay the sum of two dollars for the same, and annually thereafter the sum of two dollars for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. Examination.
Shopkeeper's license.

Amends § 16
of ch. 121,
Laws of 1899.

That section 16 of chapter 121 of the Session Laws of 1899 be amended to read as follows:

Vendor's
license.

Section 16. Every itinerant vendor or any peddler of any medicine, drug, nostrum or ointment or preparation for the treatment of disease or injury desiring to secure the benefit privileges or benefits of this act is hereby required to secure a vendor's license; and he or she shall pay the sum of two dollars for the same and annually thereafter the sum of two dollars for the renewal of the same.

Amendment.

SEC. 5. That section 11, chapter CXXI (121), Laws of 1899 (§ 10136 of Remington's Revised Statutes) be amended to read as follows:

Renewal
registration
license.

Section 11. Every registered pharmacist and assistant pharmacist who desires to continue the practice of his profession shall annually on or before the first day of June of each year secure from the board a renewal registration license, the fee for which shall be three dollars for a pharmacist and two dollars for an assistant. Every certificate of registration or the current renewal thereof shall be conspicuously exposed in the drug store, pharmacy or dispensary to which it applies. Any registered pharmacist, assistant pharmacist or shopkeeper who shall fail or neglect to conspicuously expose such certificates as are herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than ten dollars, and the costs of the action.

Amendment.

SEC. 6. That section 13 of chapter CXXI (121), Laws of 1899, as amended by section 7 of chapter 213 of the Laws of 1909 (§ 10138 of Remington's Revised Statutes) be amended to read as follows:

Misde-
meanors.

Section 13. Any person not a registered pharmacist and not having continuously and regularly in his employ a duly licensed and 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; and each and every day that such prohibited practice continues shall be deemed a separate offense. Every place in which physicians' prescriptions are compounded or dispensed shall be deemed to be a pharmacy, drug store or dispensary, and the same shall at all times be under the personal supervision of a duly licensed and registered pharmacist; and 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 upon 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 any false representations 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; and each day that such prohibited practice continues shall be deemed a separate offense: *Provided*, That nothing in this act shall operate in any manner to interfere with the business of any physician and surgeon, duly licensed as such under the laws of this state, in regular practice, or prevent him from administering to his patients such medicines as he may deem proper, nor with selling proprietary medicine or medicines placed in sealed packages, nor with the exclusive wholesale business of any dealer except as hereinafter provided, nor prevent shopkeepers, itinerant vendors, peddlers or salesmen from dealing in and selling the commonly used medicines, or patent and

Penalties.

Not to
interfere
with
physicians

Licenses.

Violation.

proprietary medicines, if such medicines are sold in the original packages of the manufacturer, or in packages put up by a registered pharmacist in the manner provided by the state board of pharmacy, is [if] such shopkeeper, itinerant vendor, salesman or peddler shall have obtained a license as hereinabove provided ; but any person who shall take or use or exhibit in or upon any place of business, or advertise in a newspaper, telephone or other directory, by radio, or in any manner the title of pharmacist, assistant pharmacist, druggist, pharmacy, drug store, medicine store, drug department, drugs, drug sundries, or any title or name of like description or import, or display or permit to be displayed upon said place of business the characteristic pharmacy show bottles or globes, either colored or filled with colored liquids, without having continuously and regularly employed in this [his] shop, store, or place of business a pharmacist duly licensed and registered under this act, shall be guilty of a misdemeanor, and each and every day that such prohibited practice continues shall be deemed a separate offense.

Amends § 16,
ch. 121, Laws
of 1899.

SEC. 7. That section 16 of chapter CXXI (121) of the Laws of 1899, being section 10141 of Remington's Revised Statutes, be and the same is hereby amended to read as follows :

License
fee for.

Section 16. Any itinerant vendor, shopkeeper, or any peddler of any medicine, drug, nostrum or ointment or preparation for the treatment of disease or injury, shall pay a license fee of two dollars annually on or before the first day of June. The state board of pharmacy shall issue a license to such itinerant vendor or peddler on application made to the state board of pharmacy, such license to be signed by the president and attested by the secretary with the seal of the board. Any such itinerant vendor or peddler who shall vend or sell, or offer to sell any

such medicine, drug, nostrum or ointment or preparation without having a license to do so as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars and not exceeding fifty dollars, for such offense, and each sale or offer to sell shall constitute a separate offense.

Misdemeanor.

Penalty.

SEC. 8. That sections 17-c of chapter CXXI (121), Laws of 1899, as added by section 12 of chapter 213 of the Laws of 1909 (§ 10145 of Remington's Revised Statutes) be amended to read as follows:

Amends § 12, ch. 213, Laws of 1909.

Section 17-c. Within thirty days after this act takes effect, the owner of each and every drug store, pharmacy or dispensary, shall pay a license fee of two dollars, and annually thereafter, on or before the first day of June, a like fee of two dollars, for which he shall receive a license and registration of location, which shall entitle the owner to operate such drug store, pharmacy or dispensary at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, file with the state board of pharmacy on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy, drug store, or dispensary mentioned therein. It shall be the duty of the owner to immediately notify the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense.

Filing with state board.

Change of location.

Misdemeanor.

Payments by applicant.

SEC. 9. All payments required by this act, by the provisions of chapter CXXI (121), Laws of 1899, as amended, or chapter 180, Laws of 1923, as amended, for licenses, registrations, examinations, certificates or other purposes, shall be paid by the applicant for the license, registration, certificate or examination to the state treasurer who shall, upon receipt of the same, issue an original duplicate receipt therefor to such applicant, which shall show the purpose for which the payment was made; and the applicant shall, upon filing with the board one of such duplicate receipts, receive from the board the license, registration, certificate, or examination, as the case may be, to which he is entitled by reason of such payment.

General fund.

SEC. 10. All moneys received by the state treasurer under the provisions of this act shall be paid into the general fund of the state.

Repeal of conflicting acts.

SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed.

Partial invalidity.

SEC. 12. If any section, sentence, clause or part of this act shall be adjudged to be invalid, such adjudication shall not affect the remaining portions of the act.

Appropriation.

SEC. 13. There is hereby appropriated the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, out of the general fund of the state treasury, to be disbursed on vouchers to be approved by the state board of pharmacy for per diem, salaries, expenses and capital outlay necessary in carrying out the provisions of this act: *Provided*, That disbursements hereunder shall not exceed receipts.

Passed the Senate March 4, 1935.

Passed the House March 13, 1935.

Approved by the Governor March 20, 1935.