

and the support of the state government, and shall take effect April 1, 1939.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 17, 1939.

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## CHAPTER 192.

[H. B. 60.]

### REGULATION AND LICENSING OF PROPHYLACTICS FOR TREATMENT OF VENEREAL DISEASES.

AN ACT relating to, regulating and licensing the possession, sale and disposal of certain prophylactics, designed, intended or having special utility for the prevention and/or treatment of venereal diseases; and prescribing penalties.

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

SECTION 1. For the purposes of this act, words and phrases shall have the following meaning:

- "Board." 1. "Board" shall mean the Washington State Board of Pharmacy;
- "Wholesale." 2. "Wholesale" shall mean a sale by a manufacturer, wholesale dealer, distributor or jobber to a person who sells, or intends to sell, direct to the user, and "wholesale dealer" shall mean such a manufacturer, wholesale dealer, distributor or jobber;
- "Retail." 3. "Retail" shall mean a sale to the ultimate user, and "retail dealer" shall mean a person who so sells;
- "Prophylactic." 4. "Prophylactic" shall mean any device or medicinal preparation or compound which is or may be used, designed, intended or which has or may have special utility, for the prevention and/or treatment of venereal diseases;
- "Person." 5. "Person" shall mean either an individual, corporation, copartnership, firm or association;
- "Sell." 6. "Sell" and "sale" shall, in addition to their usual and ordinary meanings, include, possess in

violation of the intent of this act, exchange, give away or gift, or any disposal.

SEC. 2. It shall be unlawful for any person to sell any prophylactic at wholesale or at retail without having, respectively, a valid and subsisting wholesale dealer's or retail dealer's license issued under the provisions of this act; nor shall any licensed wholesale dealer make any sale other than at wholesale, nor any licensed retail dealer make any sale other than at retail.

Wholesale  
or retail  
dealer's  
license.

SEC. 3. No retail dealer's license shall be issued to any person who does not hold a valid and subsisting license issued under the laws of the State of Washington authorizing the holder to operate a drug store, pharmacy or dispensary; nor shall any sale be made by any licentiate except in the place of business or business establishment of the licentiate.

Retail dealer  
must hold  
license to  
operate  
drug store.

SEC. 4. The fee for a wholesale dealer's license shall be twenty-five dollars (\$25.00) and for a retail dealer's license shall be one dollar (\$1.00). A separate license shall be required for each store, warehouse, establishment or place of business from which sales are made. All licenses shall expire on the 31st day of May next following the date of issue, and shall be renewed and expire annually as in the case of the original license. The board shall issue the license required upon application and exhibition of a duplicate receipt showing payment to the State Treasurer of the prescribed fee.

License fee.

Expiration  
of license.

SEC. 5. It shall be unlawful for any person, except a physician and surgeon duly licensed as such under the laws of the State of Washington, to sell any prophylactic without being the holder of a valid and subsisting license issued under the provisions of this act or to sell any prophylactic except as authorized by the provisions of this act.

Seller other  
than  
physician  
must be  
licensed.

Prophylactic  
must be  
efficacious.

SEC. 6. No person shall sell any prophylactic which has no efficacy as an agent for the prevention and/or treatment of venereal diseases; and the action of the board in determining whether a particular prophylactic is or is not efficacious shall be conclusive, except for arbitrary, fraudulent or capricious action.

Board to  
enforce act.

SEC. 7. The board shall have charge of the enforcement of this act, and to that end is authorized to make rules and regulations not inconsistent with the act: *Provided*, That failure of the board to act shall not prevent enforcement in the same manner as other penal statutes.

Board may  
cancel or  
suspend  
licenses.

SEC. 8. The board shall have power to cancel or suspend for a definite period any license issued, or to withhold issuance of a renewal license to any licentiate who is convicted of a violation of any provisions of this act; and no license suspended shall be reinstated or new license issued to such licentiate, except at the pleasure of the board.

Seizure and  
destruction  
of prophylactics.

SEC. 9. The board, through its duly authorized agents, or through any state license inspector or peace officer, is authorized to seize and destroy any prophylactic which does not conform to the requirements of this act; and in any criminal proceeding instituted for violation of any of the provisions of this act, the court in which proceeding is commenced or is pending shall have power to order the seizure and destruction of any prophylactic possessed in violation of the provisions of this act.

Penalty for  
violation  
of act.

SEC. 10. Violation of any of the provisions of this act or of any of the rules and regulations of the board established hereunder shall be a misdemeanor.

Partial  
invalidity.

SEC. 11. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of the act. The legislature

hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

Passed the House February 24, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 17, 1939.

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## CHAPTER 193.

[H. B. 78.]

### EDUCATIONAL OPPORTUNITIES FOR CHILDREN OF DECEASED VETERANS.

AN ACT providing educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War or as a result of such service, and making an appropriation therefor.

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

SECTION 1. The sum appropriated under the provisions of this act shall be used for the sole purpose of providing for matriculation fees, board and room, rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-two years of age who have for twelve months had their domicile in the State of Washington, of those who were killed in action or died from other causes during the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States or as a result of such service; which children are attending or may attend a state educational or training institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

Benefits.