

CHAPTER CLIII.

[S. B. No. 49.]

TO REGULATE THE PRACTICE OF PHARMACY.

AN ACT to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons, in the State of Washington.

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

SECTION 1. That it shall hereafter be unlawful for any person other than a registered pharmacist to retail, compound or dispense drugs, medicines or poisons, or to institute any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall place in charge of said store a registered pharmacist, except as hereinafter provided.

Qualifications.

SEC. 2. In order to be registered, all persons must be either graduates in pharmacy, or shall, at the time this act takes effect, be engaged in the business of a dispensing pharmacist on their own account in the State of Washington, the preparation of physicians' prescriptions, and the vending and compounding of drugs, medicines and poisons, or shall be licentiates in pharmacy.

SEC. 3. Graduates in pharmacy shall be considered to consist of such persons as have had four years' practical experience in drug stores where prescriptions of medical practitioners are compounded, and have obtained a diploma from such college or schools of pharmacy as shall be approved by the board of pharmacy, as sufficient guarantee of their attainment and proficiency.

Qualifications
of licentiates.

SEC. 4. Licentiates in pharmacy shall be such persons as shall have had three years' practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and have sustained a satisfactory examination before the state board of pharmacy hereinafter mentioned. The state board may grant certificates of registration to licentiates of such other state boards as it may deem proper, without further examination.

State board of
pharmacy.

SEC. 5. As soon as this act shall take effect the Washington state pharmaceutical association shall elect fifteen

reputable and practicing pharmacists doing business in the state, from which the governor shall appoint five. The said five pharmacists, duly elected and appointed, shall constitute the board of pharmacy of the State of Washington, and shall hold office, as respectively designated in their appointments, for the term of one, two, three, four or five years, as hereinafter provided, and until their successors have been duly elected and appointed. The Washington state pharmaceutical association shall annually elect five pharmacists, from which number the governor of the state shall appoint one to fill [the] vacancy annually occurring in said board. The term of office shall be five years. In case of [a] vacancy occurring from any cause, the governor shall fill the vacancy by appointing a pharmacist, from the names submitted, to serve as a member of the board for the remainder of the term. Vacancies.

SEC. 6. The state board shall, within thirty days after the appointment, meet and organize by the selection of a president and secretary from the number of its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applicants for registration submitted in the proper form; to grant certificates of registration to such persons as may be entitled to same under the provisions of this act; to cause prosecutions of all persons violating its provisions; to report annually to the governor and to the Washington state pharmaceutical association upon the condition of pharmacy in the state, which said report shall also furnish a record of the proceedings of said board for the year, as well as all pharmacists duly registered under this act. Organization of state board. The board shall hold meetings for the transaction of such business as shall pertain to its duties once in three months; and the said board shall give 20 days' public notice of the time and place of such meeting. Annual reports The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, also stating facts claimed to jus- Meetings of board. Register.

tify their registration. Three members of said board shall constitute a quorum.

SEC. 7. Every person claiming the right of registration under this act who shall, within sixty days after this act takes effect, forward to the board of pharmacy satisfactory proof, supported by his affidavit, that he was engaged in business of a dispensing pharmacist on his own account in the State of Washington at the time of the passage of this act, as provided in section 2, shall, upon payment of the fee hereinafter mentioned, be granted a certificate of registration: *Provided*, That in case of failure to register as herein specified, then such person shall, in order to be registered, comply with the requirements provided for registration as graduates of pharmacy or licentiates of pharmacy.

SEC. 8. Any person engaged in the position of assistant in pharmacy at the time this act takes effect, not less than eighteen years of age, who shall have had at least three years of practical experience in drug stores where the prescriptions of medical practitioners are compounded, and shall furnish satisfactory evidence to the state board of pharmacy, shall, upon making application for registration and upon payment of \$2.00 to the secretary of said board, within sixty days after this act takes effect, be entitled to a certificate as registered assistant, which certificate shall entitle him to a continuance in such duties as clerk or assistant, but shall not entitle him to engage in business on his own account. Thereafter he shall pay annually to the said secretary the sum of one dollar during the time he shall continue in such duties, in return for which sum he shall receive a renewal of said certificate: *Provided*, Any applicant who has had seven years' experience in compounding medicine immediately prior to the passage of this act may receive a certificate of registered pharmacist.

SEC. 9. Every person claiming registration as a registered pharmacist under section 7 of this act shall, before a certificate is granted, pay to the secretary of the state board of pharmacy the sum of three dollars, and a like sum shall be paid such secretary by graduates in pharmacy, and by such licentiates of other boards who shall apply for registration under this act, and every applicant for registration

by examination shall pay to said secretary the sum of five ^{Fees.} dollars before such examination be attempted: *Provided*, That in case the applicant fail to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within a year.

SEC. 10. Every registered pharmacist, during the times he continues such practice of his profession, shall annually, on such date as the board of pharmacy may determine, pay to the said secretary of said board of registration a fee of ^{Renewal fees.} two dollars in return for which payment he shall receive a renewal of said registration. Every certificate and every renewal shall be conspicuously displayed in the pharmacy to which it applies.

SEC. 11. The secretary of the board of pharmacy shall ^{Salary of secretary of state board.} receive a salary, which salary shall be determined by said board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five ^{Compensation of members of state board.} dollars for each day actually engaged in such service, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by said board under the provisions of this act, and no part of the salary or other expenses of said board, under the provisions of this act, shall be paid out of the public treasury. All moneys received by said board in excess of said allowances and other expenses hereinbefore provided for shall be held by the secretary of the said board as a special fund for meet- ^{Special fund.} ing the expenses of said board, said secretary giving such bonds as the said board shall, from time to time, direct. The said board shall, in its annual report to the governor ^{Annual report.} and to the Washington state pharmaceutical association, render an account of all money received and disbursed by them pursuant to this act.

SEC. 12. The proprietor of every drug store shall keep ^{Prescriptions.} in his place of business a registry book in which shall be entered an accurate record of the sales of all mineral acids, carbolic acid, oxalic acid, hydrocyanic acid, cyanide of potassa, 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 savin, oil tansy, creosote, wines and spirituous or malt liquors. Said record shall state amount purchased, the date, for what purpose used, buyer's name and address, and said record shall at all times, during business hours, be subject to the inspection of the prosecuting attorney, or to any authorized agent of the board of pharmacy: *Provided*, That no such wines, spirituous or malt liquors shall be sold for other than medicinal, scientific, mechanical or sacramental purposes. Furthermore, that all poisons shall be plainly labeled as such, and that such labels shall also bear the name and address of the druggist selling the same. The provisions of this section shall not apply to dispensing by physicians' prescriptions.

SEC. 13. Any person not being a registered pharmacist within the full meaning of this act who shall, after the expiration of sixty days from the time this act shall take effect, retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist shall, for each and every said offense, be liable to a penalty of fifty dollars. Any registered pharmacist or other person 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, 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 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 shall, for each and every offense, be liable to a penalty of fifty dollars: *Provided*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, or prevent him from supplying to his patients such articles as he may deem proper, nor with the making of proprietary medicine or medicines placed in sealed packages; nor prevent shop keepers from dealing in and selling the commonly used medicines and poisons, if such medicines and

Penalty for illegally doing business, or for fraud.

poisons are put up by a registered pharmacist; nor with the exclusive wholesale business of any dealers, except as heretofore provided.

SEC. 14. Every proprietor of a 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 medicine.

Proprietor of drug store responsible.

SEC. 15. Any person who shall knowingly, willfully or fraudulently falsify or adulterate any drug or medical 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 willingly, knowingly or fraudulently sell or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon a conviction shall pay a penalty not exceeding \$500.00, and shall forfeit to the State of Washington all articles so adulterated.

Penalty for adulteration of drugs.

SEC. 16. All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the State of Washington in any court having jurisdiction, and it shall be the duty of the prosecuting attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this act, upon proper complaint being made. All penalties collected under the provisions of this act shall inure one-half to the state board of pharmacy and one-half to the school fund of the county in which suit was prosecuted and judgment obtained.

SEC. 17. All acts or portions of acts regulating the practice of pharmacy or adulteration of drugs within this state in conflict with this act are hereby repealed.

Approved March 9, 1891.