

not otherwise appropriated, the sum of five hundred dollars (\$500.00) for traveling and incidental expenses of the state fish commissioner for the fiscal period ending March 31, 1899.

Passed the House February 25, 1899.

Passed the Senate March 6, 1899.

Approved March 13, 1899.

CHAPTER CXXI.

[S. B. No. 101.]

RELATING TO THE PRACTICE OF PHARMACY.

AN ACT relating to drugs and medicines, the licensing of persons to compound, dispense, buy and sell the same in the State of Washington, placing restrictions on the sale of wines, malt and spiritous liquors, defining crimes and misdemeanors and prescribing penalties in cases of violations of the provisions of this act, repealing chapter 153 of the Session Laws of 1891 of Washington, being an act entitled "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," approved March 9, 1891, and also repealing chapter 113 of the Session Laws of 1893 of Washington, being an act entitled "An act to amend section 8, chapter 153, of the Session Laws of 1891, of Washington, regulating the practice of pharmacy, approved March 9, 1891 and declaring an emergency," approved March 10, 1893, and declaring an emergency.

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

Drugs dis-
pensed only by
registered
pharmacist.

SECTION 1. That 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.

Who are reg-
istered phar-
macists.

SEC. 2. In order to be a registered pharmacist, all persons must be either graduated in pharmacy, licentiates in pharmacy, assistant pharmacists or licensed physicians.

SEC. 3. Graduates in pharmacy shall be such persons Graduates. as have obtained a diploma from such college or school of pharmacy as be approved by the state board of pharmacy, as sufficient guaranty of their attainments and proficiency.

SEC. 4. Licentiates in pharmacy shall be such persons Licentiates. 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 examination.

SEC. 5. Assistant pharmacists shall be such persons Assistants. not less than eighteen years of age as have had two years' practical experience under a registered pharmacist, the time of attendance at any reputable school of pharmacy to be accredited to such time, and who shall have passed a satisfactory examination before the state board of pharmacy. Persons who have passed a similar examination before any other state board of pharmacy, upon furnishing satisfactory proof thereof, may receive a certificate of registration as assistant pharmacist without further examination, at the discretion of the state board. The holder of a certificate of registration as assistant pharmacist shall be deemed competent to act as clerk or salesman in a drug store or pharmacy under the supervision of the registered pharmacist in charge thereof, and during the temporary absence of said registered pharmacist.

SEC. 6. It shall be the duty of the registered pharmacist Apprentices to be reported. who take into their employ an apprentice for the purpose of becoming a pharmacist to report to the board within three months thereafter, such facts regarding his schooling and preliminary qualifications as the board may require for the purpose of registration. The board shall furnish proper blanks for this purpose and may issue to such apprentice a certificate of registration as a registered apprentice, and the date of the

certificate shall be proof of the time when practical experience began with the apprentice named therein. The fee for such registration shall be fifty cents.

Board of
pharmacy.

SEC. 7. The members of the board of pharmacy of the State of Washington shall hold office as respectively designated in their appointments, for the term of one, two, three, four or five years, and until their successors may 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 last submitted, to serve as a member of the board for the remainder of the term: *Provided*, That the board of pharmacy of the State of Washington heretofore duly elected and appointed under and by virtue of the provisions of that certain act entitled "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," being chapter 153 of the Session Laws of 1891, approved March 9, 1891, shall continue as such board, the members thereof holding their respective offices under this act by virtue of their election and appointment made heretofore, and their successors to be elected and appointed in the manner set forth herein.

Officers of
board.

SEC. 8. The state board shall annually elect a president and a 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 submitting application in the proper form; to grant certificates of registration to such person as may be entitled to the 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

Duties of
board.

association upon the condition of pharmacy in the state, which said report shall furnish a record of the proceedings of said board for the year, as well as the names of all persons registered under this act; and also an itemized account of all moneys received and disbursed by them as such board, which account shall be audited by the Washington state pharmaceutical association annually. The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties at least once in six months: *Provided*, That the president of the board of pharmacy may call special meetings of said board not more than twice in any one year for the purpose of transacting such business as may properly come before it, and said board shall give thirty days public notice of the time and place of all its meetings. 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, together with a record of the conditions justifying such registration. Three members of said board shall constitute a quorum for transaction of all business that may properly come before the board.

SEC. 9. All persons hitherto registered, either as pharmacists, assistant pharmacists or physicians, under the laws of this state, shall be entitled to all rights and privileges of registration under this act: *Provided*, That physicians to be entitled to the benefits of this act must make application for registration hereunder within thirty days of the taking effect of this act.

SEC. 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 to the secretary of the state board of pharmacy the sum of three dollars, and every applicant for registration by examination under this act, shall pay the said secretary the sum of five dollars before such examination be attempted: *Provided*, That in case the applicant fails

Meetings.

Status pharmacists already registered.

Certificate graduation.

Fee.

to pass a satisfactory examination he shall have the privilege, under section 13, of a second examination without charge any time within one year. Every shop keeper desiring to secure the benefits and privileges of this act is hereby required to secure a certificate of registration, and he shall pay the sum of one dollar for the same, and annually thereafter the sum of one dollar for renewal as required of registered pharmacists: *Provided, however,* That nothing in this section shall apply to shop keepers dealing only in patent or proprietary medicines in the original packages.

Exception.

Annual fee.

SEC. 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 pay to the secretary of said board a renewal registration fee, the amount of which shall be fixed by the board, and which in no case shall exceed two dollars for a pharmacist and one dollar for an assistant, in return for which payment he shall receive the renewal of such registration. Every certificate of registration and every renewal shall be conspicuously exposed in the pharmacy or shop to which it applies.

Certificate to be exposed.

Any registered pharmacist, assistant pharmacist or shop keeper 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.

Salary secretary of board.

SEC. 12. The secretary of the board of pharmacy shall receive an annual salary not to exceed three hundred dollars, which salary shall be determined by said board; he shall also receive his traveling and other expenses necessarily and actually incurred in the performance of his official duties. The other members of said board shall each receive the sum of five dollars for every day actually engaged in their official duties, and all legitimate and necessary expenses incurred therein.

Compensation other members of board.

Said expenses shall be paid from the fees and penalties received by the board under the provisions of this act, and no part of the salary or other expenses

Disbursement of moneys received for fees.

of said board shall paid out of the public treasury, and of all moneys received by said board in excess of said allowance and other expenses hereinbefore provided for, one-half shall be held by the secretary of the board as a special fund for meeting the expenses of the board; the remaining one-half shall be by him paid over annually to the treasurer of the Washington State Pharmaceutical Association on the order of the president and secretary of said association, to be expended in defraying the necessary expenses incurred in carrying out the provisions of this act subject to the approval of the state board of pharmacy. Said secretary of the board shall give such bonds as the board shall from time to time direct. Bonds.

SEC. 13. 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 shop-keeper 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 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 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. Penalty. Exceptions.

placed in sealed packages, nor with the exclusive wholesale business of any dealer, except as hereinafter provided, nor prevent shop-keepers 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.

Liability of
druggist.

SEC. 14. 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 pharmacopœa 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 medicinal purposes, shall be deemed 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.

Adulteration.

Penalty.

Registry book.

SEC. 15. 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 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 spiritous 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, spiritous 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 ^{Labels.} 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.

SEC. 16. Any itinerant vendor or any peddler of any ^{Vendor's} medicine, drug, nostrum or ointment or preparation, ^{license.} for the treatment of disease or injury, shall pay a license fee of not less than one dollar nor more than twenty-five dollars per month into the treasury of the board, subject to regulations formulated by said board of pharmacy. It shall be lawful for said board to issue 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. And 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 so to do 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 for sale, shall constitute a separate offense.

Suits for penalties.

SEC. 17. 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 the filing of proper complaint. 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.

Repeal.

SEC. 18. Chapter 153 of the Session Laws of 1891 of Washington, being an act entitled "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, approved March 9, 1891, and chapter 113 of the Session Laws of 1893, being an act entitled "An act to amend section 8, chapter 153 of the Session Laws of 1891 of Washington, regulating the practice of pharmacy, approved March 9, 1891, and declaring an emergency," approved March 10, 1893, are hereby repealed.

Passed the Senate February 25, 1899.

Passed the House March 9, 1899.

Approved March 14, 1899.