

CHAPTER 213.

[H. B. 348.]

RELATING TO PHARMACY.

AN ACT to amend sections 4, 5, 6, 8, 10, 12, 13, 15 and 17, of "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 spirituous liquors, defining crimes and misdemeanors and prescribing penalties in cases of violation 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," approved March 14, 1899, and by adding section 17-A, 17-B, and 17-C and 17-D to said act.

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

SECTION 1. That section 4 of said act be and the same is hereby amended to read as follows:

[Am'd. § 4,
ch. 121, p.
217, L. '99.]

Sec. 4. Licentiates in pharmacy shall be such persons, not less than twenty-one years of age, as shall have had three years' practical experience in drug stores where prescriptions of medical practitioners are compounded, together with such preliminary education as may be designated by the said board, and have passed a satisfactory examination. The State Board of Pharmacy may grant certificates of registration to licentiates of such other state boards as it may deem proper without examination.

Licentiates
in pharmacy.

SEC. 2. That section 5 of said act be and the same hereby is amended to read as follows:

[Am'd. § 5,
ch. 121, p.
217, L. '99,
§ 6957,
Pierce.]

Sec. 5. Assistant pharmacists shall be such persons not less than eighteen years of age as have had two years practical experience under a registered pharmacist, together with such preliminary education as may be designated by the State Board of Pharmacy, the time of attendance at

Assistant
pharmacists.

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 a registered pharmacist in charge thereof, and during the temporary absence of said registered pharmacist.

[Am'd. § 6,
ch. 121, p.
217, L. '99,
§ 6959
Pierce.]

SEC. 3. That section 6 of said act be and the same is hereby amended to read as follows:

Sec. 6. It shall be the duty of registered pharmacists who take into their employ an apprentice for the purpose of becoming a registered pharmacist to report to the board within three months thereafter such facts regarding his or her schooling and preliminary qualifications as the board may require for the purpose of registration, and to satisfy himself that such apprentice does possess those qualifications demanded by the board. 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; and the fee for such registration shall be one dollar. Every registered pharmacist shall report to the State Board of Pharmacy the names of all clerks and apprentices employed in their respective pharmacy at least once during each year, and at such time as the State Board of Pharmacy shall determine.

Registry of
apprentices.

[Am'd. § 8,
ch. 121, p.
218, L. '99,
§ 6961,
Pierce.]

SEC. 4. That section 8 of said act be and the same is hereby amended to read as follows:

Sec. 8. The State Board of Pharmacy 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.

Officers of
board.

It shall be the duty of the board to examine all applicants for registration, submitting application in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause prosecutions of all persons violating the provisions of this act; 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 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 said board, which account shall be audited by the Washington State Pharmaceutical Association annually.

Duties of board.

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 of its meetings.

Meetings of board.

The said board shall have power to make such by-laws, rules and regulations, not inconsistent with the laws of the state, as may be necessary to carry into effect the provisions of this act.

By-laws.

The board shall have power 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 notice, and whenever there appears reasonable cause therefor to take and hear testimony with reference to the same.

Investigate infractions of pharmacy laws.

The board shall keep a book of registration in which shall be entered the names and place 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 the trans-

Book of registration.

action of all business that may properly come before the board.

[Am'd. § 10,
ch. 121, p.
219, L. '99,
§ 6963
Pierce.]

SEC. 5. That section 10 of said act be and the same is hereby amended to read as follows:

Fees for reg-
istration.

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 the secretary of the State Board of Pharmacy the sum of eight dollars, and every applicant for registration by examination under this act shall pay the secretary 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.

Shopkeeper's
license.

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 six dollars for the same, and annually thereafter the sum of six dollars for renewal of same.

[Am'd. § 12,
ch. 121, p.
220, L. '99,
§ 6965
Pierce.]

SEC. 6. That section 12 of said act be and the same is hereby amended to read as follows:

Compensa-
tion of
members.

Sec. 12. The secretary of the State Board of Pharmacy shall receive a salary which shall be determined by said board, and shall also receive his traveling and other expenses necessarily and actually incurred in the performance of his official duties. The other members of the board shall each receive the sum of five dollars for every day actually engaged in their official duties and all legitimate expenses incurred therein. Said expenses shall be paid from the fees received by the board under the provisions of this act and no part of said salaries and expenses shall be paid out of the public treasury. The secretary of the board shall give such bonds as the board shall from time to time direct.

[Am'd. § 13,
ch. 121, p.
221, L. '99,
§ 6966
Pierce.]

SEC. 7. That section 13 of said act be and the same is hereby amended to read as follows:

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. Acting without license, penalty.

Every place in which physicians' prescriptions are 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. Pharmacy.

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 wilfully make any false representations to procure registration for himself or any other person, or who shall violate any of the provisions of this act wilfully 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 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, or patent and 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; such shopkeeper shall have obtained a license as hereinafter provided. General violations, penalty. Physician. Shopkeepers may sell.

SEC. 8. That section 15 of said act be and the same is hereby amended to read as follows: [Am'd. § 15, ch. 121, p. 222, L. '99, § 696S Pierce.]

Sec. 15. The proprietor of every drug store shall keep in his place of business a record in which shall be entered all sales of the compounds and salts of arsenic, baring,

Record of
sales of
poisons.

chromium, gold, mercury (calomel excepted), silver, the caustic hydrates of sodium, and potassium, the concentrated mineral acids, hydrocyanic acids and their salts, yellow phosphorus, paris green, the essential oils of almonds, pennyroyal, 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, hyoscyamus, ignatia, lobella, nux vomica, opium, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkalodial salts or other poisonous principles derived from the foregoing, or veratrine or any other poisonous alkaloids or their salts, or any poisonous compound, combination or preparation thereof, also all wines and spirituous or malt liquors. 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 duly authorized agent of the board of pharmacy: *Provided*, That no such wines, spirituous or malt liquors shall be sold for any other than medicinal, scientific, mechanical or sacramental purposes, and no other license shall be necessary under any ordinance of any municipality for pharmacists to make said sale in compliance with the provisions of this act.

Inspection of
record.

Wines for
sacramental
and other
uses may be
sold.

He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous nature and that the said poison is to be used for a legitimate purpose.

[Am'd. § 17,
ch. 121, p.
224. L. '99,
§ 6970.
Pierce.]

SEC. 9. That section 17 of said act be and the same is hereby amended to read as follows:

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 to the school fund

Style of
actions.

of the county in which suit was prosecuted and judgment obtained.

SEC. 10. That section 17-A be and the same is hereby added to said act as follows: [§ 17-A
added to ch.
121, L. '99.]

Sec. 17-A. When, upon investigation, the State Board of Pharmacy becomes convinced that any one registered under the laws of this state or applying for examination and registration, either as a licentiate, as an assistant pharmacist or as a registered apprentice, is guilty of a felony, misdemeanor, gross immorality or sells or gives away morphine, cocaine or any other narcotic to any person addicted to the use of such drugs or is addicted to the liquor or drug habit to such a degree as to render him or her unfit for the practice of pharmacy, or is guilty of selling, disposing of or giving away spirituous, fermented, malt or other intoxicating liquors contrary to law and not in good faith, the Board of Pharmacy may examine and refuse to register, or revoke, cancel and suspend the registration of such licentiate, assistant pharmacist or registered apprentice. In any case of the refusal or revocation of a license by said Board of Pharmacy under the provisions of this act, said board shall file a brief and concise statement of the grounds and reasons for such refusal or revocation in the office of the secretary of said board, which said statement, together with the decision of said board in writing, shall remain of record in said office. Before a license can be revoked by said Board of Pharmacy under the provisions of this act, a complaint of some person under oath must be filed in the office of the secretary of said Board of Pharmacy, charging the acts of misconduct and facts complained of against the applicant, licentiate, assistant pharmacist or registered apprentice accused, in ordinary and concise language, and thereupon said board shall cause to be served upon such accused applicant, licentiate, assistant pharmacist or registered apprentice a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in such complaint, and said notice shall be so served at least ten

Cancellation
of license.

Hearing.

days prior to the time of such hearing. Such accused applicant, licentiate, assistant pharmacist or registered apprentice may appear at such hearing, and defend against the accusations of such complaint, personally and by counsel, and may have the sworn testimony of witnesses taken and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing.

[§ 17-B
added to ch.
121. L. '99.]

SEC. 11. That section 17-B be and the same is hereby added to said act as follows:

Appeals from
board.

Sec. 17-B. In any case of the refusal or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused, and the licentiate, assistant pharmacist and licensed apprentice whose license shall be so revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board, as hereinbefore in this act provided. Such appeal shall be to the superior court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the superior court in and for the county in which the hearing was had upon which such license was revoked, in case of such revocation. In any case the person desiring to take such appeal shall serve, or cause to be served, upon the secretary of said board a written notice of such appeal, which shall contain a statement of the grounds of such appeal and shall file in the office of such secretary an appeal bond, with good and sufficient surety, to be approved by said State Board of Pharmacy of the State of Washington, conditioned for the speedy prosecution of such appeal, and the payment of such costs as may be adjudged against him upon such appeal. Said secretary of the State Board of Pharmacy shall, within ten (10) days after the service of such notice of appeal and the filing and approval of said appeal bond, transmit to the clerk of the superior court to which such appeal is taken, a certified copy, under the seal of said board, of the decision of said board, and

Appeal bond.

Transcript
filed with
clerk.

the grounds thereof, in the case of the refusal of a license; and in addition thereto a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried *de novo*. Either party may appeal from the judgment of said superior court to the supreme court of the state in like manner as in civil actions within sixty (60) days after the rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within sixty (60) days, then, and in that case, said board shall, at the end of sixty (60) days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice pharmacy in this state, and in addition thereto shall reinstate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause, and as hereinafter provided. In case the final decision of the supreme court be against said examining board, then and in that case said court shall make such order in the premises as may be necessary, and said board shall act accordingly: *Provided*, That in no case shall an appeal bond be required of said board nor shall any costs be adjudged or taxed against the same.

Appeal to
supreme
court.

SEC. 12. That section 17-C be and the same is hereby added to said act to read as follows:

[§ 17-C
added to ch.
121, L. '99.]

Sec. 17-C. Within ninety days from and after the passage of this act, the owner of each and every drug store, pharmacy or dispensary, shall file with the secretary of the State Board of Pharmacy on a blank therefor provided, a declaration of ownership and location, and shall then receive from the board a duly signed registration of location,

Registration
of phar-
macies.

which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy, drug store or business mentioned therein. It shall be the duty of the owner to notify the board of any change of location and ownership, and shall keep the registration of location certificate properly exhibited in said drug store. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

[§ 17-D
added to ch.
121, L. '99.]

SEC. 13. That section 17-D be and the same is hereby added to said act to read as follows:

General penal
provisions.

Sec. 17-D. Any person who shall violate any of the provisions of this act and for which a penalty is not hereinbefore provided for shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or may be imprisoned in the county jail not exceeding six months.

Passed by the House February 26, 1909.

Passed by the Senate March 3, 1909.

Approved March 18, 1909.

CHAPTER 214.

[H. B. 383.]

LICENSING OF PEDDLERS.

AN ACT to provide for the licensing of peddlers, prescribing penalties for failure to comply with the provisions of this act.

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

Peddler
defined.

SECTION 1. The term peddler for the purpose of this act shall be construed to include all persons, both principals and agents, who go from place to place and house to house, carrying for sale, or offering for sale or exposal for sale, goods, wares or merchandise: *Provided*, That nothing in this act shall apply to peddlers in agricultural or farm products: *And provided further*, That nothing in this act