

February 26, 1924.  
Passed on File.

House File No. 261-A.  
BY COMMITTEE ON PHARMACY.

## A BILL FOR

An act to amend, revise, and codify sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429), inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864), eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty-a one (1430-a1), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-A (14-A) of title six (6) of the supplement to the compiled code of Iowa, relating to drugs, poisons, narcotics, and abortifacients.

*Be It Enacted by the General Assembly of the State of Iowa:*

1       That sections fourteen hundred twenty-four (1424), fourteen  
2 hundred twenty-seven (1427) to fourteen hundred twenty-nine  
3 (1429), inclusive, eighty-eight hundred fifty-two (8852), eighty-  
4 eight hundred sixty-four (8864), eighty-eight hundred sixty-five  
5 (8865), and chapter fifteen (15) of title six (6) of the compiled  
6 code of Iowa; and sections fourteen hundred thirty (1430),  
7 fourteen hundred thirty-a one (1430-a1), fourteen hundred thirty-  
8 one (1431), fourteen hundred thirty-two (1432), and chapter  
9 fourteen-A (14-A) of title six (6) of the supplement to the  
10 compiled code of Iowa, are amended, revised, and codified to read  
11 as follows:

### CHAPTER 9

#### ADULTERATION AND LABELING OF DRUGS

##### General Note

This chapter of the bill is a restatement of chapter 15, title VI, of the Compiled Code, which consists of the Pure Drug Law enacted in 1907. There are but three changes in the *meaning* of the present law:

1. Section 117 requires all drugs to be labeled with the name and place of business of the manufacturer, dispenser, or dealer.
2. Section 118 prohibits therapeutic mislabeling the same as the present federal law.
3. Section 120 requires the keeping of the Pharmacopoeia and National Formulary by drug compounders.

The chapter also includes a restatement of the law relative to itinerant vendors of drugs. The changes made in that law are indicated under section 120-a2.

### Section 115. Drug defined.

1 For the purposes of this chapter "drug" shall include all sub-  
2 stances and preparations for internal or external use recognized in the  
3 United States Pharmacopoeia or National Formulary and any sub-  
4 stances or mixture of substances intended to be used for the cure,  
5 mitigation, or prevention of diseases of either man or animal.

C.C. 1434, entire.

Note: "Substances" substituted for "medicines"; "or for the destruction of parasites" omitted as covered by House File 261, sec. 130.

### Sec. 116. Adulteration defined.

1 For the purposes of this chapter a drug shall be deemed to be  
2 adulterated:

3 1. If it is sold by a name recognized in the United States Pharma-  
4 copoeia or National Formulary and it differs from the standard of  
5 strength, quality, or purity as determined by the test laid down  
6 therein.

7 2. If its strength, quality, or purity falls below the standard un-  
8 der which sold.

C.C. 1435, lines 1-7.

lines 7-15, omitted to make Pure Drug Law effective.

Note: "Package" substituted for "bottle, box", and the present law materially condensed by elimination of verbiage.

### Sec. 117. Labeling of drugs.

1 Every drug offered or exposed for sale, or sold in package or  
2 wrapped form, shall be labeled on the package or container as pre-  
3 scribed in sections nine (9) and ten (10), of House File No. 261, spe-  
4 cial session, Fortieth General Assembly, except that the quantity  
5 of the contents need not be stated; and in addition thereto shall have  
6 printed on the label the name and the exact quantity or proportion

7 of any alcohol, morphine, opium, heroin, chloroform, cannabis indica,  
8 chloral hydrate, acetanilide, or any derivative or preparation of any  
9 such substances contained in said drug. In case the principal package  
10 or container is enclosed in an outside wrapper or carton, the same  
11 label prescribed by this section for the package or container shall also  
12 be printed upon said wrapper or carton.

C.C. 1436, lines 6-18, used also in House File 261, sec. 9.  
lines 18-20, used also in House File 261, sec. 10.  
lines 20-23, used also in House File 261, sec. 9.

Note: "Except that quantity of the contents need not be stated" is inserted in this section so that subdivision 2 of sec. 9 of House File 261 will not apply to labeling of drugs. The present pure drug law does not require such labels to bear the quantity of contents in terms of weight, measure, or numerical count. This insertion is made necessary by use of the cross references "sections nine (9) and ten (10)" of House File 261. These cross references are used in order to avoid repetition. These sections provide the uniform labeling requirements for all articles dealt with in this bill, and in House File 261.

The effect of the above references is to add the provisions of sec 9, subsec. 3 of House File 261 to the present requirements for labeling drugs. This subsection requires the name of the manufacturer or dealer to be placed on each package of drugs. This omission from the present law was apparently an oversight.

### **Sec. 118. Curative or therapeutic mislabeling.**

1 In addition to the requirements of the preceding section a drug  
2 shall also be deemed to be improperly labeled if the package or con-  
3 tainer or printed matter accompanying it bears or contains any repre-  
4 sentation regarding the curative or therapeutic effect of such drug or  
5 any of the ingredients contained therein which is false and fraudulent.

C.C. 1436, lines 1-6, used also in House File 261, sec. 13.

Note: This section really consists of what is known as the "Sherley Amendment" to the national food and drug act. It is incorporated into the bill to bring the present law in harmony with the federal act, because the present pure drug law was itself patterned after the national pure drug law.

### **Sec. 119. Certain drugs exempted.**

1 Nothing in the second preceding section shall be construed to  
2 apply:

3 1. To any drug specified in the United States Pharmacopoeia or

4 National Formulary, which is in accordance therewith, and which is  
5 sold under the name given therein.

6 2. To the filling of prescriptions furnished by licensed physicians,  
7 dentists, or veterinarians, the originals of which are retained and filed  
8 by the pharmacist filling the same.

9 3. To any drug or medicine personally dispensed by any licensed  
10 physician, dentist, or veterinarian in the course of his practice.

C.C. 1436, lines 23-35.

Note: Considerable verbiage in the present law has been eliminated.

**Sec. 119-a1. Itinerant vendor of drugs defined.**

1 "Itinerant vendor of drugs" shall mean any person who, by  
2 himself, agent, or employee goes from place to place, or from house  
3 to house, and sells, offers or exposes for sale any drug as defined in  
4 this chapter.

C.C. 1424, lines 1-4.

lines 4-7, see sec. 119-a2.

lines 7-13, omitted as obsolete.

lines 14-16, see sec. 19.

lines 16-18, omitted as unnecessary. Proof of existence of license is  
simple matter.

lines 18-25, see sec. 119-a2.

Note: The present law relative to itinerant vendors of drugs and itinerant physicians and osteopaths is in conflict; it is rewritten in the above section to harmonize with sec. 72 of C.B. 262.

**Sec. 119-a2. License required of itinerant vendor of drugs—fee.**

1 Every itinerant vendor of drugs or medicines  
2 shall procure an annual license from the Pharmacy  
3 Examiners. The fee for such license shall be one  
4 hundred dollars (\$100.00) but such license may be  
5 transferred by the licensee upon the payment of a  
6 fee of one dollar (\$1.00) to the Pharmacy Examiners.

C.C. 1424, 4-7, 18-25.

Note: Considerable verbiage eliminated.

**Sec. 120. Copy of Pharmacopoeia and National Formulary to be kept.**

- 1        There shall be kept in every place in which drugs or medicines
- 2        are compounded, a copy of the latest revision of the
- 3        United States Pharmacopoeia and the National Formulary, which
- 4        books shall be subject at all times to the inspection of the Pharmacy
- 5        Examiners.

Note: New—if drugs are to be sold in accordance with standards established by United States Pharmacopoeia and National Formulary, it is important that the latest editions of these publications be kept in all places in which drugs are dispensed.

**CHAPTER 10**

**SALE AND DISTRIBUTION OF POISONS**

**General Note**

This chapter of the bill revamps the present Poison Law, which dates back to 1880, the Opium Act, adopted in 1897, the Habit-forming Drug and Abortifacient Act, passed in its present form in 1911, and the Narcotic Drugs Law enacted by the 40th G. A.

The law of 1911 was enacted without regard to the acts of 1880 and 1897, and the act of the 40th G. A. was passed without any reference to either the acts of 1880, 1897, or 1911. As a result the law of this subject is in hopeless confusion; it is full of conflicts, overlapping provisions, and repetition.

The bill rewrites these four laws so as to reduce them to a harmonious whole and at the same time eliminate useless repetition, but *no* changes are made except for this purpose.

**Sec. 120-a1. Narcotic drugs defined.**

- 1        For the purpose of this chapter “narcotic drugs” shall mean:
- 2        1. Opium, coca (erthroxylum coca), cocaine, alpha or beta eu-
- 3        caine, morphine, heroin, Indian hemp (cannabis indica or cannabis
- 4        americana), or any derivative of any of said drugs.
- 5        2. Any preparation containing any of the drugs enumerated in
- 6        the preceding paragraph, except:
- 7        (a) Medicines or remedies which do not contain more than:
- 8            (1) Two (2) grains of opium, one-fourth ( $\frac{1}{4}$ ) of a grain of
- 9            morphine, one-eighth ( $\frac{1}{8}$ ) of a grain of heroin, one (1)

10 grain of codeine, or a like amount of any salt or deriv-  
11 ative of any of said drugs, in one (1) fluid ounce, or if a  
12 solid or semi-solid preparation, in one (1) avoirdupois  
13 ounce.

14 (2) One-half ( $\frac{1}{2}$ ) grain solid extract of Indian hemp (can-  
15 nabis indica or cannabis americana), or the equivalent  
16 thereof, in one (1) fluid ounce.

17 (b) Liniments, ointments, or other preparations which are pre-  
18 pared for external use only, but which do not contain cocaine, alpha  
19 or beta eucaine, or any salt or derivative of any of them, or any syn-  
20 thetic substitute for any of said drugs.

21 The exceptions provided in subdivisions "(a)" and "(b)" shall  
22 only apply when such medicines, remedies, liniments, ointments, and  
23 preparations are sold, distributed, given away, dispensed, or possessed  
24 for medicinal purposes only and not for the purpose of trafficking in  
25 or disposing of narcotic drugs as such.

C.C. 1428, lines 1-10, used also in secs. 120-a2, 120-a20, 120-a24, 120-a26.

lines 10-14, see sec. 120-a26.

lines 14-17, see sec. 120-a24.

lines 17-22, see sec. 120-a25.

lines 22-27, see sec. 120-a27.

lines 27-30, omitted because all such prohibitions appear in this  
chapter of the bill.

lines 30-36, see sec. 120-a28.

S.C.C. 1430, lines 1-10, used also in secs. 120-a2 and 120-a20.

lines 10-12, see sec. 120-a22.

lines 12-15, see sec. 120-a3 and 120-a21.

S.C.C. 1430-a1, entire.

S.C.C. 1432-a1, lines 1-9, used also in sec. 120-a4.

lines 9-16, see sec. 120-a5 subsec. 1.

lines 9-16, see sec. 120-a5 subsec. 1.

lines 16-18, see sec. 120-a5, subsec. 2.

lines 19-20, see sec. 120-a5, subsec. 3.

line 21, see sec. 120-a5, subsec. 4.

lines 21-25, see sec. 120-a6.

lines 26-30, see sec. 120-a18.

S.C.C. 1432-a4, entire.

Note: This definition is primarily based on S.C.C. 1430, 1430-a1, 1432-a1, and 1432-a4 but it is also based upon the clause "morphine, opium, and its preparations" in C.C. 1428.

### **Sec. 120-a2. Sale of narcotics prohibited.**

- 1 No person shall sell, offer or expose for sale, deliver, give away,
- 2 or have in his possession with intent to sell any narcotic drugs.

C.C. 1428, lines 1-10, used also in secs. 120-a1, 120-a20, 120-a24, 120-a26.

S.C.C. 1430, lines 1-10, used also in secs. 120-a1, 120-a20.

S.C.C. 1432-a2, lines 1-4, used also in secs. 120-a3, 120-a4, 120-a5.

lines 5-9, see sec. 120-a18.

lines 10-12, see sec. 120-a19.

lines 13-16, see sec. 120-a5.

lines 16-18, see subsec. 2 of sec. 120-a5.

Note: S.C.C. 1430 and C.C. 1428, as they now stand, are in conflict, having been enacted by different legislatures. The bill does away with this conflict. The major portion of C.C. 1428, however, is covered in secs 120-a24 to 120-a28, inclusive, of the bill. "Firm or corporation" omitted, as covered by section 1, subsec. 5 of House File 261; "exchange" omitted, as covered by "deliver"

### **Sec. 120-a3. Exception as to sale of narcotics.**

- 1 The preceding section shall not apply to persons registered or
- 2 exempt from registration under the federal law regulating the traffic
- 3 in narcotic drugs.

S.C.C. 1430, lines 12-15, used also in sec. 120-a21.

S.C.C. 1432-a2, lines 1-4, used also in secs. 120-a2; 120-a4, 120-a5.

### **Sec. 120-a4. Possession of narcotic prohibited—prescriptions.**

- 1 No person shall have any narcotic drug in his possession or con-
- 2 trol for any purpose, unless he obtained the same upon the original
- 3 written prescription of a licensed physician, dentist, or veterinarian,
- 4 who has registered under the federal law regulating the traffic in
- 5 narcotic drugs.

S.C.C. 1432-a1, lines 1-9, used also in sec. 120-a1.

S.C.C. 1432-a2, lines 1-4, used also in secs. 120-a2, 120-a3, 120-a5.

Note: "Federal law regulating the traffic in narcotic drugs" substituted for "Harrison act"

### **Sec. 120-a5. Exception as to possession of narcotics.**

- 1 The preceding section shall not apply to:

2        1. Any person registered under the federal law regulating the  
3 traffic in narcotic drugs who is engaged in practicing any profession,  
4 in conducting any business, or in doing any act in compliance with  
5 said law, nor to any employee or assistant under the supervision of  
6 such person, having the possession or control of any narcotic drugs by  
7 virtue of his employment and not on his own account.

S.C.C. 1432-a1, lines 9-16.

S.C.C. 1432-a2, lines 1-4, used also in secs. 120-a2, 120-a3, 120-a4.  
lines 13-16.

Note: "Federal law regulating the traffic in narcotic drugs" substituted for "Harrison act" The reference to a law in a statute by the name of the author is not the best form. "Corporation" omitted as covered by sec. 1, subsec. 5 of House File 261. "Engaged in the wholesale of such drugs or by manufacturers of pharmaceuticals" omitted as covered by "any person \* \* \* \* who is engaged \* \* \* \* in conducting any business" The federal law requires the registration of physicians, dentists, veterinarians, pharmacists, manufacturers, importers, and dealers. See Barnes Federal Code, Supplement 1923, section 5452.

8        2. To any United States, state, city, county, or municipal official  
9 who has possession of any of said drugs by reason of his official duties.

S.C.C. 1432-a1, lines 16-18.

S.C.C. 1432-a2, lines 16-18.

10       3. To a warehouseman holding possession for a person registered  
11 under said federal law.

S.C.C. 1432-a1, lines 19-20.

Note: "Who has paid the tax under the aforementioned Harrison Act" changed to "registered under said federal law" Under the federal law payment of the annual tax is made in conjunction with registration. See Barnes Federal Code, Supplement 1923, sec. 5452.

12       4. To a common carrier engaged in transporting such drugs.

S.C.C. 1432-a1, line 21.

#### Sec. 120-a6. **Indictments—burden of proof.**

1        It shall not be necessary to negative any of the aforesaid ex-  
2 emptions under any complaint, information, indictment, or other writ  
3 or proceeding, brought under this chapter; and the burden of proof  
4 of any such exemption shall be on the defendant.

S.C.C. 1432-a1, lines 21-25.

**Sec. 120-a7. Limitation on exemptions.**

1       The exemptions of the second preceding section shall not apply  
2 to any person unless it be shown by competent evidence that such  
3 person has not purchased or received any narcotic drugs from a per-  
4 son unauthorized to sell the same.

S.C.C. 1432-a10, lines 1-6.  
lines 6-14, see sec. 120-a8.

Note: "Company or corporation" omitted, as covered by sec. 1, subsec. 5 of House File 261.

**Sec. 120-a8. Prima facie evidence of illegal purchase.**

1       The possession of any narcotic drugs unaccounted for by the  
2 legal authority to purchase and have possession of the same, or having  
3 possession of any such drugs concealed or stored in any other place  
4 than that provided for the storage of a stock of such drugs which  
5 have been purchased legally, shall be prima facie evidence of the pur-  
6 chase of such drugs from a person unauthorized to sell or dispense  
7 the same.

S.C.C. 1432-a10, lines 6-14.

**Sec. 120-a9. Seizure and confiscation of narcotics.**

1       Any narcotic drugs kept, manufactured, or dispensed in violation  
2 of the laws of the United States or of this chapter, or any instrument,  
3 container, or other equipment used or intended to be used in manufac-  
4 turing, keeping, or dispensing such drug may be seized, confiscated,  
5 and disposed of under a search warrant proceeding.

S.C.C. 1432-a3, lines 1-7, used also in sec. 120-a11.  
lines 7-21, see sec. 120-a10, 120-a12.

S.C.C. 1432-a6, entire, used also in sec. 120-a10.

S.C.C. 1432-a7, entire, used also in sec. 120-a10.

**Sec. 120-a10. Procedure.**

1       The procedure under the preceding section shall be the same as a  
2 search warrant proceeding under the law regulating the traffic in

3 intoxicating liquor and all the provisions of chapter —, title —, of  
4 the code, shall govern such a proceeding under this chapter as far as  
5 applicable. (The code editor shall fill in the preceding blanks with the  
6 proper references when the permanent code is prepared for publica-  
7 tion.)

S.C.C. 1432-a3, lines 7-21, used also in sec. 120-a12.

S.C.C. 1432-a6, entire, used also in sec. 120-a9.

S.C.C. 1432-a7, entire, used also in sec. 120-a9.

Note: The search warrant proceedings under the present law regulating the traffic in intoxicating liquors and narcotic drugs are practically identical. For that reason it has been thought unnecessary to set out the details of the proceedings in this section since they are set out in full in C.B. 51, chapter 3. The provisions of that chapter are made applicable to narcotics by the cross-reference "under the law regulating the traffic in intoxicating liquor" This is the method used for making the law relative to enjoining and abating a liquor nuisance applicable to narcotics. See S.C.C. 1432-a5 and secs. 120-a13 and 120-a15 of this bill. The use of the same method in this connection avoids a vast amount of repetition in the law.

#### Sec. 120-a11. Seizure and confiscation of vehicles.

1 Any animal-drawn or motor vehicle, or other conveyance of any  
2 kind, that is being used for transporting narcotic drugs which have  
3 been manufactured, sold, purchased, delivered, or received in viola-  
4 tion of the laws of the United States or of this chapter, may be seized  
5 and confiscated by any peace officer in any county in which such ship-  
6 ment originates, or through which it passes, or in the county in  
7 which it is to be delivered.

S.C.C. 1432-a3, lines 1-7, used also in sec. 120-a9.

#### Sec. 120-a12. Procedure.

1 The procedure under the preceding section shall be the same as a  
2 proceeding for the seizure and forfeiture of a vehicle under the law  
3 regulating the traffic in intoxicating liquor and all the provisions of  
4 chapter —, title —, of the code, shall govern such a proceeding  
5 under this chapter as far as applicable. (The code editor shall fill in

6 the preceding blanks with the proper references when the permanent  
7 code is prepared for publication.)

S.C.C. 1432-a3, lines 7-21, used also in sec. 120-a10.

Note: The procedure for the seizure of a vehicle engaged in the illegal transportation of intoxicating liquor or of narcotics under the present law is practically identical. For that reason the details of the procedure are not set out in this bill; they are specified in C.B. 51, ch. 4. See note under sec. 120-a10.

### Sec. 120-a13. Common nuisance, injunction.

1 Any building, erection, or place resorted to by habitual users of  
2 narcotic drugs for the purpose of using such drugs, or which is used  
3 for the illegal keeping of the same, and any building, erection, or place  
4 in which narcotic drugs are kept, sold, or dispensed in violation of the  
5 laws of the United States or of this state, shall be deemed a common  
6 nuisance, and it may be enjoined and abated under the law provided  
7 for enjoining and abating an intoxicating liquor nuisance and all the  
8 provisions of chapter —, title —, of the code, shall govern such a  
9 proceeding under this chapter as far as applicable. (The code editor  
10 shall fill in the preceding blanks with the proper references when the  
11 permanent code is prepared for publication)

S.C.C. 1432-a5, lines 1-9.

lines 9-11, see sec. 120-a14.

lines 11-16, see sec. 120-a15.

C.C. 8864, lines 1-7.

lines 8-10, see sec. 120-a18.

Note: For procedure to enjoin and abate a liquor nuisance, see C.B. 51, ch. 5.

### Sec. 120-a14. Evidence—general reputation.

1 The state, in any proceeding under the preceding section, may,  
2 for the purpose of establishing the character of the place kept by the  
3 defendant, introduce evidence of the general reputation of such place,  
4 and such evidence shall be competent for such purpose.

C.C. 8865, entire.

S.C.C. 1432-a5, lines 9-11.

**Sec. 120-a15. Contempt proceedings.**

1 For the violation of any such injunction, temporary or perma-  
2 nent, the offender may be punished for contempt of court, under the  
3 laws provided for the punishment of contempt for the violation of an  
4 injunction against an intoxicating liquor nuisance and all the provi-  
5 sions of said law shall govern such a proceeding under this chapter as  
6 far as applicable.

S.C.C. 1432-a5, lines 11-16.

Note: For contempt proceedings under liquor laws, see C.B. 51, ch. 5.

**Sec. 120-a16. Forms.**

1 All forms necessary for use under the preceding sections of this  
2 chapter shall be prepared and provided by the attorney general.

S.C.C. 1432-a8, entire.

**Sec. 120-a17. Rule of construction.**

1 All the preceding provisions of this chapter shall be construed as  
2 mandatory and not directory, and the same shall be construed so as to  
3 prevent evasion.

S.C.C. 1432-a9, entire.

**Sec. 120-a18. Penalty.**

1 Any person violating any of the preceding provisions of this chap-  
2 ter shall be punished by imprisonment in the penitentiary for not  
3 more than ten (10) years, or by a fine not to exceed one thousand  
4 dollars (\$1,000.00) or by both such fine and imprisonment.

C.C. 8864, lines 8-10.

S.C.C. 1432-a1, lines 26-30.

S.C.C. 1432-a2, lines 5-9.

Note: Three penalty provisions unified and combined into one section. "Re-  
formatory" omitted—all sentences are for commitment "*to the penitentiary*". See C.C.  
9530.

**Sec. 120-a19. Penalty for corporations.**

1 Any company or corporation violating any of the preceding pro-  
2 visions of this chapter shall be fined not more than five thousand  
3 dollars (\$5,000.00) nor less than five hundred dollars (\$500.00), and  
4 the costs of prosecution.

S.C.C. 1432-a2, lines 10-12.

**Sec. 120-a20. Sale of abortifacients prohibited—prescriptions.**

1 No person shall sell, or expose for sale, deliver, give away, or  
2 have in his possession with intent to sell, except upon the original  
3 written prescription of a licensed physician, dentist, or veterinarian,  
4 any cottonroot, ergot, oil of tansy, oil of savin, or derivatives of any  
5 of said drugs.

C.C. 1428, lines 1-10, used also in secs. 120-a1, 210-a2, 120-a24, and 120-a26.

S.C.C. 1430, lines 1-10, used also in secs. 120-a1, 120-a2.

**Sec. 120-a21. Exception as to sale of abortifacients.**

1 The requirements of the preceding section that certain drugs  
2 shall be furnished only upon written prescription, shall not apply to  
3 the sale of such drugs to persons who wholesale or retail the same,  
4 nor to any licensed physician, dentist, or veterinarian for use in the  
5 practice of his profession.

S.C.C. 1430, lines 12-15, used also in sec. 120-a3.

**Sec. 120-a22. Conditions under which prescriptions may be filled.**

1 No person shall fill any prescription calling for any of the drugs  
2 required by this chapter to be furnished only upon written prescrip-  
3 tion unless the same be for medical, dental, or veterinary purposes  
4 only, and unless the physician, dentist, or veterinarian prescribing the

- 5 same be personally known to such person, and no such prescription
- 6 shall be refilled.

S.C.C. 1430, lines 10-12.

Note: "Firm or corporation" omitted, as covered by sec. 1, subsec. 5 of House File 261. The clause "required by this chapter", has reference to sections 120-a2, 120-a4, and 120-a20—narcotics and abortifacients.

#### Sec. 120-a23. **Drugs not to contain wood or denatured alcohol.**

- 1 No person shall have in his possession or dispose of in any man-
- 2 ner any article intended for use of man or domestic animals, for in-
- 3 ternal or external use, for cosmetic purposes, for inhalation, or for
- 4 perfumes, which contains methyl (wood) alcohol, crude or refined, or
- 5 denatured alcohol. Nothing in this section shall be construed to apply
- 6 to specially denatured alcohols, the formula of which has been ap-
- 7 proved and the manufacture and use regulated by the federal gov-
- 8 ernment.

C.C. 1437, entire.

Note: "Firm or corporation" omitted, as covered by sec. 1, subsec. 5 of House File 261. "Dispose of in any manner" substituted for "sell, offer, or expose for sale". The word "article" substituted for "preparation or product"

#### Sec. 120-a24. **Regulations as to sale of certain poisons.**

- 1 No person shall sell at retail any of the following enumerated
- 2 poisons unless he ascertains that the purchaser is aware of the char-
- 3 acter of the drug and represents that it is to be used for a proper
- 4 purpose: Carbolic or hydrocyanic acid, chloral hydrate, oils of bitter
- 5 almonds or pennyroyal, strychnine or any of its salts, arsenic, chloro-
- 6 form, ammoniated mercury, atropine, arsenate of copper, aconitine,
- 7 benzaldehyde, bromine, cyanide of potassium, corrosive sublimate,
- 8 dionin, ether sulphuric, hyoscine, kermes mineral, cantharides, croton
- 9 oil, digitalis, nux vomica, phosphorus, or veratrum.

C.C. 1428, lines 1-10, used also in secs. 120-a1, 120-a2, 120-a20, 120-a26.  
lines 14-17.

Note: "Cotton root", "ergot", "morphine", "opium and its preparations", "savin", "nitric", "hydrochloric, sulphuric, and oxalic acid", and "wood alcohol" omitted from C.C. 1428 as rewritten above because those drugs are taken care of in secs. 120-a1, 120-a2, 120-a20, and 120-a26. To include them here would result in a conflict in the law.

"Cobalt" omitted as having no place in this list of poisons. It is a metal, used frequently in place of nickel. The salts of cobalt are poisonous, but they are rarely, if ever, used, and even inclusion of such salts in this section would be impracticable according to the state chemist.

### Sec. 120-a25. Poison register.

1 Every sale or delivery of any poison enumerated in the preceding  
2 section, except in insecticides and fungicides as defined in the follow-  
3 ing chapter, shall be entered in a book kept for that purpose to be  
4 known as a "poison register", and the same shall show the date of sale,  
5 and name and address of purchaser, the name of the poison, the pur-  
6 pose for which it was represented to be purchased, and the name of  
7 the dispenser, which book shall be open for inspection by the Pharmacy  
8 Examiners or any magistrate or peace officer of the state, and pre-  
9 served for at least five (5) years.

C.C. 1412, lines 13-16, used also in secs. 120-a26 and 132 of House File 261. Also see C.B. 262, sec. 184.

lines 33-34.

lines 1-5, see C.B. 262, secs. 2 and 133.

lines 5-7, see C.B. 262, sec. 137.

lines 7-13, see C.B. 262, sec. 134.

lines 16-23, see C.B. 262, sec. 86.

lines 23-27, see C.B. 262, sec. 134.

lines 27-30, see sec. 132 of House File 261.

lines 30-33, omitted because covered by ch. 11 of House File 261, which is a codification of "the national insecticide act of June, nineteen hundred ten", adopted by the 37th G. A., ch. 385.

C.C. 1428, lines 17-22.

Note: Only the provision relative to excepting insecticides and fungicides from registration is taken from C.C. 1412, lines 13-16 and 33-34. Sales of "denatured alcohol", and "concentrated lye or potash" are not required to be registered, because they do not contain any of the poisons specified in sec. 125-a24. Hence the effect of the above section is to leave law the same as at present.

### Sec. 120-a26. Labeling poisons.

1 Every package or container in which any of the poisons enumer-  
2 ated in the second preceding section or in which any nitric, hydro-  
3 chloric, sulphuric, or oxalic acid, denatured or wood alcohol is sold or

4 delivered shall be labeled with the name of the article, the name and  
5 place of business of the person selling the same, and with the word  
6 “poison” in a conspicuous place.

C.C. 1412, lines 13-16, see also secs. 120-a25 and 132 of House File 261. Also see  
C.B. 262, sec. 134 of House File 261.

C.C. 1428, lines 1-10, used also in secs. 120-a1, 120-a2, 120-a20, 120-a24.  
lines 10-14.

C.C. 8852, entire.

Note: The primary purpose of this section is to exclude “nitric, hydrochloric, sulphuric, and oxalic acid”, and “wood alcohol” from sale restrictions and register provisions of the present law, which are rewritten in secs. 120-a24 and 120-a25. The commercial purposes to which such acids and wood alcohol are now being put, make it impracticable to regulate the sale of the same by provisions of said sections. Hence, the only requirement preserved for this group of acids and wood alcohol is contained in the labeling provisions of the above section.

“Bottle”, “vial”, “box”, and “parcel” omitted, covered by sec. 1, subsec. 4 of House File 261. “Arsenic, corrosive sublimate and prussic acid” omitted as covered by words “poisons enumerated in the second preceding section” “Prussic acid is the old chemical term for “hydrocyanic acid” Penalty provision omitted as covered by secs. 19 to 23, inclusive, of House File 261.

#### Sec. 120-a27. Certain sales exempted.

1 Nothing in the three (3) preceding sections shall apply:

2 1. To the sale of proprietary medicines.

3 2. To the filling of prescriptions from licensed physicians, dentists,  
4 or veterinarians.

5 3. To the sale of wood or denatured alcohol for mechanical pur-  
6 poses.

C.C. 1428, lines 22-27.

C.C. 1429, entire.

Note: Provision as to keeping record of sales of wood alcohol omitted as covered by the manner in which the provisions of C.C. 1428 have been rewritten in secs. 120-a24 to 120-a26, inclusive.

Subsection 3 may appear to be in conflict with sec. 120-a26, but careful analysis will show that sec. 120-a26, has application to wood or denatured alcohol, only when sold for mechanical purposes.

#### Sec. 120-a28. Obtaining poisons by false representations.

1 Any person who obtains any poison enumerated in the fourth pre-  
2 ceding section under a false name or statement shall be guilty of a

3 misdemeanor and punished as provided in chapter one (1) of this title.

C.C. 1428, lines 30-36.

Note: Penalty provision is omitted as covered by secs. 19 to 23, inclusive, of House File 261.

**Sec. 120-a29. Enforcement by Pharmacy Examiners.**

1 The provisions of this and the preceding chapter shall be ad-  
2 ministered and enforced by the Pharmacy Examiners. In discharging  
3 any duty or exercising any power under said chapters, the Pharmacy  
4 Examiners shall be governed by all the provisions of chapter (1),  
5 House File No. 261, special session of the Fortieth General Assembly,  
6 which govern the department of agriculture when discharging a  
7 similar duty or exercising a similar power with reference to any  
8 of the articles dealt with in said House file.

**Sec. 120-a30. Applicability of other statutes.**

1 In so far as applicable the provisions of chapter one (1),  
2 House File No. 261, special session of the Fortieth General Assembly,  
3 shall apply to the articles dealt with in this and the preceding  
4 chapter. The powers vested in the department of agriculture by  
5 chapter one (1) of said House File No. 261 shall be deemed for the  
6 purpose of this and the preceding chapter to be vested in the  
7 Pharmacy Examiners.

**Sec. 120-a31. Direction to code editor.**

1 In preparing the new code for publication the code editor shall  
2 place this and the preceding chapter as chapters 9 and 10 of the  
3 title dealing with the "Regulation and Inspection of Foods, Drugs,  
4 and other Articles", known as House File No. 261, special session of  
5 the Fortieth General Assembly.