

ister and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 24, and in the *Iowa State Leader* March 28, 1880.

J. A. T. HULL, *Secretary of State.*

CHAPTER 75.

TO REGULATE SALE OF MEDICINES AND POISONS.

AN ACT to Regulate the Practice of Pharmacy, and the Sale of Medicines and Poisons. H. F. 92.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided. Unlawful for other than registered pharmacist to sell.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the supervision of, a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each and every such offense. Unlawful for other than a registered pharmacist to compound.

SEC. 3. The governor, with the advice of the executive council, shall appoint three persons from among the most competent pharmacists of the state, all of whom shall have been residents of the state for five years, and of at least five years' practical experience in their profession, who shall be known and styled as commissioners of pharmacy for the state of Iowa; one of whom shall hold his office for one year, one for two years, and the other for three years, and each until his successor shall be appointed and qualified; and each year thereafter another commissioner shall be so appointed for three years, and until a successor be appointed and qualified. If a vacancy occur in said commission, another shall be appointed, as aforesaid, to fill the unexpired term thereof. Said commissioners shall have power to make by-laws and all necessary regulations for the proper fulfillment of their duties under this act, without expense to the state. Appointment of commissioners of pharmacy, and term of office.
Vacancy, how filled.

Duties of commissioners.

Shall register without examination, when.

Proviso.

Shall apply within 60 days.

Examination of applicants.

Rights of graduates in pharmacy.

Fee without examination.

Fee, when examined.

SEC. 4. The commissioners of pharmacy shall register in a suitable book, a duplicate of which is to be kept in the secretary of state's office, the names and places of residence of all persons to whom they issue certificates, and dates thereof. It shall be the duty of said commissioners of pharmacy, to register, without examination as registered pharmacists, all pharmacists and druggists who are engaged in business in the state of Iowa, at the passage of this act, as owners or principals of stores or pharmacies for selling at retail, compounding or dispensing drugs, medicines or chemicals for medicinal use or for compounding and dispensing physicians' prescriptions; and all assistant pharmacists, eighteen years of age, engaged in said stores or pharmacies in the state of Iowa at the passage of this act, and who have been engaged as such in some store or pharmacy where physicians' prescriptions were compounded and dispensed, for not less than three years prior to the passage of this act: *Provided, however,* that in case of failure or neglect on the part of any such person or persons to apply for registration within sixty days after they shall have been notified, they shall undergo an examination such as is provided for in section five of this act.

SEC. 5. That the said commissioners of pharmacy shall, upon application, and at such time and place, and in such manner as they may determine, examine, either by a schedule of questions, to be answered and subscribed to under oath, or orally, each and every person who shall desire to conduct the business of selling at retail, compounding, or dispensing drugs, medicines or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as pharmacists, and if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section 4 of this act; and that all graduates in pharmacy, having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma, shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy without examination.

SEC. 6. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register and furnish a certificate as a registered pharmacist, without examination, the sum of two dollars; and from each and every person whom they examine orally, or whose answers to a schedule of questions are returned subscribed to under oath, the sum of five dollars, which shall be in full for all services. And in case the examination of said person shall prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re-examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination.

SEC. 7. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and in addition thereto, his name be stricken from the register.

Responsibility
of pharmacists.

Penalty for
adulteration.

SEC. 8. Apothecaries registered as herein provided shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American or United States dispensatory and pharmacopœa as of recognized medicinal utility: *Provided*, That nothing herein contained shall be construed so as to shield an apothecary or pharmacist who violates or in anywise abuses this trust for the legitimate and actual necessities of medicine, from the utmost rigor of the law relating to the sale of intoxicating liquors, and in addition thereto his name shall be stricken from the register.

Rights of regis-
tered pharma-
cists.

Proviso.

SEC. 9. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in schedules "A" and "B," except as follows:

Regulations as
to the sale of
poisons.

SCHEDULE A.

Arsenic, and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetables alkaloids, and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules "A" and "B" unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the

name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist to retail, or sell, or give away, any alcoholic liquors or compounds as a beverage, and any violations of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five dollars, and not more than one hundred dollars, to be collected in the usual manner; and, in addition thereto, for repeated violations of this section, his name shall be stricken from the register.

Does not apply to prescriptions.

Shall not retail liquor as a beverage.

\$100 license for traveling doctors.

Penalty for false representations.

Penalty for dispensing drugs without registering.

Exceptions.

Publication.

Repealing clause.

SEC. 10. Any itinerant vender of any drug, nostrum, ointment or appliance of any kind, intended for the treatment of diseases or injury, who shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, or injury, or deformity, by any drug, nostrum, or manipulation, or other expedient, shall pay a license of one hundred dollars per annum, to be paid in the manner for obtaining peddler's license.

SEC. 11. That any person who shall procure, or attempt to procure, registration for himself or for another under this act, by making, or causing to be made, any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person, not a registered pharmacist, as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding or dispensing drugs, medicines or chemicals, for medicinal use, or for compounding or dispensing physicians' prescriptions, 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 liable to a penalty of not less than fifty dollars.

SEC. 12. This act shall not apply to physicians putting up their own prescriptions, nor to the sale of proprietary medicines.

SEC. 13. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

SEC. 14. All acts and parts of acts in conflict with this act, are hereby repealed.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 27, 1880, and in the *Iowa State Register*, March 31, 1880.

J. A. T. HULL, *Secretary of State.*