

PEDDLERS

CHAPTER 209 (S. B. No. 80—Seamands)

PEDDLERS LICENSE

An Act to Amend and Re-enact Section 3029 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Method of Obtaining a Peddler's License.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3029 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 3029. LICENSE, HOW OBTAINED.] Each person desiring to obtain a license as peddler shall make application to the County Auditor of the county in which he desires to peddle, which application shall be signed by the applicant, and shall state in what manner the applicant desires to travel as a peddler, whether on foot, with one or more horses, or other beasts of burden, or by motor driven vehicle or otherwise.

Approved March 3, 1927.

PHARMACY

CHAPTER 210 (H. B. No. 121—Fedje)

REGISTRATION APPRENTICES IN PHARMACY

An Act to Amend and Re-enact Section 489 of the Compiled Laws of North Dakota of 1913, Making Persons Eligible to Register as Apprentices in Pharmacy.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 489, Compiled Laws of 1913 be and is hereby amended and re-enacted to read as follows:

§ 489. Any person having the educational qualifications sufficient to enable him or her to pass an entrance examination to the high schools of the State of North Dakota, or its equivalent, desiring to register as an apprentice in pharmacy shall at the date of entering into his or her apprenticeship file with the secretary of the state board of pharmacy a certificate, stating that he or she has

entered into an apprenticeship, and stating his or her age, name and educational qualifications, and he or she shall at the same time file with the said secretary a certificate from his or her employer, who must be a regularly licensed and registered pharmacist of this state, which certificate shall set forth that the applicant has been employed by him as an apprentice in pharmacy, and that said applicant possesses the knowledge of such registered pharmacist, education and qualifications which would enable him or her to pass the entrance examinations to the high schools of this state or its equivalent; said certificates shall be accompanied by a fee of twenty-five cents, and thereupon it shall be the duty of said secretary to file the same and register said applicant as an apprentice and at the expiration of two years after such registration the said applicant shall be permitted to take the examination prescribed by the state board of pharmacy for assistant pharmacists upon the conditions imposed by the state board of pharmacy.

Approved March 7, 1927.

CHAPTER 211

(S. B. No. 49—Murphy)

PRACTICE OF PHARMACY

An Act to Amend and Re-enact Sections 476, 486, 487, 488, 490, 493, 495, 504, and 505 of the Compiled Laws of the State of North Dakota, for the Year 1913, the Same Being Sections 2, 12, 13, 14, 16, 19, 21, 25, 30, and 31 of Chapter 182 of the Session Laws of 1907, Entitled "An Act to Regulate the Practice of Pharmacy, and Providing Penalties for Violating the Provisions Thereof."

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 476 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 476. WHO MAY ENGAGE IN THE DRUG BUSINESS.] Every store, dispensary, pharmacy, laboratory, or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the compounding or dispensing of prescriptions of medical practitioners shall be in charge of a registered pharmacist, or during the temporary absence of such registered pharmacist, in charge of a registered assistant pharmacist. Every store or shop where drugs, medicines, or chemicals are dispensed or sold at retail, or displayed for sale at retail for medicinal purposes, or where prescriptions are compounded, shall be deemed a "pharmacy" or "drug store" within the meaning of this act. No person shall hereafter carry on, conduct, or transact business under a name which contains, as a part

thereof, the words, "drugs," "drug store," or "pharmacy," or in any manner by advertisement, circular or poster, sign or otherwise describe or refer to the place of business conducted by such person by the terms, "drugs," "drug store," or "pharmacy," unless the place of business so conducted be at all times in charge of a registered pharmacist, or during the temporary absence of such registered pharmacist, in charge of a registered assistant pharmacist. Every person violating any provision of this section shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars.

§ 2. AMENDMENT.] Section 486, of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 486. QUALIFICATIONS FOR REGISTRATION.] Every applicant for a license as a registered pharmacist shall be not less than twenty-one (21) years of age, shall be of good moral character, shall be a graduate of a school or college of pharmacy recognized by the board; and shall have at least two (2) years practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping records and making reports required under state and federal statutes; provided, however, that not to exceed one year of additional credit on practical experience may be allowed for one or more years of satisfactorily completed work in an approved school or college of pharmacy, in excess of two years.

On and after January 1, 1930, an applicant for examination as a registered pharmacist, must, with the application for examination, present to and file with the pharmacy board satisfactory evidence that he or she has had at least one year of practical experience as defined above, and must have graduated from a school or college of pharmacy having a course of three years or more, and recognized by the board of pharmacy as an approved school.

The said board shall be authorized to determine what shall constitute an approved school or college of pharmacy, but a school or college to be so approved must maintain standards equivalent to the requirements of membership of the American Association of Colleges of Pharmacy. Provided, that any person who was registered as an assistant pharmacist in North Dakota prior to January 1st, 1913, and who still continues to practice such profession within the State of North Dakota, but has been debarred from application for a certificate as a Registered Pharmacist by reason of the requirement as to college work, shall upon application duly made to the board prior to July 1st, 1928, be given an examination for registration as a pharmacist, such examination for registration to be so given

with due regard for such circumstance; and upon passing of an examination so to be given, in manner satisfactory to the majority of such board, shall be given a certificate as a Registered Pharmacist.

Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota Pharmaceutical Association.

§ 3. AMENDMENT.] Section 487 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 487. EXAMINATION FOR ASSISTANT.] An applicant for examination and registration as an assistant pharmacist must as a condition precedent to the right to be examined, present and file with the board satisfactory evidence that he or she is a person of good moral character over the age of eighteen years, and has had at least two years' experience in a reputable pharmacy under the instruction and supervision of a reputable pharmacist, or has been registered as an apprentice in pharmacy in this state for a period of two years. The board may, however, allow and consider as a part of the two years' experience required of such applicant such time, not exceeding one year, as shall have been spent by the applicant in a regular course of study in a college of pharmacy approved by the board.

§ 4. AMENDMENT.] Section 488 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 488. FEES.] Each applicant for registration shall pay to the secretary the sum of fifteen dollars before examination; provided, that in case of failure to pass a satisfactory examination, he may be re-examined at any regular meeting of the board, upon payment of a further fee of five dollars.

§ 5. AMENDMENT.] Section 490 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 490. CERTIFICATE. ISSUANCE OF.] The board shall cause to be issued to each pharmacist, or assistant pharmacist, whom it finds entitled thereto, a certificate showing the date of issue, the fact that the person to whom issued is a registered pharmacist or assistant pharmacist, as the case may be, and his or her residence. The certificate shall be signed by a majority of the members of the board. Such certificate shall entitle the holder to act in the capacity stated therein for a period of one year, and such certificate may

be renewed, or the place of business designated therein be changed, as hereinafter provided. Such certificate and any renewal thereof must be displayed in a conspicuous place in any pharmacy or drug store where the holder thereof is employed.

§ 6. AMENDMENT.] Section 493 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 493. COMPENSATION OF BOARD.] Members of the board of pharmacy shall receive a per diem of ten dollars for attendance at board meetings, and all actual and necessary expenses incurred in attending such meetings and in performing other official duties. Such per diem and expenses shall be paid only from monies received by the board under the provisions of this article. Any monies remaining after the payment of the per diem and expenses herein provided for shall be held by the treasurer as a special fund to meet the expenses of the board and of the reports and annual meeting of the North Dakota Pharmaceutical Association, and such other necessary expenses as may be incurred by such association.

§ 7. AMENDMENT.] Section 495 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 495. RENEWAL FEES.] Every registered pharmacist and every registered assistant pharmacist who desires to retain his registration on the books of the board of pharmacy in this state, shall annually, before the expiration of the first year's registration, and on or before the first day of March in each year, pay to the secretary of the state board of pharmacy a renewal fee in an amount to be fixed by the board, but in no case exceeding five dollars, and upon payment of such fee, a renewal certificate shall be issued. In case the certificate holder fails to pay the renewal fee as above required, within the time provided, then the secretary shall mail to the certificate holder a notice addressed to his last known place of residence, notifying the delinquent of his failure to obtain a renewal certificate. Any delinquent certificate holder may within sixty days after the date of the mailing of said notice procure a renewal certificate upon payment of a renewal fee of seven dollars. In event of his failure so to do, his original certificate or renewal certificate, as the case may be, shall become void and the registry thereof be cancelled. The board may, however, on application by the delinquent certificate holder, authorize the issuance to him of a new certificate without examination upon payment of all unpaid fees, if satisfied that the applicant is a proper person to receive the same.

§ 8. AMENDMENT.] Section 504 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 504. NARCOTICS.] No person shall have in his possession or under his control any opium, coca leaves, or any compound, salt, derivative, or preparation thereof, including cocaine, morphine, heroin and codeine, unless it be possessed through having been prescribed, or dispensed in good faith by a physician, dentist, or veterinary surgeon registered under the laws of North Dakota and registered by the United States Government under the Harrison Act, and Act of Congress approved December 17, 1914, as amended, to prescribe or dispense such drugs; provided, that this section shall not apply to any person registered under the said Harrison Act, or to any employee, or assistant of a registered person and under his supervision, having such possession or control by virtue of his employment and not on his own account; or to the possession of any of the aforesaid drugs by any corporation engaged in the wholesale of such drugs; or by manufacturers of pharmaceuticals, registered under the Harrison Act, or by any United States, state, city, county, or municipal official, who has possession of any of said drugs by reason of his official duties; or by a warehouseman holding possession for a person so registered and who has paid the tax under the aforementioned Harrison Act; or to common carriers engaged in transporting such drugs; provided, further, that it shall not be necessary to negative any of the aforesaid exemptions under any complaint, information, indictment or other writ or proceeding brought under this section; and the burden of proof of any such exemption shall be on the defendant. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not less than thirty days nor more than one year, or both such fine and imprisonment; providing that, if the court or judge finds that the defendant is a habitual user of narcotic drugs, he may commit the defendant for a period not to exceed three years in a state institution.

That the provisions of this section shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth grain of morphine, or more than one-eighth of a grain heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments or other preparations which are prepared

for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts, or alpha or beta eucaïne or any of their salts, or any subthetic substitutes for them; provided, that such remedies and preparations are solid, distributed, given away, dispensed or possessed as medicines and not for the purpose of evading the intentions and provisions of this section.

§ 9. AMENDMENT.] Section 505 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 505. PENALTY FOR VIOLATIONS.] Any person who shall wilfully violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall, unless otherwise provided in this article, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not exceeding thirty days, or both, with costs of prosecution in which shall be included an item of twenty-five dollars in addition to the traveling and other necessary expenses of members of the board, or of their appointee, in procuring evidence and securing conviction.

Approved March 7, 1927.

PROCEDURE

CIVIL PROCEDURE

CHAPTER 212

(S. B. No. 53—Forbes)

ACTION BY FOREIGN EXECUTOR, ADMINISTRATOR OR GUARDIAN

An Act Authorizing a Foreign Executor, Administrator or Guardian to Commence and Prosecute or Defend a Civil Action or Proceeding in the State of North Dakota.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any foreign executor, administrator or guardian may commence and prosecute or defend a civil action or proceeding in this state, in his representative capacity, in the same manner and under the same restrictions as in case of a resident; provided, that before commencing or defending such action he shall file an authenticated copy of his appointment as such executor, administrator or guardian in the office of the Clerk of the District Court of the county in which such action is to be or has been commenced.

Approved February 5, 1927.