

On this....day of....., in the year...., before me (here insert the name and quality of the officer), personally appeared, known to me (or proved to me on the oath of.....) to be the person who is described in and whose name is subscribed to the within instrument as the attorney in fact of.....and acknowledged to me that he subscribed the name of.....thereto as principal and his own name as attorney in fact.

(4) All acknowledgements of deeds or other instruments in writing made by any deputy sheriff of this State shall be made substantially according to the following form:

State of }
County of }

On this.....day of....., in the year.... before me, a....., in and for said County, personally appeared....., known to me to be the person who is described in and whose name is subscribed to the within instrument as deputy sheriff of said County and acknowledged to me that he subscribed the name of.....thereto as sheriff of said County and his own name as deputy sheriff.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1937.

(NOTE: House Emergency Certificate shows Ayes, 62; Nays, 33; Absent, 18.)

PHARMACY

CHAPTER 193

S. B. No. 66—(Strehlow, Whelan and Stucke)

REGULATION OF PHARMACIES

An Act to regulate the operation of pharmacies, require the obtaining of permit therefor, prescribing certain requirements with respect thereto, providing for rules and regulations to be formulated by the North Dakota Board of Pharmacy; and prescribing penalties for violation thereof.

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

§ 1. On and after sixty days from and after the taking effect

of this Act, it shall be unlawful for any person, co-partnership, association or corporation to open, establish, operate or maintain any pharmacy, as defined by statute, within the State of North Dakota, without first obtaining a permit so to do from the North Dakota Board of Pharmacy. Application for such permit shall be made upon a form to be prescribed and furnished by said Board, such application shall be accompanied by a fee of Two (\$2.00) Dollars. The permit issued shall be for one year only, but may be renewable annually upon payment of a like fee. Separate applications shall be made and separate permits required for each pharmacy opened, established, operated or maintained by the same owner. All permit or renewal fees collected under the provisions of this Act shall accrue to the North Dakota Board of Pharmacy for use, so far as may be necessary, in the enforcement and carrying out of the provisions hereof.

§ 2. Upon evidence satisfactory to the said North Dakota Board of Pharmacy: (a) that the pharmacy for which a permit, or renewal thereof, is sought, will be conducted in full compliance with this Act, with existing laws, and with the rules and regulations as established hereunder by said Board; (b) equipment and facilities of such pharmacy are such that it can be operated and maintained in manner not to endanger the public health or safety; (c) that such pharmacy is equipped with proper pharmaceutical and sanitary appliances and kept in a clean, sanitary and orderly manner; (d) that the management of said pharmacy is under the personal charge of a registered pharmacist duly registered under the laws of North Dakota; (e) that said pharmacy is operated in compliance with the rules and regulations legally prescribed with respect thereto by the North Dakota Board of Pharmacy, a permit or renewal thereof shall be issued to such persons, co-partnerships, associations, or corporations as the said North Dakota Board of Pharmacy shall deem qualified to conduct such Pharmacy.

§ 3. The permit, or renewal thereof, issued under the provisions of this Act, and under which a pharmacy is being operated, shall be posted and exposed in a conspicuous place in such pharmacy; and the same shall expire upon the last day of June following the date of issue; such permit or renewal of permit shall not be transferable.

Application blanks for renewal permits shall be mailed by the North Dakota Board of Pharmacy to each permittee on or before the first day of May in each year, and if application for renewal of permit is not made before the first day of June following, the existing permit, or renewal thereof, shall lapse and become null and void upon the 30th of that month, and no new or further permit renewal shall be granted except: (a) upon evidence satisfactory to said Board of good and sufficient reason or excuse for failure to file application within the time prescribed; and (b), payment of a renewal fee of five (\$5.00) Dollars. All fees collected under the provisions of this Act shall be

used by the North Dakota Board of Pharmacy, so far as may be necessary, in the enforcement of its provisions.

§ 4. The North Dakota Board of Pharmacy may make such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes and enforce the provisions of this Act; and such Board is hereby authorized and empowered, after due notice and opportunity given for hearing, to revoke any permit or renewal thereof, when examination or inspection of a pharmacy shall disclose to such Board that such pharmacy is not being operated or conducted according to such legal rules and regulations and the laws of North Dakota with respect thereto.

Rules or regulations made by the North Dakota Board of Pharmacy under the provisions of this Act, shall be adopted and become of force and effect, only upon the affirmative vote of a majority of the full membership of such Board.

§ 5. If an application for permit or for renewal of permit shall be refused, or a permit or renewal of permit, shall be revoked, the Board shall notify the applicant or permittee by registered mail of such refusal or revocation, with its reasons therefor.

And any such applicant or permittee aggrieved by such refusal or revocation, may appeal from the decision or order of such Board to the District Court of Burleigh County, North Dakota, at any time within thirty days after the receipt of such decision or order, so appealed from: provided, however, that the appellant shall give bond in the penal sum of Two Hundred and Fifty (\$250.00) Dollars, to be approved by the Clerk of such Court, conditioned that appellant will pay all costs if the order or decision of the Board be affirmed. With the perfecting of such appeal and the filing of such bond, the decision or order of the Board shall be stayed pending the determination of such appeal.

§ 6. No pharmacy shall be licensed under the provisions of this Act unless it be equipped with proper pharmaceutical instruments and utensils, so that prescriptions can be accurately and properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded, or unless it shall have on file at all times the latest decennial revision of the United States Pharmacopoeia and the latest edition of the National Formulary, and supplements thereto; which books must be in evidence at all times to the North Dakota Board of Pharmacy and its properly authorized agents. The Board shall prescribe the minimum of technical equipment which a pharmacy shall at all times possess. No permit shall be issued or renewed for the operation of a pharmacy unless the same shall be operated in a manner and according to the rules and regulations prescribed by law and by the North Dakota Board of Pharmacy with respect thereto.

§ 7. Any violation of the provisions of this Act or any violation of the rules or regulations legally adopted by the North Dakota Board of Pharmacy, hereunder, shall constitute a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate and distinct offense and be punished as such; and upon any conviction of a permittee hereunder, the permit or renewal thereof of such violator, shall be null and void.

Approved March 11, 1937.

PROCEDURE

CHAPTER 194

S. B. No. 129—(Committee on Judiciary)

BUSINESS RECORDS AS EVIDENCE

An Act making provision for the use of business records as evidence and making uniform the law with reference thereto.

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

§ 1. DEFINITION.] The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

§ 2. BUSINESS RECORDS.] A record of an Act, condition or event, shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the Act, condition or event, and if, in the opinion of the Court, the sources of information, method and time of preparation were such as to justify its admission.

§ 3. UNIFORMITY OF INTERPRETATION.] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

§ 4. SHORT TITLE.] This Act may be cited as the Uniform Business Records as Evidence Act.

§ 5. REPEAL. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved March 1, 1937.