

propriated for the purpose of paying the current and contingent expenses of the Territorial Penitentiary at Sioux Falls, Dakota for the ensuing two (2) years:

For warden's salary	\$ 4,000
For deputy warden's salary.....	2,400
For clerk and assistant gate keeper.....	1,800
For officers and guards.....	20,000
For maintenance of prisoners.....	20,000
For incidental expenses.....	3,000
For physicians and medicines.....	1,500
For discharged convicts.....	3,500
For lights, fuel, directors, and clothing.....	14,500
Total.....	70,700

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.

PHARMACY.

CHAPTER 121.

PROVIDING FOR A PHARMACEUTICAL ASSOCIATION.

AN ACT To Regulate the Practice of Pharmacy, the Licensing of Persons to Carry on Such Practice, and the Sale of Poisons in the Territory of Dakota.

1. Forbids compounding or sale of drugs, medicines or poisons, except by registered pharmacists.
2. Who shall register.
3. Who shall be licentiates in pharmacy.
4. Board of pharmacy; Governor to appoint; Dakota Pharmaceutical Association to nominate candidates for appointment as members.
5. Organization of board; duties of members and officers; examination meetings; quorum.
6. Requirement of persons claiming registry.
7. This act does not prevent an employe of sufficient experience from becoming a "Registered Pharmacist."

8. Certificate for pharmacists, and fee for same.
10. Annual fees; certificates open for public inspection.
11. Duties of secretary of board and salary; to be treasurer of board; bond; disposition of funds.
12. Requires compliance with the provisions of this act within ninety days; penalty for failure to comply; exceptions.
13. Forbids adulteration of drugs; penalty for same; board to prosecute violations of this act.
14. All poisons to be labeled.
15. Prosecution of suits; duty of county attorneys; disposition of penalties collected.
16. All other acts repealed; forfeited membership.
17. Exempt from jury duty.
18. In force.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. WHO SHALL COMPOUND.] That it shall hereafter be unlawful for any person, other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall employ and place in charge of said pharmacy, store or shop, a registered pharmacist, within the full meaning of this act, except as hereinafter provided.

§ 2. WHO SHALL REGISTER.] In order to be registered within the full meaning of this act, all persons must either be graduates in pharmacy, or shall at the time this act takes effect be engaged in the business of a dispensing pharmacist on their own account, in the Territory of Dakota, or who shall have been engaged in the dispensing of drugs and medicines for a period of not less than ten years in the preparation of physicians' prescriptions, and in the vending and compounding of drugs, medicines and poisons, or shall be licentiates in pharmacy.

§ 3. WHO SHALL BE LICENTIATES IN PHARMACY.] Licentiates in pharmacy shall be such persons as have had two consecutive years practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and have sustained a satisfactory examination before one or either of the Territorial Boards of Pharmacy hereinafter mentioned. Such boards of pharmacy may grant certificates of registration to graduates in pharmacy who have obtained a diploma from such colleges or schools of pharmacy as shall be approved by said board or to licentiates of such other state or territorial boards as it may deem proper, without further examination.

§ 4. BOARDS OF PHARMACY—GOVERNOR TO APPOINT—BOARDS TO NOMINATE CANDIDATE FOR APPOINTMENT.] Immediately upon the passage of this act the Dakota Pharmaceutical Association, and Southern District Pharmaceutical Association, shall select each five reputable and practicing pharmacists doing business in

their respective districts, from which number the governor of the Territory shall appoint three of each five. The said three pharmacists, duly elected and appointed, shall constitute the board of pharmacy of the districts of North and South Dakota respectively and shall hold office as respectively designated in the appointments, for the term of one, two and three years, as hereinafter provided, and until their successors have been appointed and qualified. The Dakota Pharmaceutical Association, and Southern District Pharmaceutical Association, shall each annually thereafter select three pharmacists who shall be members in good standing, from which number the Governor of the Territory shall appoint one to fill the vacancy annually occurring in said boards. The term of office shall be for three years. In case of resignation or removal from the district of any member of said boards, or of a vacancy occurring from any cause, the Governor shall fill the vacancy by appointing a pharmacist from the names last submitted, to serve as a member of the board for the remainder of the term; *Provided*, All that part of Dakota lying south of the seventh standard parallel shall be held to constitute one Pharmaceutical District, and all that part lying north of the same line shall constitute one Pharmaceutical District.

§ 5. ORGANIZATION OF BOARD—DUTIES—EXAMINATION MEETINGS—QUORUM.] The said boards shall, within thirty (30) days after their appointment, meet and organize by the selection of a president and secretary from the number of its own members, who shall be elected for a term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration, within their respective districts, submitted 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 the prosecution of all persons violating its provisions; to report annually to the Governor and to their respective pharmaceutical association, upon the condition of pharmacy in the Territory, which said report shall also furnish a record of the proceedings of the said board for the year, as well as the names of all pharmacists duly registered under this act. The board shall hold meetings for the examination of applicants for registration and transaction of such other business as shall pertain to its duties, at least twice, or not more than four times a year, at discretion of board, and the said board shall give thirty (30) days' public notice of the time and place of such meeting. The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this act, which registration book shall also contain such facts as such persons claim to justify their registration. Two members of said board shall constitute a quorum.

§ 6. REQUIREMENT OF PERSONS CLAIMING REGISTRY.] Every per-

son claiming the right of registration under this act, who shall, within three months after the passage of this act and organization of this board, forward to the board of pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account in the Territory of Dakota at the time of the passage of this act as provided in section two, shall, upon the payment of the fee hereinafter mentioned, be granted a certificate of registration; *Provided*, That in case of failure or neglect to register as herein specified, then such person shall, in order to be registered, comply with the requirements provided for registration as licentiates in pharmacy within the meaning of this act.

§ 7. PERSONS NOT AFFECTED BY THIS ACT.] That the foregoing provisions of this act shall not apply to, or affect any person having five (5) consecutive years experience in the dispensing of and compounding of the prescriptions of regular practitioners, and employed as a pharmacist in Dakota at the passage of this act, except only in so far as relates to registration and fees hereinafter provided for.

§ 8. CERTIFICATES — FEES FOR SAME.] Every person claiming registration as a registered pharmacist under section six of this act shall, before a certificate is granted, pay to the secretary of the Territorial Board of Pharmacy the sum of two dollars, and a like sum shall be paid to said secretary by such licentiates of other boards who shall apply for registration under this act; and every applicant for registration by examination shall pay to the said secretary the sum of five dollars before such examination be attempted; *Provided*, That in case of failure to pass a satisfactory examination, he may be re-examined at any regular meeting of the board by paying a fee of three dollars.

§ 9. REGISTERED ASSISTANTS.] Any assistant or clerk in pharmacy, who shall not have the qualifications of a registered pharmacist within the meaning of this act, not less than eighteen years of age who, at the time this act takes effect, shall have been employed or engaged two years or more in drug stores, where the prescriptions of medical practitioners are compounded, and shall furnish satisfactory evidence to that effect to the Territorial Board of Pharmacy shall, upon making application for registration and upon payment to the secretary of the said boards of a fee of one dollar within (60) days after this act takes effect, be entitled to a certificate as a "registered assistant," which said certificate shall entitle him to continue in such duties as clerk or assistant; but such certificate shall not entitle him to engage in business on his own account unless he shall have had at least four years experience in pharmacy at the time of the passage of this act. . Annually thereafter, during the time he shall continue in such duties, he shall pay to said secretary, a sum not exceeding fifty cents, for which he shall receive a renewal of this certificate.

§ 10. ANNUAL FEES—CERTIFICATES OPEN FOR INSPECTION.] Every registered pharmacist, who desires to continue the practice of his profession, shall annually, during the time he shall continue such practice, on such date as the board of pharmacy may determine, pay to the secretary of said board a registration fee, the amount of which shall be fixed by the board, and which in no case shall exceed two dollars, in return for which payment he shall receive a renewal of said registration. Every certificate of registration and every renewal of such certificate shall be conspicuously exposed in the pharmacy to which it applies.

§ 11. DUTIES OF SECRETARY—TO BE TREASURER OF BOARD—DISPOSITION OF FUNDS.] The secretary of each board of pharmacy shall receive a salary which shall be determined by said board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five dollars for each day actually engaged in such service, and all the legitimate and necessary expenses incurred in attending the meetings of said boards. Said expenses shall be paid from the fees and penalties received by said board under the provisions of this act, and no part of the salary or other expenses of said board shall be paid out of the public treasury. All moneys received by said board, in excess of said allowances and other expenses hereinbefore provided for, shall be held by the secretary of said board as a special fund for meeting the expenses of said board; said secretary giving such bonds as the said board shall from time to time direct and approve. The said board shall, in its annual report to the Governor and to the Dakota Pharmaceutical Association, render an account of all moneys received and disbursed by them pursuant to this act.

§ 12. REQUIRES COMPLIANCE WITH THE PROVISIONS OF THIS ACT WITHIN NINETY DAYS—PENALTY FOR FAILURE TO COMPLY—EXCEPTIONS.] Any person not being or not having in his employ a registered pharmacist, within the full meaning of this act, who shall after the expiration of ninety (90) days from the passage of this act, and organization of said board, retail, compound, or dispense medicines, or who shall take, use or exhibit the title of a registered pharmacist, shall for each and every such offense be liable to a penalty not to exceed fifty dollars. Any registered pharmacist or other person who shall permit the compounding and dispensing of prescriptions, or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist, or any pharmacist, who, while continuing in business, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representation to procure registration for himself or any other person, or who shall violate any other provision of this act, shall for each and every such offense be liable to a penalty not to exceed fifty dol-

lars; *Provided*, That nothing in this act shall in any manner interfere with the business of any physician in regular practice, or prevent him from supplying his patients such articles as may seem to him proper, nor with the making of proprietary medicine, or medicines placed in sealed packages with the name of the contents and of the pharmacist or physician by whom prepared or compounded, nor prevent shopkeepers from dealing in and selling the commonly used medicines and poisons if such medicines and poisons are put up by a registered pharmacist, or from dealing in and selling of patent or proprietary medicines, nor with the exclusive wholesale business of any dealers except as hereinbefore provided.

§ 13. ADULTERATION—PENALTY.] Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by any standard work on pharmacy, or use or intended to be used in medical practice; or shall mix or cause to be mixed with any such drug or medicinal substance, any foreign or inert substance whatsoever for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall wilfully, knowingly or fraudulently sell, or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a penalty not exceeding five hundred dollars, and shall forfeit to the Territory of Dakota all articles so adulterated.

§ 14. POISONS TO BE LABELED—REGISTER TO BE KEPT.] A poison in the meaning of this act shall be any drug, chemical or preparation which, according to standard works on medicine, or materia medica, is liable to be destructive to adult human life in quantities of sixty (60) grains or less. No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel or package, containing the name of the article, the word "Poison," and the name and place of business of the seller, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes; *Provided*, That nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying poisons. It shall also be the duty of such vendor of poisons before delivering the same to the purchaser to cause 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 and quantity of the poison sold and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five (5) years. Any person failing to com-

ply with the requirements of this section shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than five (5) dollars for each and every such omission.

§ 15. PROSECUTION OF SUITS—DUTY OF COUNTY ATTORNEYS—DISPOSITION OF PENALTIES COLLECTED.] All suits for the recovery of the several penalties and costs prescribed in this act, shall be prosecuted in the name of the Territory of Dakota, in any court having jurisdiction, and it shall be the duty of the district attorney of the county wherein such offense is committed, to prosecute all persons violating the provision of this act, upon proper complaint being made. All penalties collected under the provisions of this act shall inure to the board of pharmacy, for the expenses and costs of the proper execution of the law.

§ 16. PRIOR ACTS REPEALED—FORFEITED MEMBERSHIP.] All acts or parts of acts regulating the practice of pharmacy, or the adulteration of drugs within this Territory, enacted prior to the passage of this act, and which in any way conflict with the provisions of this act are hereby repealed; *Provided*, That nothing in this act shall be so construed as to prevent any person who has once been a registered member by examination and may have forfeited his membership by non-payment of fines or fees, from renewing his membership within two years, by paying the required dues or fees, without examination.

§ 17. This act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.

POSTAL RIGHTS.

CHAPTER 122.

AFFECTING INMATES OF INSANE ASYLUMS.

AN ACT To Place the Inmates of Insane Asylums Under the Protection of the Laws, by Securing to Them Their Postal Rights.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. POSTAL RIGHTS—HOW SECURED.] That henceforth each and every inmate of each and every insane asylum, both public and private, in the Territory of Dakota, shall be allowed to choose one individual from the outside world, to whom he may write