

§ 6. EMERGENCY.] There being no provision of law providing for the parole of inmates of the reform school, therefore, an emergency exists, and this act shall take effect and be in force immediately upon its passage and approval.

Approved March 8, 1907.

PHARMACY

CHAPTER 182.

[S. B. No. 28—Cashel]

PRACTICE OF PHARMACY.

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. COMPOUNDING RESTRICTED.] No person other than a registered pharmacist, assistant registered pharmacist or a regularly licensed physician shall manufacture, compound, sell or dispense for medicinal use any drug, poison, medicine or chemical (except patent or proprietary preparations) or dispense or compound a prescription of a medical practitioner except as provided in this act.

§ 2. REGISTERED PHARMACISTS ASSISTANTS.] 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. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. No registered assistant shall conduct a pharmacy except during the temporary absence of the registered pharmacist in charge thereof. 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" within the meaning of this act. In every pharmacy a sign shall be posted in a conspicuous place showing the name of the registered pharmacist in charge thereof.

§ 3. BOARD OF PHARMACY, APPOINTMENT.] The state board of pharmacy shall consist of five registered pharmacists. The members of said board shall be appointed by the governor upon the recommendation of the North Dakota pharmaceutical association, and the persons so appointed shall be chosen from the members of said association. Except as provided in the next section the members of said board shall be appointed for a term of five years and until their successors are appointed and qualified.

§ 4. VACANCIES.] The three members of the present state board of pharmacy shall continue in office for the remainder of their respective terms, and the governor shall appoint two additional members, one for a term of four years and one for a term of five years. In case of a vacancy by death, resignation or removal the governor shall fill the vacancy by an appointment for the unexpired term.

§ 5. ORGANIZATION. BOND. MEETINGS.] At the first regular meeting of the board after the appointment and qualification of the additional members thereof provided by this act, and annually thereafter at the first regular meeting after the appointment and qualification of a new member for a full term the board shall elect a president, secretary and treasurer. The president and treasurer shall be chosen from the members of the board, but any suitable person whether a member of the board or not, may be chosen as secretary. Said officers shall respectively perform such duties as the board may prescribe. The secretary and treasurer shall each give a satisfactory bond to the state board of pharmacy in the sum of not less than two thousand dollars for the faithful performance of his official duties and the safe and proper care and disposal of all funds and property under his charge by the officer by and for whom the bond is given. The board shall hold at least two and not more than four meetings in each calendar year for the examination of applicants for registration, and it shall give at least thirty days' notice of the time and place of any meeting for the examination of applicants for registration, by publishing notice thereof in three pharmaceutical journals of general circulation in the state. It may hold such other meetings for the performance of its duties as may be necessary, and such meetings may be called by the secretary at the request of the president, or of any two members upon such notice to all the members as the board may prescribe by its rules and regulations or at such time and place as a majority of the members agree upon. In case of the death, removal or resignation of the president of the board or his absence from or refusal or inability to act at any meeting of the board, the senior member of the board present shall act as president. In case of the death, removal or resignation of the secretary or treasurer or the absence or refusal or inability of either to act, the board may choose another for the time being, or for the remainder of the year. The president, secretary and treasurer, or any of them, may be allowed such compensation for their services as such in addition to their pay as members as four-fifths of the members of the board shall determine.

§ 6. QUORUM. POWERS.] A majority of the board shall constitute a quorum for the transaction of any business. The board shall have power and it shall be its duty:

(a.) To cancel and revoke the certificate and registration of any registered pharmacist, or registered assistant pharmacist for incompetency, or who is addicted to any drug habit.

(b.) To examine and register as pharmacist and assistant pharmacist all applicants which it shall find to be entitled to such registration.

(c.) To prescribe rules and regulations for the guidance of its members, officers and employes, and to ensure the proper and orderly dispatch of its business.

(d.) To employ and pay such persons as it may deem necessary to inspect pharmacies in this state or investigate for the information of the board or to procure evidence in any proceeding pending before such board or in aid of any prosecution or action in any court commenced or about to be commenced by or against such board in relation to any matter in respect to which the board has any duty to perform.

(e.) To employ and pay counsel to advise the board, or to prosecute or defend any action or proceeding commenced by or against the board or pending before it.

(f.) The president of the board shall have the power to administer oaths to applicants for registration, and to any witness in any hearing, investigation or proceeding pending before such board.

§ 7. CERTIFICATE OF REGISTRATION, CANCELLED WHEN.] The certificate and registration of a pharmacist or assistant pharmacist shall not be revoked or cancelled until after a hearing before the board upon notice to the person accused and an opportunity to appear in person and by counsel and produce witnesses in his own behalf; and the notice of hearing must contain a copy of the complaint against him, which complaint must be in writing. The foregoing provisions of this section shall not apply to cases where a pharmacist or assistant pharmacist shall have been convicted in a court of general jurisdiction of an offense against any law, the violation of which is ground for cancellation of the certificate or registration, but in such cases a certified copy of the judgment of conviction filed with the board shall authorize the board to summarily cancel and revoke the certificate of the convicted pharmacist. The board shall prescribe rules and regulations not inconsistent with this act, to govern the procedure in proceedings before it to cancel a certificate or registration.

§ 8. FORMER CERTIFICATES IN FORCE.] The certificate of every pharmacist and assistant pharmacist whose certificate and registration as such is in force at the time this act takes effect shall remain in force for the period for which this certificate was issued but subject to the conditions and provisions of this act and may be renewed, cancelled or revoked and the holder shall be entitled to the

same privileges and be subject to the same conditions and penalties as if such certificate had been issued and such registration procured under this act; provided, however, that any offense committed or penalty or forfeiture incurred on account of any act or transaction before this act takes effect shall be punishable or recoverable according to the provisions of the law in force when such act was done, notwithstanding any express or implied repeal of such law by this act.

§ 9. RESTRICTION AS TO REGISTRATION.] After this act takes effect no person except those mentioned in the preceding section shall be registered or receive a certificate as a pharmacist or assistant pharmacist until he or she shall have complied with the conditions hereinafter provided.

§ 10. REGISTRATION WITHOUT EXAMINATION. WHEN.] The board may, without examination, register and issue a certificate as a pharmacist or assistant pharmacist to any person of good moral character who shall present to the board satisfactory evidence that he or she had before coming to this state been legally licensed as a pharmacist or assistant pharmacist in another state or foreign country, by the laws of which the requirements for such license with respect to qualifications are equivalent to the requirements of this act; provided, however, that it shall not be obligatory upon such board to recognize or accept the license, certificate or registration of such other state or foreign country as evidence of the applicant's qualifications unless the board is satisfied that such applicant is in fact qualified to be a pharmacist or assistant pharmacist in this state; and provided, further, that the board may deny recognition or acceptance of the license, certificate or registration of any state or foreign country which does not accord similar recognition to licentiates of this state.

§ 11. EXAMINATION FOR REGISTRATION.] Except as hereinafter provided, every applicant for registration as a pharmacist or assistant pharmacist must, before receiving a certificate from the board successfully pass such an examination as to his learning and professional qualifications the board shall prescribe.

§ 12. QUALIFICATIONS FOR REGISTRATION.] An applicant for registration as a pharmacist must, as a condition precedent to an examination therefor, present to and file with the board satisfactory evidence that he or she is over twenty-one years of age, and of good moral character; that he or she has had four years' experience in a reputable pharmacy under the instruction and supervision of a competent and reputable pharmacist; provided, however, if the applicant is a graduate of a college of pharmacy approved by the board, the time spent by such applicant in a regular course of study at such school not exceeding two years may be considered and allowed as part of the four years' experience required by this section; provided, further, that experience and study of pharmacy in any reputable hospital under the supervision and instruction of the resi-

dent interne, physician or physicians of such hospital shall be deemed equivalent to the experience and study in a pharmacy under the supervision of a registered pharmacist. Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota pharmaceutical association.

§ 13. 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 part of the two years' experience required of such applicant, such time, not exceeding six months, as shall have spent by the applicant in a regular course of study in a college of pharmacy approved by the board.

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

§ 15. PREREQUISITIES TO EXAMINATION.] Any person having the educational qualifications sufficient to enable him 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 apprenticeship, file with the secretary of the state board of pharmacy a certificate, stating that he has entered into an apprenticeship, and stating his age, name and educational qualifications, and he shall at the same time file with the said secretary a certificate from his 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 to the knowledge of such registered pharmacist, education and qualifications which would enable him 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.

§ 16. 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 and the fact that the person to whom issued is a registered pharmacist or assistant

pharmacist, as the case may be, 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, but may be renewed or the place of business designated therein be changed as hereinafter provided.

§ 17. REGISTER.] The secretary of the board shall keep a record or register in which in addition to such other matters as the board may require it to show he shall register each certificate issued and the facts appearing in such certificate and appropriate spaces shall be reserved in which to record any subsequent cancellation or renewal thereof or change therein.

§ 18. TEACHING OF PHARMACY.] No member of the board of pharmacy shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity, in a college of pharmacy, or to an apprentice duly registered with him.

§ 19. COMPENSATION OF BOARD.] The members of the board of pharmacy shall each be paid the sum of five dollars per diem for every meeting of the board which they attend, and all legitimate and necessary expenses incurred in attending the meetings of the board or in performing other official duties. Such expense shall be paid only from the monies received by the board under the provisions of this act, and no part of the salaries or other expenses of the board shall be paid from or out of the state treasury. Any monies remaining after the payment of the salaries and expenses herein provided for shall be held by the treasurer as a special fund for meeting the expenses of the board and of the annual meeting and report of the North Dakota pharmaceutical association, and such other necessary expenses that may be incurred by said association.

§ 20. ANNUAL REPORT.] The board shall in its annual report render to the governor of the state, and the North Dakota pharmaceutical association an account of all monies received and disbursed by it.

§ 21. 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 years' 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 to be fixed by the board, in no case exceeding three dollars, in return for which fee a renewal certificate shall be issued. In case the certificate holder fails to pay the renewal fee as above provided 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. The certificate holder may then within thirty days after the date of mailing of said notice procure a renewal certificate upon payment of five dollars, but if he fails to do so 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 five dollars if satisfied that the applicant is a proper person to receive the same.

§ 22. CHANGE OF RESIDENCE. RECORD OF.] Every registered pharmacist, and assistant pharmacist shall within thirty days after changing his place of business as designated on the books of the board of pharmacy, notify the secretary of the board of his new place of business, and shall accompany the said notice with a fee of fifty cents. Upon receipt of said fee and the notice of change of place of business, the secretary shall make the necessary change in the register and issue a receipt for the said fee to the person sending it.

§ 23. PHYSICIANS' PRESCRIPTIONS TO BE FILED AND PRESERVED. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store; they shall be preserved for at least two years, and he may furnish a copy of any prescription to the party presenting it on the request of such party only.

§ 24. FALSE REGISTRATION. PENALTY.] Any person who shall procure or attempt to procure registration, for himself or any other person under this act by making or causing to be made any false representations, or who shall falsely or fraudulently represent himself to be registered shall be deemed guilty of a misdemeanor and in addition to the penalty imposed by the court on conviction, shall, if he be a registered pharmacist or registered assistant pharmacist, have his registration cancelled.

§ 25. WHO EXEMPT.] Nothing in this act shall apply to, or interfere with any practitioner of medicine who is duly registered, as such, by the state board of medical examiners of this state, with supplying his own patients, as their physician, with such remedies as he may desire, nor does this act apply to the exclusively wholesale business of any dealer, nor do general dealers come under the provisions of this act so far as it relates to the keeping for sale of proprietary medicines in original packages and the simple household remedies; nor does this act apply to registered or copyrighted proprietary medicines registered in the United States patent office, nor to the manufacture of proprietary remedies or the sale of the same in original packages, by persons other than pharmacists, and this act shall not be construed to prohibit the sale, dispensing or compounding of drugs or medicines or physician's prescriptions in any established hospital to the patients therein by or under the direct supervision of a resident interne physician of such hospital.

§ 26. PENALTY.] Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines or

poisons, in his store or place of business, except by or in the presence and under the direct supervision of a registered pharmacist, or any person not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines or poisons, shall be guilty of a misdemeanor.

§ 27. TEMPORARY CERTIFICATE. HOW OBTAINED.] The secretary of the state board of pharmacy, or any member of said board on being requested by the secretary in writing may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy, which shall authorize such practice and be valid until the next meeting of the board. Only one temporary certificate shall be issued to the same applicant, and no temporary certificate shall be issued to any person whose application has been acted on by the board. The applicant for a temporary certificate shall pay to the person making the examination the same fee as provided by this act for an examination by the board, and such fees when paid shall be for the benefit of the said board and shall be delivered to the secretary by the person making the examination.

§ 28. RECORD OF POISONS.] Every person who shall sell, furnish or deliver to another at retail any arsenic or its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and all other poisons, vegetable alkaloids and their salts, essential oil of bitter almonds, opium or its preparations, except paregoric and other preparations of opium with less than two grains to the ounce, shall before delivering the same, enter, or cause to be entered in a book kept for that purpose, the date of sale, the name and address of the person to whom sold or delivered, the name, quantity and quality of the articles sold and the name of the dispenser, and shall affix to the bottle, box or vessel or receptacle containing the same, a label showing the name of the contents, the word "poison" and his name and place of business.

§ 29. SAME.] Every person who shall sell, furnish or deliver to another at retail, any aconite, belladonna, colchicum, conium, formaldehyde, 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, shall before delivering the same affix to the bottle, box, vessel or package containing the same, a label showing the name of the contents, the word "poison" and his name and place of business; provided, however, that any storekeeper may sell the drugs known as formaldehyde and paris green in unbroken packages.

§ 30. COCAINE.] No sale of cocaine may be made by any person except upon the written prescription of a licensed physician, dentist or veterinary surgeon, and any wilful violation of this section shall be punished on conviction as provided in this act for violations

thereof, and in addition, if the person found guilty shall be a registered pharmacist or registered assistant pharmacist, his registration and license may be cancelled.

§ 31. PENALTY FOR VIOLATION.] Any person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, unless otherwise provided in this act, be punished by a fine of not less than fifty dollars and not more than two hundred dollars together with the costs of the prosecution, and in all cases of prosecution under this act, the costs of securing the evidence, including the costs of traveling and other necessary expenses of members of the board of pharmacy or any inspector appointed by the said board, in obtaining the evidence and securing the conviction, shall be deemed to be costs of the prosecution and taxed to the defendant.

§ 32. COSTS IN PROSECUTION.] All costs and expenses collected in prosecutions under this act except court costs, fees of officers and witness fees shall be paid to the secretary of the state board of pharmacy.

§ 33. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 34. EMERGENCY.] Whereas, an emergency exists, in that there is no adequate law in this state governing the practice of pharmacy, this act shall be in force from and after its passage and approval.

Approved March 15, 1907.

POOR

CHAPTER 183.

[H. B. No. 11—Duncan]

RESIDENCE OF POOR.

AN ACT to Amend Section 1854 of the Revised Codes of 1905, Relating to Residence of the Poor.

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

§ 1. AMENDMENT.] Section 1854 of the revised codes of 1905 is amended to read as follows:

§ 1854. RESIDENCE ACQUIRED. MARRIED WOMEN AND CHILDREN.] Residence may be acquired in any county so as to oblige such county to relieve and support the persons acquiring such residence in case they are in need of relief, as follows: