

found to be violative of the constitution the remaining provisions shall not be affected by such invalidity, but shall remain in full force and effect.

Approved March 10th, 1931.

PHARMACY

CHAPTER 212

(S. B. No. 79—Porter.)

EXEMPTIONS REGISTRATION OF PHARMACISTS; EMERGENCY MEDICINES

An Act to amend and re-enact Sections 499, 500 and 503 of the Compiled Laws of North Dakota for the year of 1913, relating to who exempt from employing a registered pharmacist and providing for designation by Board of Pharmacy of simple household remedies and providing for sale by certain retailers of emergency medicines and poisons, under license from State Board of Pharmacists, and for designation by State Board of Pharmacy of such emergency medicines and poisons and prescribing penalty for the violation thereof.

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

§ 1. That Section 499 of the Compiled Laws of North Dakota for the year of 1913 be amended and re-enacted to read as follows:

§ 499. 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 and sale of proprietary medicines in original packages, and such simple household remedies as may from time to time be approved for such sale by the State Board of Pharmacy; nor does this Act apply to registered or copy-righted 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; provided, further, that any person of good moral character, over twenty-one years of age, who conducts a retail business at a place more than five miles from a drug store, employing a registered pharmacist, may procure a license from the Board of Pharmacy upon application and payment to said Board of a fee of Three Dollars (\$3.00) annually which shall permit such retailer to keep for sale and sell in original packages, in addition to the simple household remedies hereinbefore referred to, such other emergency medicines and poisons as may be deemed necessary and in the public interests, and which have been designated by the State Board of Pharmacy as saleable under such license. The license hereinbefore referred to shall

be for a period of one year, commencing on July 1st, and ending on June 30th, following the date of the application, and shall apply to the location for which the same is issued, and shall be posted in a conspicuous place at such location, and upon satisfactory proof to the State Board of Pharmacy of any violation of any law of the State of North Dakota, by such licensee in or upon said premises, it shall be the duty of the State Board to revoke same. The State Board of Pharmacy may likewise from time to time add to or eliminate from the approved list of simple household remedies, and he may add to and eliminate from the approved list of emergency medicines and poisons, saleable under the license aforesaid, and notice of such alterations shall be given by publication in such manner as said Board may deem proper.

§ 2. That Section 500 of the Compiled Laws of North Dakota for the year of 1913 be amended and re-enacted to read as follows:

§ 500. 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 strict 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, excepting pursuant to Section 499 as amended, shall be guilty of a misdemeanor.

§ 3. That Section 503 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 503. 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 store-keeper may sell, in original, unbroken packages, fungicides and insecticides, including formaldehyde and Paris green, generally used for agricultural purposes which have been designated by the State Board of Pharmacy.

Approved March 10, 1931.